



CLEVELAND HEIGHTS

Charter Review Commission

March 6, 2024

6:00 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky called the meeting to order at 6:00 P.M.

2) Roll Call

- a. Members present: Linda Striefsky, Jonathan Ciesla, Harriet Applegate, Stephanie Morris, Graham Ball, Drew Herzig, and Guy Thellian.
 - a. Stephanie Morris arrived at 6:07 P.M.
- b. Members absent: Roland Anglin and Graig Kluge.
- c. Staff present: Assistant Law Director Lee Crumrine. Mayor Seren arrived at the meeting at 7:22 P.M.

3) Approval of Meeting Minutes

- a. Motion to approve the meeting minutes of February 7, February 10, and February 12 made by Harriet Applegate and seconded by Drew Herzig. Approved unanimously.
- a. By unanimous consent obtained by Chair, the agenda was amended to include approval of the meeting minutes of January 24. Motion was made by Graham Ball to amend the agenda to include approval of the meeting minutes of January 24, and seconded by Harriet Applegate. Unanimously approved.

4) Approve/Amend Agenda

- a. Motion was made by Jonathan Ciesla to amend the agenda to add continued review of the charter under new business and seconded by Harriet Applegate. Unanimously approved.
- b. Chair suggested amending the agenda to include discussion of responses to public comments submitted by email.
- c. Motion was made by Jonathan Ciesla to amend the agenda to include discussion of how to handle public comments during meetings under new business and seconded by Drew Herzig. Unanimously approved.

5) Public Comments

- a. None.

6) Old Business

- a. **Status of responses from elected officials and others to invitations to meet with CRC**
 - i. Chair sent Councilmember Mattox an email giving him an open invitation to meet with the CRC, in which she also advised him that she will not send additional reminders because she does not want to pester him.
 - ii. Chair followed up with Lakewood Mayor George, but has not received a response. The CRC agreed that Chair should not continue to attempt to schedule an interview with her.
 - iii. Harriet Applegate noted that South Euclid Mayor Welo suggested talking to the South Euclid President of Council and Council Vice President Davida Russell suggested talking to one or more department heads. Graham Ball stated that Council Vice President Davida Russell also floated Richmond Heights as a city of interest.
 - iv. The CRC discussed the need to meet with administrative officers and directors other than the Mayor. Guy Thellian suggested inviting directors currently serving who also served under the previous form of government. Assistant Law Director Law Director identified Directors Collette Clinkscale, Allan Butler, and Eric Zamf as directors who served under the previous form of government. Chair noted that the Mayor invited the CRC to invite directors to speak with them. Drew Herzig suggested issuing a general invitation through the Mayor to invite any director who would like to meet with the CRC. Jonathan Ciesla suggested continuing this discussion under new business when the CRC will discuss its project plan and process going forward.
- b. **Continued reflections on February 12 public input meeting**
 - i. Chair noted for any future public meeting that a sign in sheet should be used. She had started a draft of attendees and asked CRC members to add anyone to the list of attendees who are missing from her draft.

7) New Business

- a. Discuss current project plan and establish process going forward for Charter review and drafting
 - i. Chair identified two issues: (1) How should the CRC proceed with its review, and (2) What will the CRC's end product be?
 - ii. The document 2023-24 CRC Redlined Draft Amended Charter prepared by Assistant Law Director Lee Crumrine was presented to the CRC, and Chair suggested using this document as the CRC's working document going forward. Drew Herzig asked that there not be edits to the text of this document without the approval of the CRC.
 - iii. Chair stated that her expectation of the end product would be a report and that there are two options for presenting the proposed amendments: (1) an amended and restated charter, and/or (2) buckets of amendments. That decision would be made once the CRC completes its review.
 - iv. Drew Herzig noted that Council will ultimately decide what will be submitted to the voters.

- v. Drew Herzig asked what city passed an amended and restated charter, which was Lakewood, and he noted that they did a lot of voter education on the proposed amended charter.
- vi. Chair suggested that if the CRC presents buckets of amendments it still is necessary to have an amended and restated charter so that the CRC is sure that the Charter, once amended with some or all of the buckets, is internally consistent.
- vii. Stephanie Morris suggested that all of the charter needs to be read, but that a line-by-line review during meetings might not be necessary. Drew Herzig asked if the CRC will present a complete charter with all of the CRC's recommendations, and Chair reiterated that is needed.
- viii. Chair moved that the CRC ultimately present to Council a copy of a proposed amended and restated charter that includes all of the CRC's recommendations, seconded by Drew Herzig. Approved unanimously.
- ix. Chair suggested that members will have to work outside of the meetings on certain topics in order to complete the work of the CRC by May 31.
- x. The CRC discussed the draft Work Plan 3. Jonathan Ciesla asked Stephanie Morris if this draft work plan satisfied her concerns that she expressed at the last meeting. She said that she was talking more about a process for the review of the charter. Stephanie Morris stated that that included an agreement on a working document, and Chair stated that that issues was now settled.
- xi. Drew Herzig suggested a process where the agendas will identify articles or sections, and that those changes will be recorded in this working document.
- xii. Chair suggested a need for a longer meeting for such review and expressed the difficulty of completing the CRC's work in the next four meetings.
- xiii. Drew Herzig asked that the remaining meetings be devoted to charter review and that any further interviews be scheduled as extra meetings.
- xiv. Harriet Applegate expressed the need to decide whether the CRC will recommend hybrid at-large/ward council elections or ranked choice voting.
- xv. Stephanie Morris expressed frustration with the time used during meetings on interviews and concerning the proposal for extra meetings.
- xvi. The CRC took a break from business at 6:45 P.M. and returned at 6:53 P.M.
- xvii. Chair stated that the CRC had agreed to have such interview meetings. Drew Herzig suggested that any additional interviews be conducting during additional meetings and not the standing meetings.
- xviii. Jonathan Ciesla suggested that proposals related to the buckets should be drafted by members and distributed in advance, rather than

being developed during meetings. He asked if the CRC should vote on whether to pursue wards or ranked choice voting.

ix. With respect to finishing by May 31, Chair stated that she asked the Law Department to report on all open questions submitted to the Law Department by the next CRC meeting. Assistant Law Director Lee Crumrine stated that there are draft answers to those questions pending the Law Director's review. Graham Ball will circulate the list of open questions posed to the Law Department and the Facilitator after comparing notes with Assistant Law Director Lee Crumrine.

xx. Chair asked whether the CRC wants to vote in principle on certain proposed changes. If the CRC does want to proceed with an item, then they can draft language. Guy Thellian agreed that the CRC should decide sooner than later whether major issues, like how officials are elected, will be proposed as Charter amendments.

xi. Drew Herzig expressed the need to consider a comprehensive nondiscrimination amendment.

xxii. An informal poll of members was taken on the issue of ranked choice voting. Harriett Applegate is a proponent of ranked choice voting, explained her prior advocacy for ranked choice voting, and presented her arguments in favor of ranked choice voting. Jonathan Ciesla stated that he is undecided. Drew Herzig is in favor of ranked choice voting and wants to include it in proposed Charter amendments. Stephanie Morris stated that she is undecided and indicated that she is more open to it for mayoral elections. Guy Thellian stated that he is a strong supporter of ranked choice voting, but that only one councilmember has indicated support for ranked choice voting. He stated that ranked choice voting is not yet mature enough in terms of the city and City Council's understanding of it for it to be successfully passed through Council, and he instead suggested a recommendation to Council that it further explore the idea. Guy Thellian is opposed to making a charter amendment recommendation for ranked choice voting. Chair stated that she agreed with Guy Thellian and that she views the CRC's primary task as filling the gaps in the charter implementing the elected mayor form of government. She stated that it is not in the interest of the city to go forward with it at this time because the city and its elected officials should first address other priorities. Chair is opposed to making a charter amendment recommendation for ranked choice voting. Graham Ball stated that he has a different perspective than Guy Thellian and Chair, and he stated that he believes that the CRC's role is to create the best charter that it can, that Council will ultimately decide what to present to voters, but that the CRC has a duty to present recommendations it believes are necessary for that goal. He believes that proportional representation is the best form of democratic government. He believes that the 2017-19 CRC's approach, narrowly focused on one issue, was too narrow. Drew Herzig stated that the burden on voter education will be on advocates rather than the city, and he agreed with Graham Ball that the CRC

should put forward what they believe is the best charter rather than make decisions based on what they think City Council will approve. Chair noted that there was not a lot of strong support for ranked choice voting at the public input meeting. Guy Thellian noted that a ranked choice voting charter amendment can be initiated by residents. Harriet Applegate noted that Kyle Herman relayed that Rob Ritchie suggested using both wards and ranked choice voting.

xxiii. Jonathan asked whether the CRC would need to recommend it for both mayor and council. Chair asked if Cincinnati had it for all offices, and Harriet Applegate explained that Cincinnati had a council-manager form of government.

xxiv. Drew Herzig suggested that the CRC take into account Chair's indications of opposition to the amendment if a vote is taken at the next meeting when she is participating by videoconference and therefore cannot vote.

xxv. An informal poll of members was taken on the issue of hybrid at-large and ward elections. Drew Herzig favors a hybrid council with three members elected at-large and four wards. Stephanie Morris is undecided. Guy Thellian stated that he prefers the model of Columbus council elections, noting he had distributed some information on that model but the CRC has not yet discussed it, and he believes that a hybrid system proposal would be too much to accomplish. Chair stated that she is not in favor of a change, she is more concerned about wards increasing divisiveness and she believes that Cleveland Heights is not large enough to necessitate wards. Graham Ball stated that Chair's argument was compelling, but that he is leaning toward a hybrid system because it is more democratic. Harriet Applegate stated that she is on the fence, and she prefers proportional representation. She stated that if the CRC is not recommending ranked choice voting then she would not recommend a hybrid system, and she agrees with Chair that the city does not need increased divisiveness. Graham Ball said the most compelling argument for a hybrid system is that it decreases the financial barrier to running for council. Jonathan Ciesla stated that he opposes the hybrid system because he is concerned that wards may lead to "othering" of some parts of the city. Drew Herzig said that he believes a hybrid system would reduce division because it clarifies the councilors' mandates.

xxvi. Regarding the question of inviting additional people for interviews, Graham Ball asked about inviting department heads to meetings. Jonathan Ciesla stated his opinion that it is not necessary, and the CRC agreed.

xxvii. Regarding drafting provisions for potential Charter amendments, Guy Thellian offered to do some research regarding potential changes to the Finances provision of the Charter versus what should be in an ordinance.

xxviii. Regarding drafting provisions for potential Charter amendments, Jonathan Ciesla offered to review the Charter for any gaps in addressing gender-neutral language (beyond that in the proposed

changes from the 2017-2019 Charter Review Commission). Chair noted that the prior CRC handled drafting towards gender neutral provisions nicely, avoiding a string of pronouns approach. Drew Herzog noted the distinction between gender neutral language versus gender inclusive language. Drew Herzog expressed a preference for gender neutral language for the purposes of the charter.

xxix. Chair asked if the CRC wants to schedule extra meetings to review the charter. Harriet Applegate believes the CRC cannot accomplish its work in four more meetings. Stephanie Morris suggested that each member review a section. Graham Ball suggested an extended meeting on a Saturday as a backstop if the CRC is not on track to complete its work.

xxx. Regarding drafting provisions for potential Charter amendments, Drew Herzog offered to prepare draft language for a Charter provision on non-discrimination, based on the University Heights charter amendment text. Chair expressed opinion that drafting should start with existing Cleveland Heights ordinances and/or resolutions on non-discrimination.

8) **Discussion of Responses to Public Comments Submitted by Emails** – Chair noted that she responded to some of the emails, namely, those addressing topics not in the scope of the CRC's mission. For example, there was an email about Severance. These responses suggested that the writer contact the Mayor or City Council. In other cases of emails covering CRC scope, she indicated the email would be shared with the CRC. The purpose of the replies was to be responsive to the input in a timely manner. Copies of all emails and responses are available to the CRC.

9) Continued Review of the Charter

10) Review of Meeting Action Items

- a. The Law Department is to provide responses to the CRC's legal questions.
- b. CRC members are to sign up for drafting assignments.
 - i. Jonathan Ciesla offered to present any changes to the charter that are still needed to make it gender neutral.
 - ii. The CRC is to review the balance of power proposal at the next meeting. (Chair has circulated a draft.)
 - iii. Guy Thellian offered to review the finance/ budget charter provisions.
 - iv. Drew Herzog offered to propose a comprehensive non-discrimination agreement using UH's charter provision.
 - v. Harriet Applegate offered to work on the issue of ranked choice voting.
- c. For next meeting: assess whether CRC needs to schedule additional meetings; vote on additional bucket items and to define the buckets; decide whether to propose changes as buckets.

11) Public Comment

- a. None. Only non CRC member present was the Mayor, he had no comments to offer.

12) Review of Meeting for Lessons Learned

- a. Harriet Applegate stated that she wished the CRC had voted on buckets – whether to have them and what they are.

13) Adjourn

- a. Motion to adjourn was made by Jonathan Ceisla and seconded by Stephanie Morris. Approved unanimously.

Next meeting: Wednesday, March 20, 2024, at 6 PM.