



CLEVELAND HEIGHTS

Charter Review Commission

March 27, 2024

6:00 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky called the meeting to order at 6:02 P.M.

2) Roll Call

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

3) Approval of Minutes of March 20 Meeting

- a. By unanimous consent obtained by the Chair, this item was postponed until the next meeting to allow members more time to review the draft meeting minutes.

4) Review and Confirm or Amend Agenda

- a. None.

5) Public Comments

- a. None.

6) Old Business

- a. Revised draft project plan for CRC – Ongoing evaluation of need for extra special meetings, which are tentatively planned for April 13, and April 20, in addition to scheduled special meeting on March 27 and standing meetings on April 3 and April 7
 - i. Chair stated that the CRC should keep this item on the agenda as the CRC continues to evaluate its progress, and no members disagreed.
- b. Update on Use of CRC email by the public.
 - i. Assistant Law Director Lee Crumrine reported that no additional public comments have been received by email.
- c. Report from Assistant Law Director Crumrine or Kevin Butler on selected questions posed by CRC

- i. Assistant Law Director Crumrine reported that the Law Department identified some questions that would benefit from the input of the Facilitator and that those questions have been submitted to the Facilitator for review and comment.
 - ii. Chair stated that the Facilitator is looking at questions related to the balance of power, the non-discrimination proposal, and the hybrid at-large/wards council election proposal.
 - iii. Chair stated that she informed the Facilitator that the CRC intended to vote on the issues of ranked choice voting and the hybrid at-large/wards council elections at the next meeting.
- d. Ongoing consideration of contents of proposed charter amendment “buckets” (See Exhibit A) and on whether CRC recommendations will be presented as one amended charter and/or as buckets
 - i. Chair stated that she did not believe that the CRC needed further discussion on this topic at this time.
 - ii. Drew Herzig stated that he believes the CRC needs a separate bucket for the preamble and non-discrimination because they do not fit with any of the existing buckets.
- e. Continue 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. Jonathan Ciesla noted that the proposed language does not match the corresponding provision of the Ohio Revised Code. Chair explained that the proposed language was based on language provided in a public comment submitted by Barbara Hawley. Jonathan Ciesla stated that he thought the Ohio Revised Code was a little nicer
 - ii. Drew Herzig suggested adding a comma after “impediment” in Section 3.12, and the CRC agreed.
 - iii. Drew Herzig stated that he opposed including all city employees in Section 3.12, and it should stop at officers and directors. Chair stated that it is necessary to clarify the rights of Council to obtain answers from the administration to counter-balance the right of the Mayor to participate in Council meetings. Guy Thellian stated that he supports the current language, but he would also support it providing that employees were accompanied by their director to give them support. Drew Herzig suggested adding “approval of the director,” but Guy Thellian disagreed with giving a director veto power of their employee’s appearance as request by Council. Graig Kluge stated that he supports the proposed language and preferred leaving it more general. Drew Herzig noted that a council member asked whether the mayor can be excluded from Council meetings, and Chair noted that was in the context of executive session. She suggested setting aside that issue until we review the chart compiling charter changes suggested by the Mayor and by Council President Cuda. Jonathan Ciesla suggested that the text allow the directors and officers to designate someone to attend on their behalf. Guy Thellian stated that he is comfortable not including a provision for designee, based on assumption officials are acting in good faith. Roland Anglin stated that although he generally supports the provision, he cautioned against getting into the weeds in the charter and that he could foresee unintended consequences. Graham Ball stated that he likes the current draft of the provision

- iv. Motion to approve Section 3.12 as amended by Drew Herzig (to add comma after “impediment”), seconded by Guy Thellian. The motion passed 5-1.
- v. In the proposed language of Section 4.1, the CRC discussed the use of the phrase “chosen and qualified.” After discussion, the CRC agreed to retain the language of the current charter in Section 4.1 except for the deletion of the last two sentences.
- vi. Chair noted that, in Section 4.2, “elector” was changed to “registered voter”.
- vii. For Section 4.3, Chair suggested adding “except as otherwise provided in this Charter” to modify “shall exercise control over all departments and divisions” for clarification purposes. Chair explained that this related to changes in Article 5. Chair explained that later in the section she added provisions from the Lakewood Charter imposing certain duties on the Mayor. Drew Herzig raised concerns that this provision would violate principles of the separation of powers. Drew Herzig suggested striking “or resolution of Council,” and the CRC agreed.
- viii. For Section 4.10, Chair suggested a different timeline for filling a vacancy in the office of the mayor and explained the rationale for the differences between that timeline and the one for filling vacancies on Council. She also noted that voters recently approved this provision as to the mayor. Chair explained her suggestions about the order of succession and expressed concern that the current charter does not provide deadlines. Guy Thellian stated that he likes the proposal as drafted and agreed that timelines are important.
- ix. The CRC discussed whether the Council President should automatically become the Mayor unless the Council President either is unable or unwilling or whether Council should decide on the appointment in the first instance. Drew Herzig agreed that allowing a Council President to decline to serve as Mayor is good. Guy Thellian agreed with Drew Herzig that Council President and Mayor require different skillsets. Guy Thellian stated that he prefers the latter allowing Council to explore a larger pool of candidates, and Jonathan Ciesla agreed. Graig Kluge expressed a preference for the Council President becoming mayor if willing to serve. Graham Ball suggested a provision that the Council President becomes Mayor if Council fails to appoint a Mayor, and Guy Thellian stated that he liked that idea. Graig Kluge stated that he still prefers the proposed language as is with the Council President becoming Mayor unless the Council President declines. He disapproved of the inability of the Council President to decline it, and Drew Herzig stated that this sets up another kind of crisis. Chair stated that it may not be appropriate to put the Council President in that position.
- x. The CRC discussed whether 30 days is enough time to appoint a Mayor, and Chair suggested 45 days. Guy Thellian stated that 60 days may be better although he would accept 45 days. Jonathan Ciesla stated that it is more important to fill the executive position faster. Drew Herzig stated his preference for 45 days. The CRC agreed to adopt the proposal as presented, but with a change in the time period to fill the vacancy from 30 days to 45 days.

- xi. For Section 5.1, Chair explained her proposed changes to this section related to issues that were not have been addressed by the elected mayor charter initiative because of its limited nature, and that the proposed changes are consistent with the other charters the Commision has been using as reference points. Drew Herzig stated that he does not believe the Council should determine the structure of the administration. Chair agreed with Drew Herzig that the draft should add “except as otherwise provided in this Charter, after “combine or abolish” in subsection (b). Guy Thellian stated that he is convinced by similar provisions being included in the other charters of neighboring cites that the CRC has reviewed and considered. Graig Kluge, Roland Anglin, and Jonathan Ciesla also approved of the proposed language. The CRC agreed to adopt the proposed language as amended in (b).
- xii. For Section 5.2, Drew Herzig suggested a new subsection to separate provisions about the Director of Law and the Director of Finance. Jonathan Ciesla suggested moving the last sentence in (b) to the end of subsection (a).
- xiii. Motion to adopt Sections 5.1 and 5.2 as amended, made by Jonathan Ciesla, seconded by Graig Kluge. The motion passed 5-1.
- xiv. For Section 7.1, Chair explained her proposed changes to this section. She added a cross reference for council vacancies because the section included a cross reference for mayoral vacancies. It is not a sustentative change. Drew Herzig suggested referring to a vacancy instead of “lapse of the term.” Chair stated that “lapse” means the end of the term. Drew Herzig suggested using “end” or “expiration.” The CRC agreed to use “expiration.” The CRC agreed to adopt the proposed revisions to Section 7.1 with that change, using “expiration”.
- xv. For Section 7.3, Chair reviewed the terms of the reference charters and suggested 50 signatures for Council and 100 for Mayor. Drew Herzig agreed with Guy Thellian that having a definite number is preferable to using a percentage of voters in the last regular municipal election. Graham Ball noted that Lakewood uses 50 signatures, and he asked whether that has caused a problem for them. Chair noted that state law requires 50 signatures. The CRC agreed to adopt the proposed language for that section.
- xvi. For Section 12.1, Chair suggested changing the provision back to a requirement of a majority rather than 4 votes of Council as adopted by the 2017-19 CRC. The CRC agreed to adopt the proposed changes to Section 12.1.

7) New Business

- a. Discussion of proposed text from Drew Herzig on non-discrimination provision as Charter amendment
 - i. Postponed until the next meeting.
- b. Discussion of proposed text from Drew Herzig on hybrid method of electing City Council members.
 - i. Postponed until the next meeting.
- c. Discussion of proposed text from Guy Thellian on Finance and Budget Matters.
 - i. Postponed until the next meeting.

8) Review of Meeting Action Items

- a. Chair noted that the CRC will vote on hybrid at-large/ward elections and ranked choice voting at the next meeting.

9) Public Comment

- a. None.

10) Review of Meeting for Lessons Learned

- a. Graham Ball stated that he felt this meeting was productive.
- b. Jonathan Ciesla stated that he is feeling the pressure of the CRC's time constraints.

11) Adjourn

- a. Motion to adjourn made by Jonathan Ciesla, seconded by Graig Kluge. Approved unanimously. Adjourned at 7:54 PM.

Next meeting: Wednesday, April 3, 2024, at 6 PM.