



CLEVELAND HEIGHTS

Charter Review Commission

April 3, 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: Jonathan Ciesla, Roland Anglin, Harriet Applegate, Graig Kluge, Graham Ball, Drew Herzig, and Guy Thellian.
 - i. Harriet Applegate arrived at 6:03 PM.
- b. Members absent: Stephanie Morris.
 - i. Stephanie Morris participated via videoconference.
- c. Staff present: Assistant Law Director Lee Crumrine.

3) Approval of Minutes of March 20 and 27 Meetings

- a. Motion to approve the meeting minutes of March 20 made by Roland Anglin, seconded by Graham Ball. Approved unanimously.

4) Review and Confirm or Amend Agenda

- a. None.

5) Public Comments

- a. Colleen Boyd, Ranked the Vote Ohio, stated that she presented to the Lakewood Charter Review Commission on the topic of ranked choice voting. She stated that there is an opportunity for Cleveland Heights and Lakewood to advance ranked choice voting in Cuyahoga County together.
- b. Michael Steere stated his support for ranked choice voting in Cleveland Heights and wants Cleveland Heights to be a leader on this issue along with Lakewood on the west side of Cuyahoga County. He presented arguments about the benefits of ranked choice voting.
- c. Thalia Sassman spoke in favor of ranked choice voting. She presented arguments about the benefits of ranked choice voting. She stated that Cleveland Heights could be leaders on the issue, and she hopes that ranked choice voting can be adopted statewide.

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 asked if CRC members could provide a timeframe for when their drafts on their assigned subjects will be ready.
 - ii. Drew Herzig suggested that if a CRC member prepares a proposal that it should be prioritized on the agenda.
- b. Update on Use of CRC email by the public.
 - i. Chair reported that the CRC received 6 emails, which were forwarded to members. Chair suggested addressing the public comment on vacancies at a future meeting.
- c. Report from Assistant Law Director Crumrine or Kevin Butler on selected questions posed by CRC
 - i. Chair noted that the CRC received answers to all questions except one. The CRC deferred discussion of those responses until a future 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. Which bucket for Preamble?

7) New Business

- a. Discussion and vote on whether to recommend a charter amendment on ranked choice voting.
 - i. Chair explained that CRC members will have an opportunity to state their positions before the CRC proceeds to a vote.
 - ii. Harriet Applegate presented an explanation of her position in favor of ranked choice voting. She also distributed to the CRC members an outline of her arguments in favor of ranked choice voting.
 - iii. Drew Herzig stated that it should be left to the voters to decide this issue. He favors the CRC making a recommendation to City Council that the issue be put on the ballot for voters to decide.
 - iv. Graig Kluge asked the supporters of ranked choice voting if it would have led to a different result in the last election. Harriet Applegate and Drew Herzig stated their belief that it would have changed the outcome. Harriett Applegate gave the example of former Council Member Janine Boyd winning a seat over former Council President Melody Joy Hart. Chair noted that it is speculative to say the election would have had a different result. Drew Herzig said that there were other candidates who split the vote. Graig Kluge stated that he wants the CRC’s recommendations to have a practical effect. Harriett Applegate responded to that argument and stated that she feels it can have a practical effect because it is the best way to elicit voter opinion.
 - v. The CRC members related their memory of how ranked choice voting was received at the February 12 public input meeting.
 - vi. Guy Thellian asked the supporters of ranked choice voting what offices it should apply to. Harriet Applegate stated that she prefers to start with Council, but some people believe it would be easier to implement for Mayor.

- vii. Jonathan Ciesla stated that he is torn. He noted that the Council can do whatever they see fit with the CRC's recommendations. He believes that ranked choice voting is a good idea. Jonathan Ciesla suggested that the CRC could recommend to Council further exploration of the issue instead of submitting proposed amendment to Council. Harriet Applegate stated that the relationship between bucketed proposals and a full amended and revised charter could affect that decision.
- viii. Graham Ball stated that he thinks it should apply to all municipal elections because that would reduce confusion. He noted that the difficulty is voter education and reiterated the findings presented by Harriet Applegate about voter understanding of ranked choice voting. He acknowledged the political and strategic considerations, but that the CRC should present the best possible charter recommendations. He concluded that he is in favor of ranked choice voting.
- ix. Guy Thellian noted that the charter provides for a primary election for Mayor. He stated that he has little confidence in the primary process. He asked if ranked choice voting would eliminate the need for a primary in the mayoral election. Drew Herzig answered in the affirmative. Guy Thellian stated that the CRC should consider limiting its recommendation to the most important and practical proposals. Generally, he is in favor of ranked choice voting, but not sure if now is the right time.
- x. Drew Herzig agreed with Graham Ball that the CRC should present the best possible charter and added that it should be the most democratic charter. He said that it will be years if the CRC passed up this chance. Harriet Applegate added that this is a hot issue at the national, state, and local level. It is a response to a political system that is not working for people at any level. She stated that it provides for a healthier political contest by changing it from a hostile to a cooperative context and it brings marginalized people into the process.
- xi. Roland Anglin challenged the assertion that the unelected CRC should decide this issue because Council does not have the capacity, and he asked whether ranked choice voting would help with the current dysfunction of Council. Harriet Applegate stated that she believes it would because it fosters cooperation rather than competition in campaigns.
- xii. Chair stated that that idea seems counterintuitive and questioned whether it encourages cooperation between candidates. She stated that she believes the CRC's main purpose is to improve the elected mayor form of government; that should be the priority of the CRC.
- xiii. Drew Herzig asked Harriet Applegate if other jurisdictions have abandoned ranked choice voting other than the jurisdictions in Ohio. She noted that there were unsuccessful attempts to abandon ranked choice voting in this past election.
- xiv. Roland Anglin and Graig Kluge questioned whether ranked choice voting would solve a particular problem in Cleveland Heights. Graig

Kluge added that he thinks the city government is reflective of the city as a whole. Harriet Applegate stated that Orthodox Jewish and Republican residents would have increased representation in the city. She stated that Cincinnati labor union members and African-American candidates were elected under ranked choice voting. She stated that it makes government work better, which is supported by historic examples. Chair noted that City Council has had Orthodox members.

- xv. Roland Anglin stated that there would be a group of residents campaigning for ranked choice voting if it were wanted. Harriet Applegate noted there was not a movement for an elected mayor form of government until a CRC failed to act on the issue, but the Chair disagreed with that characterization. Chair noted that a group of residents advocated for an elected mayor, which motivated the City Council to appoint a charter review commission, which voted against an elected mayor.
 - xvi. Graham Ball stated that ranked choice voting does not necessary fix a problem, but that it is a better electoral system. Jonathan Ciesla stated that ranked choice voting could improve faith in the electoral process, which is worth considering. Harriet Applegate noted that the CRC's recommendations are not necessary fixing what is broken but instead improving government. Graham Ball added that he would like to see it passed by Council.
 - xvii. Roland Anglin asked if the CRC can put the issue before Council in some way without making a recommendation for an amendment. Graham Ball noted that ultimately the CRC is just making recommendations to Council and that including it in the report accomplishes that. Harriet Applegate stated that ranked choice voting is an example of direct democracy.
 - xviii. Guy Thellian asked whether it is timely for the Council to consider ranked choice voting. He stated that the focus should focus on the issue of the balance of powers, and that the CRC is already presenting significant changes for Council to consider. Drew Herzig noted that adopting ranked choice voting is easy for City Council because the Bord of Elections does the work. Graham Ball stated that Council is capable of engaging these different topics.
 - xix. Motion to recommend to Council ranked choice voting, the specific form and scope of which is to be determined at a later meeting, made by Harriet Applegate with scope and language to be determined, seconded Drew Herzig. Motion passed 6-1. Roland Anglin abstained.
 - xx. Stephanie Morris stated that she would have abstained on the vote if she could vote on the motion.
- b. Discussion and vote on whether to recommend a charter amendment to change the method of electing City Council (hybrid method).
- i. Drew Herzig stated that he supports the proposal, but if ranked choice voting is recommended, then he would forego approving this proposal.

- ii. Graham Ball stated that ranked choice voting would accomplish the same goals as a hybrid at-large/ward elections. Graham Ball does not want to move forward with this recommendation.
- iii. Guy Thellian stated that he is opposed to hybrid at-large/ward elections. He stated a preference for the method of election of council used in Columbus. Chair noted that Columbus is much bigger than Cleveland Heights, which make it clearer why they took that approach. She further noted that Council has the power to identify points of contact for residents for particular questions that are neighbor or issue specific. She said she asked the Facilitator about adding a provision to the description of Council's duties to specifically include constituent services, and the Facilitator suggested that this duty be permitted and not required. Harriet Applegate stated that it would be nice if Council would do identify points of contact. Drew Herzig cautioned that it might make it more difficult for residents to get a response from Council because of personal conflicts. Chair stated that the CRC's report will allow them to put forward to Council and the public the CRC's discussions and recommendations, including those that may fall short of actually being a charter amendment. Harriet Applegate stated that there is support for wards within the community, and a recommendation about geographic representation by assignment could be a response to that support.
- iv. Harriet Applegate agreed that it would be heavier lift than ranked choice voting and agreed with dropping this since the CRC is recommending ranked choice voting.
- v. Jonathan Ciesla stated his opposition to the hybrid at-large/ward elections proposal because of the potential othering and segregation that may result from it. Roland Anglin stated that Jonathan Ciesla has convinced him. He has been exposed to wards in much larger jurisdictions and questions whether it could work for Cleveland Heights. Graig Kluge stated his opposition to the proposal. Stephanie Morris stated that she would err on the side of keeping the status quo at-large system
- vi. Motion to recommend hybrid at-large/ward Council elections with 4 wards and 3 at-large, made by Drew Herzig, seconded by Graham Ball. Motion failed 1-7.
- c. Discussion of proposed text from Drew Herzig on non-discrimination provision as charter amendment.
 - i. The Facilitator had suggested a draft as a starting point for discussion. Drew Herzig presented a revised non-discrimination amendment proposal. Drew Herzig noted that the Facilitator offered comments on the proposal, a copy of comments was distributed to CRC members for review.
 - ii. Chair stated that it application of this type of charter provision starts to get tricky if the provision is broader than employment and access to city services and facilities. Chair noted that discrimination can be divided into negative and affirmative discrimination and expressed

concerned about the impact on diversity, equity, and inclusion (DEI) policies.

- iii. Graham Ball noted the distinction between equity and equality and that would protect DEI, and the CRC discussed equity versus equality.
 - iv. Roland Anglin asked what is protected by this proposal that is not protected by local, state and federal law.
 - v. Chair stated a preference for addressing this subject in the ordinances rather than the charter and she expressed worry about the rigidity of a charter provision, given the difficulty in amending it.
 - vi. Jonathan Ciesla stated that the lists of protected classes in the example provisions provided by the Facilitator fail to contain certain identities. He suggested that it generally refer to classes protected by ordinance, which would allow those flexibility for easier future changes and not risk leaving out groups.
 - vii. Graham Ball noted that the proposal includes all groups protected by state and federal law and includes additional classes. He said that citizenship status stood out to him.
 - viii. Chair said that the language would need to be changed if the provisions were to be more aspirational, which is a choice that the CRC needs to make. Drew Herzig stated that he could live with an aspirational approach but he preferred not to shift to aspirational.
 - ix. Graham Ball recounted what happened with the sanctuary city proposal previously considered by Council, which did not pass. Instead, Council passed a “Welcoming City” resolution. Harriet Applegate asked about City policies as to noncitizens. Chair noted she recalled the Mayor commenting on policies that relate to this.
 - x. Motion to postpone discussion of nondiscrimination meeting until the next meeting, made by Jonathan Ciesla, seconded by Roland Anglin. Approved unanimously.
- d. Discussion of plans for second public input meeting to be held in May
 - i. Chair asked for approval of the CRC to allow the Chair to choose a date based on responses to Doodle poll. Motion made by Harriet Applegate, seconded by Roland Anglin. Approved unanimously.

8) Review of Meeting Action Items

- a. Assistant Law Director Lee Crumrine to check Cleveland Heights Police Department policies regarding non-citizens.

9) Public Comment

- a. None.

10) Review of Meeting for Lessons Learned

- a. None

11) Adjourn

- a. Motion to adjourn made by Drew Herzig, seconded by Jonathan Ciesla. Approved unanimously. Adjourned at 8:09 PM.

Next meeting: Saturday, April 13, 2024, at 10:00 AM.