



# CLEVELAND HEIGHTS

## Charter Review Commission

February 28, 2024

6:00 PM

City Hall – Executive Conference Room

### 1) Call to Order

- a. Vice Chair Jonathan Ciesla called the meeting to order at 6:00 P.M.

### 2) Roll Call

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

### 3) Approval of February 6 Meeting Minutes

- a. Motion was made by Jonathan Ciesla to approve minutes, subject to future amendment to include a correction to the first sentence of section 3(b) of the minutes so that the minutes accurately reflect the statement by Len Friedson. Motion seconded by Graham Ball. Approved unanimously.

### 4) Review and Confirm or Amend Agenda

- a. None.

### 5) Public Comments

- a. Kyle Herman, Executive Director of Rank the Vote Ohio, provided an update to the CRC on SB 137, a bill to ban ranked choice voting, which received a hearing in the Senate. He believes that opposition to that bill has slowed it down in the Senate, and he is even more optimistic that it can be stopped in the House of Representatives. He addressed a public comment submitted to the CRC by Bob Stein regarding STAR voting. Kyle Herman said that STAR voting is an untested system that has more disadvantages than ranked choice voting. He stated that he met Rob Ritchie of FairVote and Cynthia Terrell of RepresentWomen at a conference of the National Association of Nonpartisan Reformers, and he talked to them about Cleveland Heights. Rob Ritchie recommended a hybrid system with wards that elect multiple seats each. Drew Herzig asked if any places are using STAR voting, and Kyle Herman responded no and that it is all theoretical. Drew Herzig asked what makes ranked choice voting better than STAR voting, and Kyle Herman responded that ranked choice voting is much more intuitive for

voters. Ranked choice voting is an instant runoff election whereas STAR voting uses weighted votes. Harriet Applegate asked if there are any updates from places that are now using ranked choice voting. Kyle Herman stated that Boulder, Colorado, recently had a successful ranked choice voting election. Graham Ball asked if the ban would preclude Cleveland Heights from pursuing ranked choice voting, and Kyle Herman stated that he thinks there is a strong legal argument that SB 137 is unconstitutional, and it could be challenged in the courts. Harriet Applegate stated that SB 137 does not ban ranked choice voting because the state cannot, but instead it will deprive cities of funds. Harriet Applegate stated that interestingly in Cleveland Heights ranked choice voting would help Republicans. Kyle Herman explained that Rank the Vote Ohio is part of a national network that can provide support. Guy Thellian asked Kyle Herman if he could provide any updates to the CRC between now and April, due to the CRC deadline to finish its work at the end of May. Drew Herzig asked if the CRC could comment on any draft the CRC prepares regarding ranked choice voting and Kyle Herman stated that he can share it with his national partners. Jonathan Ciesla noted that any number of the members short of a quorum can work on a Charter amendment on any subject outside of meetings.

## 6) Old Business

- a. **Status of responses from elected officials and others to invitations to meet with CRC**
  - i. The CRC has not received a response from Councilmember Mattox. Guy Thellian stated that at this point the CRC has done enough to solicit a response from and schedule an interview with him and that the CRC should move forward without a response from him.
- a. **Working on scheduling for Lakewood Mayor George**
  - i. Chair is working on scheduling. In her absence, there is no update.
- b. **Reflections on February 12 public input meeting**
  - i. Harriet Applegate and Graig Kluge agreed that it was successful. Harriet noted the good turnout.
  - ii. Guy Thellian explained that the comment cards submitted by attendees and a transcript of those cards are available for review in the CRC's Dropbox folder.
  - iii. Graham Ball asked about conversations at breakout tables. Harriet Applegate was impressed with the discussion at her table. Graham Ball noted that discussion of ranked choice voting mostly became a discussion of what it is, but the discussion was useful. Drew Herzig said that his table was supportive of ranked choice voting.
  - iv. Drew Herzig noted a concern about ward representation resulting in an increase in a competition for funding and wondered if there was something that could be done to address that concern. Harriet Applegate stated that the experience in Cleveland, including pork barrel politics, casts a pall over the issue of council wards when council members control funding.
  - v. Guy Thellian discussed his research and conversations regarding how councilmembers are elected in Columbus using its "at-large in place" system. Drew Herzig stated that it seems like the worst of all worlds because the whole city should not decide who represents a district. Harriet Applegate noted that it does not have the benefit of reducing the cost of running a campaign for City Council.
  - vi. Graham Ball asked the CRC for reactions to Councilmembers' participation at the table discussions. Harriet Applegate noted that Councilmember Gail Larson

was mostly quiet during discussion and did not submit comment cards. Guy Thellian noted that City Administrator Danny Williams was quiet as well other than answering questions. Graig Kluge stated that Councilmember Jim Petras participated in the discussions, but he did not dominate the conversations. Graham Ball stated that Vice President Davida Russel dominated the conversation on the topic of the balance of power and communications between the administration and City Council and noted that it influenced the attendees when submitting their written comments.

- vii. Guy Thellian suggested that, for future public meetings, the tables should be moved closer to the microphone. Drew Herzig agreed that they were too spaced out. Guy Thellian suggested the use of a remote microphone.
- viii. Guy Thellian asked that this item also be included on the March 6 meeting agenda because Roland Anglin and Linda Striefsky may have input.

**c. Revised draft project plan for CRC**

- i. The CRC did not review the project plan.

**d. Update on use of CRC email by the public – protocols for responses**

- i. Assistant Law Director Lee Crumrine stated that public comments submitted to the [crc@cleveland.gov](mailto:crc@cleveland.gov) email address are uploaded to Dropbox. The CRC discussed how to respond to those emails. Drew Herzig stated that he would like the CRC to see responses to those emails before they are sent. Graig Kluge noted that some of the emails were not related to the work of the CRC. Harriet Applegate stated that Chair wanted to make sure every email received a response. Drew Herzig asked whether there are records of the responses. Assistant Law Director Lee Crumrine stated that there are records of responses to emails that are public records and that he will circulate them to the CRC. Guy Thellian suggested that they decide at the next meeting how to response to these public comments because responsiveness is important, and the CRC agreed.

**e. Continue review of current City Charter**

- i. The CRC discussed what document should be used to continue the review of the current Charter. Jonathan Ciesla suggested combining the revisions from the 2017-18 draft amended charter into the current Charter. Drew Herzig stated that they need to be reviewed side-by-side because the revisions of the 2017-19 draft amended charter cannot be incorporated into the current charter without some adjustments because of the elected mayor amendments. Harriet Applegate raised the question of what the CRC will present to the voters, and Graig Kluge noted that the CRC has not decided that yet. Graham Ball stated that the CRC should do both by presenting bucketed amendment proposals and also presenting them all in one unified charter draft. Graig Kluge noted that there are different options: the CRC can present one entire draft amended charter or it can present a number of specific areas for change, but Graham Ball stated that those options are not mutually exclusive and that they can both included in the report. Harriet Applegate stated that she is hoping that minor changes and modernizing language will be one bucket. Stephanie Morris suggested that the CRC have a discussion and come to an agreement about the work flow process and what their options are. Guy Thellian suggested adding that discussion to a future agenda. The CRC discussed the need for one document. Graham Ball stated that the CRC's report should contain both an amended charter and buckets of proposed amendments. Jonathan Ciesla suggested that the logical next step would be to bring the changes from the 2017-19 draft amended charter into the current charter.
- ii. Assistant Law Director Lee Crumrine to retitle the working document to "2023-24 Active Charter Review."

## **7) New Business**

- a. Discussion of draft text for Charter Article 3, Section 4. regarding filling City Council vacancies
  - i. Jonathan Ciesla explained the draft revisions to Article 3, Section 4, drafted by Chair.
  - ii. By unanimous consent obtained by the Vice Chair, a change was proposed to revise “the first to occur of the expiration” to “the first to occur: either the expiration.”
  - iii. The CRC discussed how the revisions to Article 3, Section 4, would work.
  - iv. Jonathan Ciesla noted that this alleviates the burden on candidates, but that it takes away the people’s right to vote on whether to keep an appointed councilmember. Guy Thellian argued that the burden can be an impediment to attracting qualified candidates. Harriet Applegate added that a candidate can increase their name recognition by running for election and can benefit them and that, from the standpoint of the electorate, it increases democracy. Drew Herzig summarized the balance of considerations as ensuring that the people are choosing who will represent them and making sure more people can be involved in government and run for election. Graham Ball noted that this proposed provision ensures that a councilmember will never have to run in back-to-back elections and that they will have a minimum of two years between elections.
  - v. Upon unanimous consent obtained by the Vice Chair, the proposed vacancy amendments as revised were adopted.
- b. Stephanie Morris stated that the CRC should make note of the need to discuss the simplification of charter language as part of their discussion of the process.

## **8) Review of Meeting Action Items**

- a. Graham Ball listed that Chair will updated on the CRC regarding scheduling interviews with Councilmember Mattox and Lakewood Mayor George, that discussion of email responses, the charter review process, and reflections on the February 12 public input meeting will be added to the agenda of the next meeting and that the CRC will continue review of the charter.

## **9) Public Comment**

## **10) Review of Meeting for Lessons Learned**

## **11) Adjourn**

- a. Motion to adjourn was made by Graig Kluge and seconded by Drew Herzig. Approved unanimously.

Next meeting: Wednesday, March 6, 2024, at 6 PM.