



CLEVELAND HEIGHTS

Charter Review Commission – Public Input Meeting

February 12, 2024

6:00 PM

Cleveland Heights Community Center

1) Call to Order

- a. Chair Linda Striefsky called meeting to order at 6:14 PM.

2) Roll Call

- a. Members present: Harriet Applegate, Roland Anglin Graham Ball, Drew Herzig, Graig Kluge, Guy Thellian, and Linda Striefsky.
- b. Members absent: Jonathan Ciesla.
- c. Staff present: Assistant Law Director Lee Crumrine and Facilitator Kevin Butler.

3) Chair's Welcome and Introduction

- a. Chair introduced the members of the Charter Review Commission (CRC). She expressed appreciation to the Mayor and City Council for their support for the CRC. She noted that the meeting, apart from the breakout discussions, would be recorded.
- b. She noted that the current CRC was charged with reviewing the Charter as well as the work of the 2017 CRC in light of the change in the City's form of government approved by voters in 2019, and making recommendations for further amendments to the Charter. She noted that the nature of the 2019 ballot proposal confined that text to the single issue to changing from a city manager form of government to an elected mayor form, so that a broader consideration of additional changes to the Charter was not possible in the context of the 2019 ballot issue. She reminded attendees that the instructions to the Commission also recognized that the final report of the 2017 Commission recommended many changes which are worthy of consideration, and are unrelated to the City Manager form. Some of the recommended changes relate to modernizing language, while some relate to making certain provisions more consistent and easier to understand and apply.
- c. Chair summarized the work of the CRC to date. The commission has been meeting regularly since July. It has made considerable progress in finishing its review of the 2019 report and the current Charter. The CRC prepared a survey for

our elected officials concerning their recommendations on changes. Chair expressed appreciation that most of them have returned the survey and met with the CRC. Chair noted that the surveys received are posted to the CRC page on the City's website. The CRC also has met with almost all of our elected officials, as well as some mayors from other nearby cities. She noted that all of the meetings were recorded, with links available also on the CRC page on the City's website.

- d. As to this meeting, Chair stated that the CRC also would like input from the public. Any change in government brings some growing pains and the CRC wants to know the public's thoughts on how we can help our government to function better.
- e. Chair reminded attendees that the scope of the meeting was comment as to the Charter regarding 3 identified issues. She noted other ways the public may provide comments to the CRC and obtain information on the CRC's work: using public comment time at any CRC meeting (all meetings are open to the public); watching recordings of the meetings on YouTube; reviewing the CRC's meeting agendas, minutes and videos on the City's website; and emailing the CRC questions or comments at crc@clevelandheights.gov.
- f. Chair introduced the CRC Facilitator, Kevin Butler.

4) Presentation on Charters and the Charter Review Process

- a. Facilitator Kevin Butler gave a presentation explaining the purposes of municipal home rule charters, what they do, and what they do not do. He explained the powers conferred to a municipality under the Home Rule amendments of the Ohio Constitution, including the police powers and the powers of local self-government. He elaborated on the meaning of the powers of local self-government. He explained that Home Rule charters can be compared roughly to constitutions like the Ohio Constitution. He explained that product of the work of a CRC typically is subject to review and approval by City Council, which is the case with this CRC. Kevin Butler explained how the state government can and does preempt municipal laws. He offered a framework for how a CRC can analyze problems:
 - i. Can the city code solve the problem?
 - ii. Can administration action solve the problem?
 - iii. Can state law solve the problem?
 - iv. Is the problem only specific to the current elected officers?

He explained what is and what is not typically found in a municipal charter.

- b. A member of the public asked whether a charter provision could provide that administrative directors be required to appear at city council meetings. The Facilitator responded that the CRC should approach that question by asking, "Is it fundamental enough to the operation of city government that it ought to be in the charter?"
- c. A member of the public asked if the state revised code can fill in the gaps when a local government charter is silent. The Facilitator answered, yes, but to the extent there is a conflict, the charter will prevail in matters of local self-government.

5) Group Exercises/Discussion of Three Questions and Reporting Out

- a. Guy Thellian explained that the CRC is asking attendees to provide their input on three specific questions. He explained the procedures for these breakout discussions and how those discussions will be reported. He also requested that attendees follow guidelines for these discussions in order to keep the meeting on schedule and on topic. He also explained that, time permitting, there will be an opportunity to provide further public comment and that there will be index cards available to submit comments as well.
- b. Guy Thellian introduced the issue of hybrid at-large/ward elections. “Do you think the method for electing City Council members should be revised to provide for (i) election of some members by wards and others at large, or (ii) election of all members by wards, or (iii) do you think we should retain the current, all method of electing all members at large? What do you see at the pros and cons of each method?” The breakout tables reported out on the issue of hybrid at-large/ward council elections:
 - i. David Goodman reported out for Table 5. He reported that there is a strong sentiment at his table that at least some ward representation would enhance our current form of government, but it was not entirely unanimous. There was a consensus belief that such representation would facilitate representation with knowledge of that particular ward, but some concern about the possibility of ineffective ward representation. There was a sense that there should be some control over a portion of the budget by a ward council member. There was some concern about drawing ward lines. There was some concern about the isolation of a ward. They noted that the cost of running at-large is higher, and it would be less daunting for a candidate to run in a ward rather than at-large.
 - ii. Michael Bending reported out for Table 3. He reported that there were mixed opinions at his table. He reported that as the discussion went on the table moved towards favoring either the current at-large system or a hybrid at-large/ward system. They discussed the benefits of wards, in that ward representation would give residents in a ward an identifiable council member to approach with concerns. There were concerns about territorialism and divisions. They identified the issue of gerrymandering and racial segregation. It was noted that Cleveland Heights is small enough to have at-large elections.
 - iii. Suzanne Zilber reported out for Table 4. She limited her reporting out to issues that had not been raised by prior reporters. The benefit of at large was noted as all being responsible for all of the city. The benefit of a hybrid ward/at-large system was identified as clarifying access and making elections less expensive for candidates. There was concern about whether every ward would have good candidates available and how to draw wards to achieve diverse representation.
 - iv. Jill Tatum reported out for Table 6. She also limited her reporting to issues not yet raised by other reporters. Her table discussed how wards can facilitate stronger attention to specific issues of a ward. Her table discussed that wards would make it less expensive to run,

which would help encourage candidate diversity. There was concern that the focus of solutions should be city-wide and concern about how city-wide issues can gain consensus with wards. There was a suggestion that candidates be required to live in a certain ward, but remain elected at-large, which is a system used in Columbus.

- v. Rachel DeGolia reported out for Table 1. She reported that a member of her table argued that wards can provide better representation especially for underrepresented parts or populations of the city. There was concern that candidates who have greater resources are advantaged in at-large elections.
 - vi. Gary Benjamin reported out for Table 2. He noted at his table there was no support for all-wards and there were some support for the current at-large system. His table talked a lot about the transition to wards. There was concern about the possibility that no one runs in a ward. There was concern that multiple current council members would be forced to run in the same ward against each other.
- c. Guy Thellian provided an explanation of the issue of ranked choice voting and referenced handouts provided to attendees. He introduced the issue for discussion. “Do you think the Charter should be revised to use ranked choice voting for election of the Mayor and City Council? What do you see as the pros and cons of ranked choice voting versus the current method?” The breakout tables reported out on the issue of ranked choice voting:
- i. Rachel DeGolia reported out for Table 1. She stated that the table discussed the pros of cons and reached a general consensus. Pros: It may result in greater consensus among candidates and among elected officials. It may avoid single issue candidates, and thereby increase the quality of candidates and their connection to voters. Cons: It will require a lot of voter education. The city would need to be thoughtful about how to prepare for ranked choice voting. The state may decide to ban it. The transition will be tricky.
 - ii. Michael Bending reported out for Table 3. There was general consensus that was pretty supportive. Table 3 felt it would be less adversarial system. There is a benefit in RCV requiring a majority of votes to win. It could result in consensus candidates, especially for single-winner elections. But it can be complicated, especially in multi-winner elections.
 - iii. Jill Tatum reported out for Table 6. She reported that two people voted yes, one voted no, and there were five who felt it depends. She reported that her table had more questions than attitudes. Her table discussed whether the complexity would discourage voters. Her table felt it was more important for a single-winner election, like mayor. Her table discussed that it could be harder to remove an incumbent candidate under the current system because of vote splitting.
 - iv. Sonya Charles reported out for Table 4. She reported that most people were in favor, but there was a strong yes and a strong no. There were questions whether it would be too complicated. There

were questions about RCV leading to candidates to pretend to be more moderate. There were questions about how it would work in a multi-winner election. More candidates could make it harder to educate voters. The table was generally open to the idea.

- v. David Goodman reported out for Table 5. His table spent most of the time educating each other about how it might work and had similar sentiments to the other tables. There was a sense that this could be more empowering and encouraging for voters, as it would give voters more options rather than making an all-or-nothing choice. There was a sense that it would work more effectively for a single-winner race. Would this demand more citizen engagement and require more thought from voters? Sense that it might diminish partisanship.
 - vi. Walter Thiem reported out for Table 2. He reported that one member of his table was opposed to the idea, although the table was generally supportive. The opponent criticized New York City's recent mayoral election using ranked choice voting, which was a bad experience. Someone stated that the use of ranked choice voting at the local level could provide a learning experience for its use on a wider level, allowing people to get used to the system.
- d. Guy Thellian introduced the issue of the balance of power between Council and the Mayor. "Regarding the balance of power among the three branches of City government, should the Charter be modified to specify the process by which City Council and the Mayor and administration interact and share information to advance City business and the interests of residents? For instance, should City Council be empowered to require directors or other City staff to attend City Council or committee meetings." The breakout tables reported out on the issue of the balance of power between Council and the Mayor:
- i. Barbara Halley reported out for Table 4. She said that her table was unanimous that the charter should provide a process for the mayor and directors to appear before Council to respond to Council questions because Council needs access to information to perform their public duties. She stated that they are required to do so under state law if state law applies, and the table felt that the charter should clearly require this too. Her table discussed the importance of transparency and that not only should decisions be made in a public meeting but information critical to decision making should be available to the community at a public meeting.
 - ii. Michael Bending reported out for Table 3. He stated that it was expressed at his table that it was difficult for council members to do their jobs if they do not have access to information. A charter provision could empower council members to obtain information. There was some concern that it may not be appropriate for the charter or that a codified ordinance could provide this power to Council.
 - iii. David Goodman reported out for Table 5. He reported that there was a lively discussion and a strong and unanimous consensus that the

charter should address this and that access to such information is important. It is appropriate for a charter because it should apply equally to every mayor and should not have to be renegotiated with each administration. There was discussion about the risk of council members bombarding the administration with requests and questions. Overall, there was a sense that this is essential to restore the balance of power between the two branches of government.

- iv. Michael Bennet reported out for Table 2. The table agreed with the principle that the flow of information from the administration to council is important and needs to be better. The concern at their table is whether this is appropriate for a charter and whether this can be done through legislation and the codified ordinances. They felt inquiry might be better addressed in the ordinances.
- v. Jill Tatum reported out for Table 6. She reported that their table agreed that the charter should better define the right of inquiry. The table favored some guardrails because of the risk of abuse. There was discussion of other powers that Council can use, including the power of the purse. It was noted that the Shaker Heights Charter provides that City Council defines the rights and responsibilities of Directors, which is an avenue for the Charter to include in Director responsibilities reporting to City Council. There was broad consensus for the need for better flow of information between the administration and council and between the administration and citizen boards and commission.
- vi. Rachel DeGolia reported out for Table 1. She reported that there was agreement that there is a need for better balance of power. There was discussion about whether this should be addressed in the charter or can be accomplished through legislation. There was some discussion that the recent tensions are due to the transition in the form of government, but the lack of clarity in the charter contributed to these problems. In general, the table felt that it might be appropriate to be addressed in the charter, but there were some concerns about unintended consequences.

6) General Comments from Attendees

- a. Chair offered two minutes of public comments to anyone in attendance.
- b. Shani Meeks thanked the Chair and the CRC for the meeting tonight. She found out about the meeting by seeing a flyer. She is proud to represent the five protected classes present at this community at public meetings such as this.
- c. Michael Bennett thanked Shani Meeks for her comments. He offered thanks for the current charter and acknowledged the work of the previous CRC. He was involved in the Issue 26/CEM ballot initiative, but he is glad that this CRC is circling back to reconsider the great work of the previous CRC.

7) Next Steps and Closing Remarks

- a. Chair thanked the attendees for their participation at this meeting and stated that the CRC will consider their comments submitted on index cards. She invited the public to any of the CRC's future meetings.
- b. Chair noted that the CRC is scheduled to complete its work and issue a report to City Council by May 31. The CRC expects to have another public meeting once a draft of proposed charter revisions is ready, and of course will announce that meeting in advance

8) Adjourn

- a. Motion to adjourn was made by Stephanie Morris and seconded by Guy Thellian. Approved unanimously.

Next meeting: Wednesday, February 28, 2024, at 6 PM.

RANKED CHOICE VOTING

From a presentation prepared by:
Kyle Herman
 Executive Director of



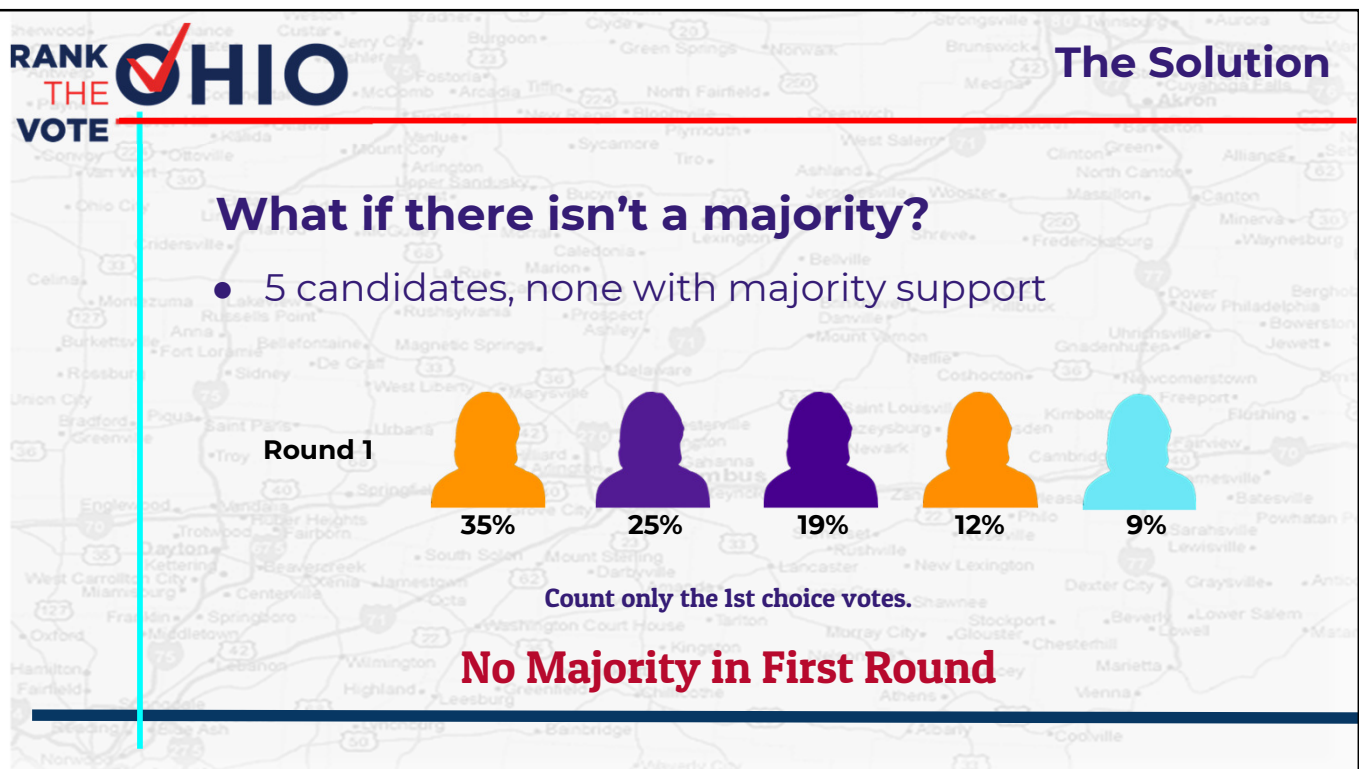
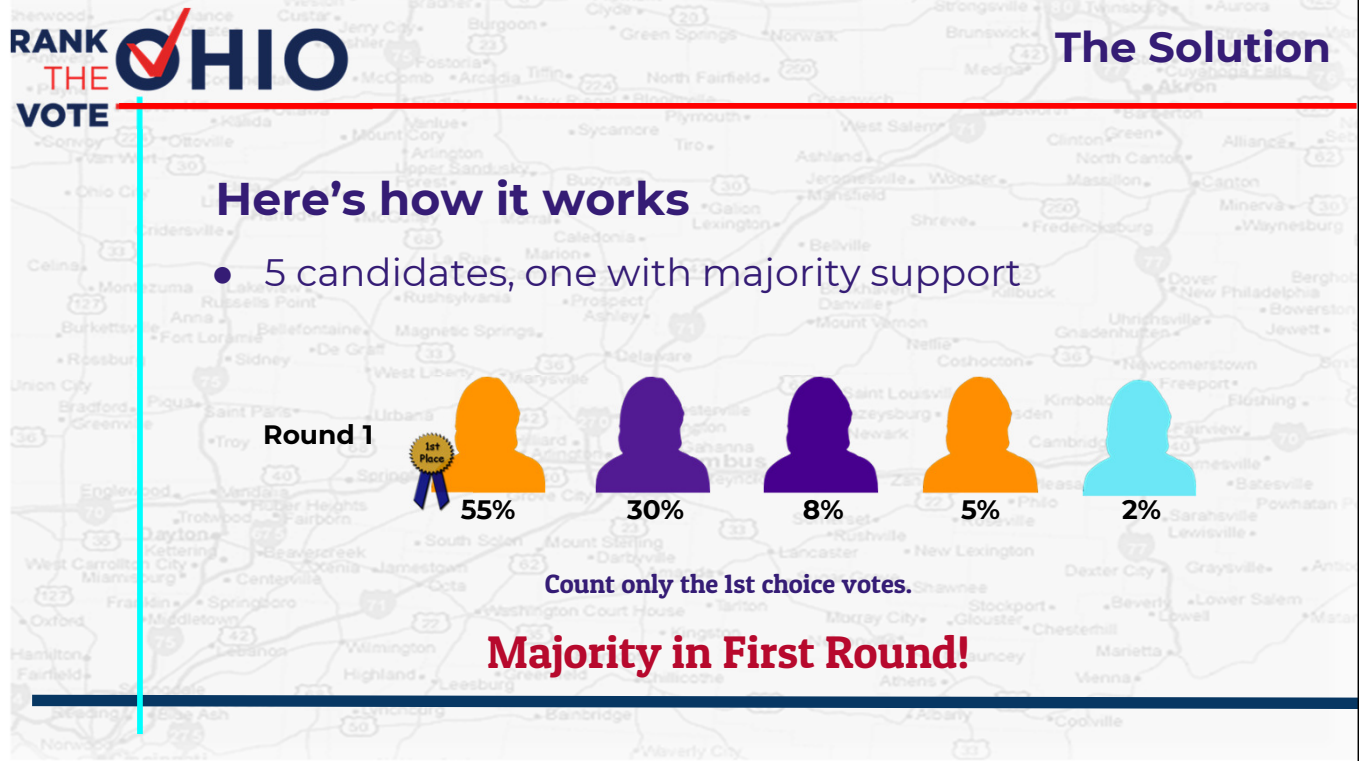
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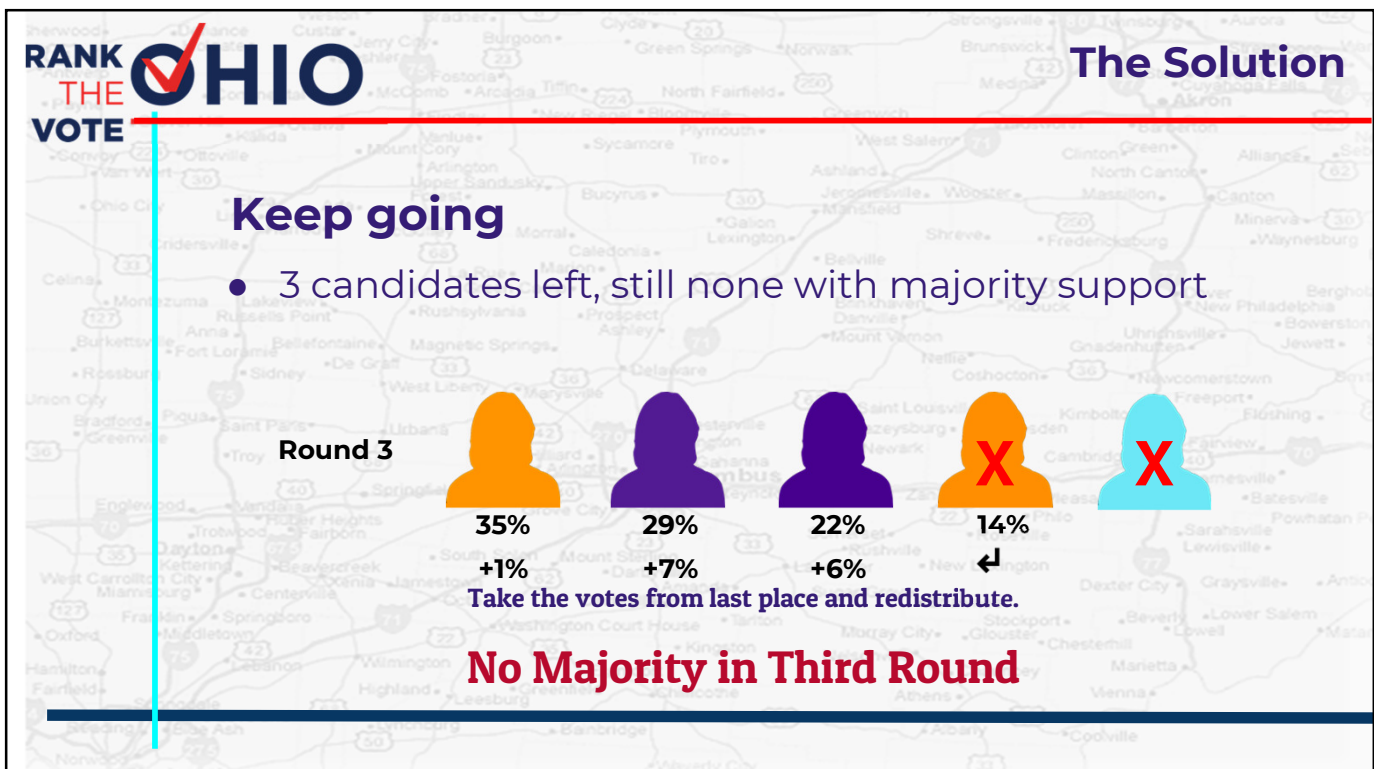
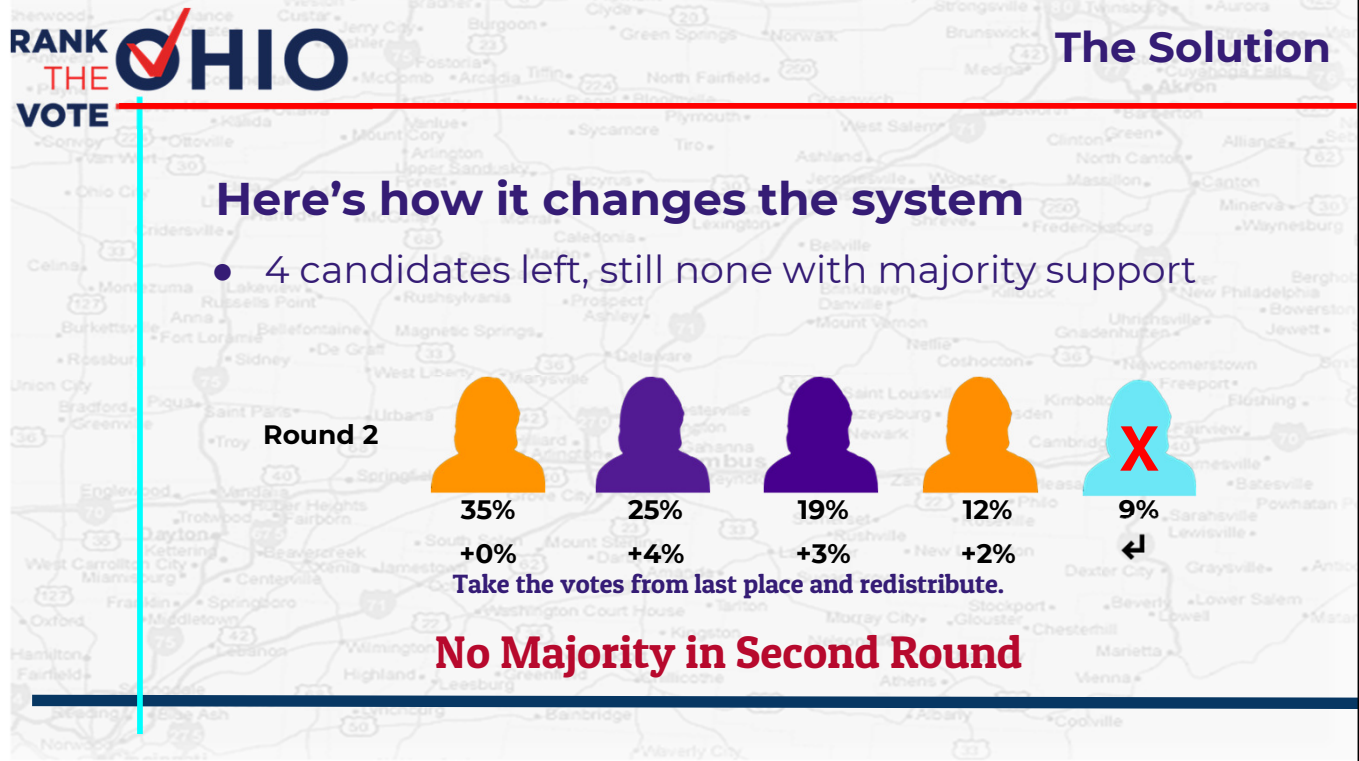
Ranked Choice Voting

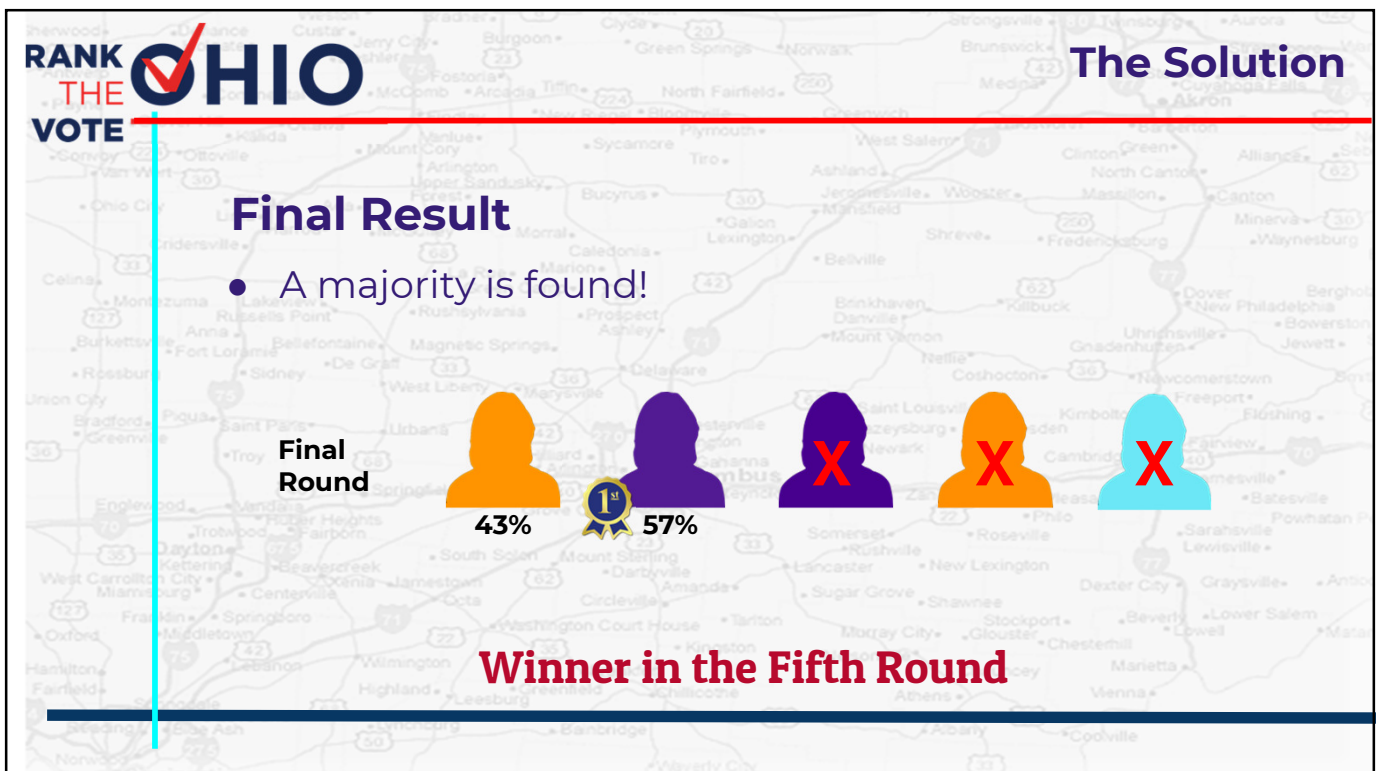
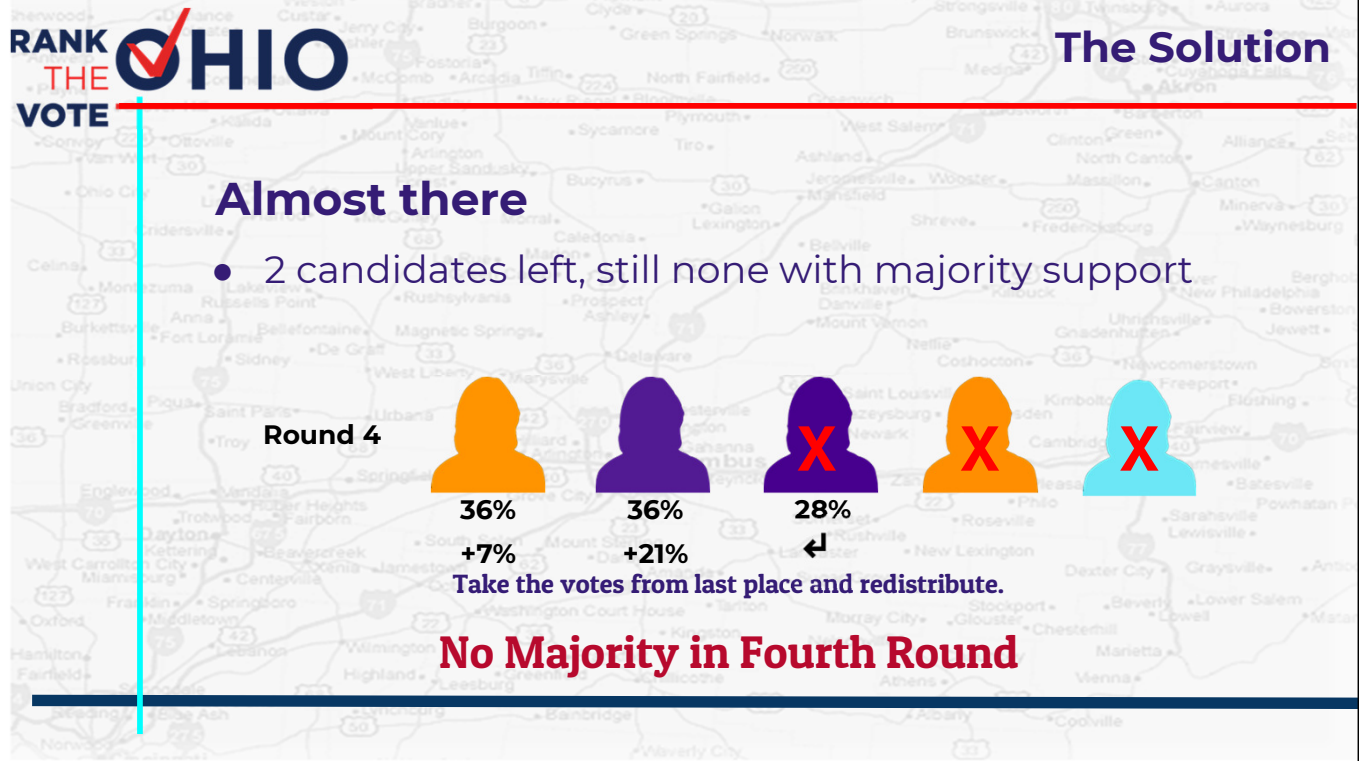
Instead of choosing one candidate, you **rank** your **choices** in the order **you prefer**.

The only way to win in a ranked choice contest is by gaining the **majority of votes**, not just a plurality (i.e. more than other candidates). This happens **right away** or in **“instant runoffs”**.

RANKED CHOICE (INSTANT-RUNOFF) SAMPLE BALLOT			
Mark one circle in each column	1 st Choice	2 nd Choice	3 rd Choice
Love 'em 😊	●	○	○
Like 'em 😐	○	●	○
Hate 'em 😞	○	○	○







Previous Ballot

Rep. to Congress District 2	
Bond, Tiffany L. Portland Independent	<input type="radio"/>
Golden, Jared F. Lewiston Democratic	<input type="radio"/>
Hoar, William R.S. Southwest Harbor Independent	<input type="radio"/>
Poliquin, Bruce Oakland Republican	<input type="radio"/>
Write-in	<input type="radio"/>

New Ranked-Choice Ballot

Rep. to Congress District 2	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice
Bond, Tiffany L. Portland Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Golden, Jared F. Lewiston Democratic	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hoar, William R.S. Southwest Harbor Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Poliquin, Bruce Oakland Republican	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write-in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>