



# CLEVELAND HEIGHTS

## Charter Review Commission

March 20, 2024

6:00 PM

City Hall – Executive Conference Room

### 1) Call to Order

- a. Chair Linda Striefsky called the meeting to order at 6:01 P.M.

### 2) Roll Call

- a. Members present: Jonathan Ciesla, Harriet Applegate, Graig Kluge, Graham Ball, Drew Herzig, and Guy Thellian.
  - i. Roland Anglin arrived at the meeting at 6:06 P.M.
  - ii. Graig Kluge left the meeting at 6:57 P.M.
- b. Members absent: Linda Striefsky and Stephanie Morris.
  - i. Linda Striefsky chaired the meeting via videoconference. She was not present in person at the meeting and was therefore absent for the purposes of quorum and voting.
- c. Staff present: Assistant Law Director Lee Crumrine.

### 3) Approval of Meeting Minutes of February 6 (Amended), February 28, and March 6

- a. Motion to approve the meeting minutes of February 6 (Amended), February 10, and February 12, made by Jonathan Ciesla and seconded by Graham Ball. Approved unanimously.

### 4) Review and Confirm or Amend Agenda

- a. None.

### 5) Public Comments

- a. None.

### 6) Old Business

- a. Revised draft project plan for CRC - Discuss additional CRC meetings.
  - i. Chair noted dates that, per the Doodle poll, March 27, Saturday April 13 and April 20 were selected for additional meetings and asked the CRC to save the dates. Graham Ball will send out calendar invites for those dates.
- b. Update on use of CRC email by the public

- i. Assistant Law Director Lee Crumrine informed the CRC that no new public comments have been received.
- c. Input on informal vote on ranked choice voting and change in method of electing City Council, for views of Roland Anglin and Graig Kluge.
  - i. Graig Kluge is not inclined to submit ranked choice voting to Council because of his desire is to focus on cleaning up the mayoral system. Secondly, he does not believe it is especially needed in our city. He stated that it is not the time to do it. Graig Kluge is inclined to keep the status quo of an at-large system because it is not the time to pursue this issue.
  - ii. Roland Anglin stated that ranked choice voting is a promising method of elections, but he is not sure what problem it solves for Cleveland Heights. He is also unsure if the public would go for it at this point. He stated that he likes the hybrid at-large/wards system, but there is an issue about timing and what the public will accept at this time. But it is worth consideration in the future.
  - iii. Jonathan Ciesla suggested taking a definitive vote on both issues. Harriet Applegate stated that the issues should not be precluded yet and that a vote could be taken later. Chair suggested that the CRC wait until the next standing meeting in April to allow Stephanie Morris to vote. Drew Herzig asked that both issues be included on the agenda for April 3. Drew Herzig asked whether the CRC should invite speakers on these topics for the April 3 meeting. Chair reminded members that we had already decided not to invite any more speakers. The CRC discussed what to discuss or what motion to consider on these topics at the April 3 meeting. The CRC decided to vote at the April 3 meeting on whether to recommend to City Council that the charter be revised to adopt RCV and to change the method of electing City Council to a hybrid, at large and by ward system.
- d. Report from Assistant Law Director Crumrine on questions posed by CRC to Law Department.
  - i. Assistant Law Director Lee Crumrine informed that the CRC that the Law Director has reviewed the draft answers to the CRC's legal questions, that he identified some places where additional research is needed, and he is suggesting that these responses also be reviewed by the Facilitator for his input. Chair noted that some questions that have been posed in early meetings have been answered. Chair volunteered to work with Lee and the facilitator to refine the list to reflect that.
- e. Define contents of proposed charter amendment "buckets" (see Exhibit A to the agenda).
  - i. Bucket #1. No changes.
  - ii. Bucket #2 - Chair noted that the CRC has not discussed what percentage of registered voters should be required to sign petitions. Guy Thellian suggested using a definite number of required petition signatures rather than a percentage of votes cast in the last preceding regular municipal election.
  - iii. Bucket #3. Drew Herzig agreed that orientation and training are worthwhile additions to that bucket. Drew Herzig suggested making the proposed nondiscrimination article a separate bucket. Jonathan Ciesla disagreed that there is a need at this moment to move the proposed nondiscrimination amendment to a separate bucket. Result is keeping nondiscrimination in this bucket for now.
  - iv. Bucket #4. Harriet Applegate stated that that bucket is a big bucket and that the budget provisions should be put in another bucket. This was left open until we discuss the budget text.
  - v. Buckets 5, 6 and 7 are ok.

- vi. Graham Ball volunteered to draft a proposed land acknowledgment. Roland Anglin stated that he is a board of director of Cleveland Play House, which adopted a land acknowledgment. He stated that the board is struggling with the issue. Graham Ball stated that there are Canadian governments that have adopted land acknowledgments.
- vii. Drew Herzig asked that his name be added to Bucket #6, to work with Harriet Applegate on the text for ranked choice voting.
- viii. Guy Thellian volunteered to have responsibility for Bucket #2 regarding petition signatures.
- ix. Guy Thellian suggested that the CRC should consider all issues raised by the Mayor and Council members. Guy Thellian prepared a document listing those issues and the statuses of the CRC's discussion of them and asked that his document be added to the next agenda.
- x. The CRC discussed compliance with Ohio's Open Meetings Act regarding emails.
- f. Consider vote on whether CRC recommendations will be presented as one amended charter and/or as buckets.
  - i. Harriet Applegate suggested keeping this question open. Jonathan Ciesla suggested removing this item from the agenda until some future date.
  - ii. The CRC discussed the advisability of presenting a full amended and revised charter. Chair noted that this issue had been discussed several times, and that the question is how best to sell the CRC's work product to Council and the voters.
  - iii. Graham Ball moved that the CRC present to Council an amended and revised charter as well as bucketed amendments, seconded by Jonathan Ciesla. Harriet Applegate stated that she is not ready to decide that question. Roland Anglin stated his reluctance to approve voting to recommending an amended and revised charter. Guy Thellian stated that he does not believe that this vote is timely. The motion passed 4-1. Harriet Applegate abstained.

## 7) New Business

- a. Discussion of draft text from Chair regarding balance of powers provisions of Charter and additional Charter provisions relating to change in form of government.
  - i. The CRC discussed Chair's proposed revisions mostly in Article III and IV and her email dated March 16.
  - ii. Chair proposed qualifications regarding residency similar to Mayor.
  - iii. Motion to approve the proposed revisions to Section 3.2 proposed by Jonathan Ciesla, seconded by. Drew Herzig stated that the 18-month residency requirement is too long. Harriet Applegate stated that the city is quirky and office seekers need to spend time in Cleveland Heights, and she gave the example of former Councilmember Josie Moore. Motion to amend the pending motion by changing the residency requirement to 6 months by Drew Herzig, Seconded by Graham Ball. Graham Ball stated that he believes a shorter residency requirement is more democratic. Roland Anglin agreed with the change. The motion passed 4-2. The main motion as amended passed by a unanimous vote. Chair noted the inconsistency between this provision as amended and the residency requirement for Mayor under Section 4.2.

- iv. Motion to approve the proposed revisions to Section 3.4 by Drew Herzig, seconded by Graham Ball. Motion passed by a vote of 4-1. Harriet Applegate abstained.
- v. The CRC began discussion of the proposed revisions to Section 3.12. Chair explained her proposed revisions to this section. Chair noted the comment that she added to this section and explained that the first paragraph of Section 3.12 is aspirational language intended to set a tone. She suggested that the CRC should re-visit this sentence in light of other proposed revisions on the subject of balance of powers. Drew Herzig expressed concern with the second part of Section 3.12, requiring attendance at Council meeting extending to all employees. Chair noted that this text is based on ORC section. Guy Thellian suggested that the language allow a representative of the director to attend. He stated that he is concerned about the absolute requirement for attendance given possible unforeseen circumstances, such as an invited official being sick. Chair stated that it is unnecessary to address those contingencies because it should be assumed that the elected officials will act in good faith if such situations arise.. Harriet Applegate noted that it's possible a person other than a director is the relevant person to attend. Jonathan Ciesla commented that it's possible an employee is invited because of concerns about the director's performance. Jonathan Ciesla said the ability to invite is in the hands of the President of Council or a Committee Chair, so invitation would not be random decision. The CRC discussed scenarios where the appearance of employees at Council meetings would be necessary or beneficial. Guy Thellian noted that employee issues can be handled by the Human Resources Department.
- vi. Motion by Jonathan Ciesla to table discussion until the next meeting because meeting ends in a few minutes, seconded by Drew Herzig. Approved unanimously.

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

- a. Add discussion of issues raised by the Mayor and Council members to the next agenda.

#### **9) Public Comment**

- a. None.

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

- a. None.

#### **11) Adjourn**

- a. Motion to adjourn by Roland Anglin, seconded by Jonathan Ciesla. Approved unanimously. Adjourned at 8:04 PM.

Next meeting: Wednesday, March 27, 2024, at 6 PM.