



# CLEVELAND HEIGHTS

## Charter Review Commission

January 22, 2024

6:00 PM

City Hall – Executive Conference Room

### 1) Call to Order

- a. Chair Linda Striefsky called meeting to order at 6:03 PM.

### 2) Roll Call

- a. Members present: Harriet Applegate, Roland Anglin, Jonathan Ciesla, Drew Herzig, Guy Thellian, Roland Anglin, and Linda Striefsky.
- b. Members absent: Stephanie Morris, Graig Kluge, and Graham Ball.
  - a. Stephanie Morris participated remotely via videoconference.
  - b. Guy Thellian left the meeting at 7:28 P.M.
- c. Staff present: Assistant Law Director Lee Crumrine.

### 3) Interviews with Cleveland Elected Officials

- a. Interview with Council Vice President Davida Russell
  - i. Chair thanked Council Vice President Russell for submitting her response to the survey. She asked Council Vice President Russell to identify her top two or three issues from her survey responses, so those could be discussed first. Council Vice President Russell identified inquiry as an important item to consider, and she discussed her experience under the council-manager form of government along with Councilmember Cobb. Council Vice President Russell explained the need to be able discuss legislation with administrative directors. Council Vice President Russell said the Charter needs to provide for balanced government, and Council and the Mayor should be equal branches of government. The charter should clearly define the roles and responsibilities of Council and the Mayor.
  - ii. Chair asked about her survey responses concerning how the council-manager form of government worked. Council Vice President Russell stated that she, as chair of the Parks and Recreation Committee, has free access to the director and staff and worked with

them often. She said access was open at the very beginning of the elected mayor form of government, for about a month. She relayed that the recreation director soon told her that neither he nor any other city staff in his department were permitted to speak with councilmembers. Council Vice President Russell reported that she raised the access issue with the Mayor, who said any interaction he had with her must be in public. She became frustrated with the process and stopped submitting meeting requests to the administration and that she extended an open invitation to her committee meetings to the Director of Parks & Recreation. The director told her no directors could attend meetings except to discuss legislation. She stated that an employee was reprimanded for speaking to her. It is her understanding that city staff is still not permitted to speak with her. Council Vice President Russell believes that the administration's position on communication with Council is hindering her ability to do her job.

- iii. Chair asked if things have changed since she has become Council Vice President. Council Vice President Russell responded that she and Council President Cuda have not broached the subject of inquiry with the Mayor yet, and the plan is to put together a structure or rules for Council, including a legislative process. Council Vice President Russell stressed the need for structure with rules and information flow that applies to all Council members. She sees a need for a clear picture of the roles and responsibility of Council and the Mayor.
- iv. Drew Herzig explained the CRCs consideration of training and orientation charter provisions. Council Vice President Russell stated that Former City Manager Tanisha Briley invited all candidates in 2019 to a presentation on the roles of every department and provided other opportunities to learn about the City Council position. Council Vice President Russell indicated that she would be in favor of a training or orientation provision and suggested that it be offered to candidates as well. She also noted that, under the City Manager, City Council members could call directors to try to resolve any service issue raised by a resident.
- v. Drew Herzig asked about a hybrid at-large/ward Council election. Council Vice President Russell indicated that she has mixed feelings about it. She would have favored it under the council-manager form of government, but she would be concerned that a ward councilmember may not be able to adequately represent her ward if she does not have access to information from the administration.
- vi. Harriet Applegate asked Council Vice President Russell to elaborate on the need for structure. Council Vice President Russell gave the example of the Mayor's participation during Council meetings,

which takes up a lot of Council's time. Council Vice President explained that she means that the administration should not encroach on the roles and responsibilities of Council. She noted that the Charter permits the Mayor to attend City Council meetings and speak at them, but City Council is not permitted to go to the Mayor's office and participate in meetings there. She also objects to the Mayor critiquing City Council as to following Roberts Rules, and believes the Council President and Law Director should address any such issues. Council Vice President Russell stated that the Mayor was present during interviews and discussions for the appointment to a council vacancy, and her opinion is that the Mayor should not be present during those discussion.

- vii. Roland Anglin asked about how the budget is initiated and how it is processed. Chair asked Council Vice President Russell about changes proposed by the 2017-19 CRC regarding the budgetary process that have not been adopted and explained her understanding of the budget process this year. Council Vice President Russell said that council members were asked to provide a list of items that they wanted considered for the budget, but they never heard anything back. Under the City Manager, each director presented their budget and there were monthly and quarterly budget updates. In 2023, the Finance Director presented the budget, while directors were at the meeting to answer questions. Council Vice President Russell said the budget process under the City Manager was completed by the first meeting in December, which is the timeframe that she would prefer. Chair asked Council Vice President Russell if the charter should have any provisions for the budgetary process and asked Council Vice President Russell to follow-up with any recommendations she has about those provisions.
- viii. Chair asked whether there were exit interviews for administrative directors. Jonathan Ciesla asked whether an exit interview would be a public record, and Assistant Law Director Lee Crumrine stated that it could create a public record. Chair explained that the CRC is considering a provision providing for the approval of the appointment of directors.
- ix. Council Vice President Russell explained that she has worked under various forms of local government, and she stated that checks and balances and transparency are necessary.
- x. Chair asked about who should determine organization and duties of each department. Council Vice President Russell believes the mayor should, but City Council needs to know what each department does.
- xi. Jonathan Ciesla asked about her response to question 2(d) of the survey and asked who should establish an application process for

boards and commissions. Council Vice President Russell responded that she is looking for structure and clarity regarding the roles and responsibilities of each administrative department. Council Vice President Russell clarified that she meant that the civil service commission should be appointed by the Mayor.

- xii. Regarding the Law Department, Council Vice President Russell stated that the charter should clarify that the Law Department is legal adviser and counsel to Council in addition to the administration. Council Vice President Russell expressed concern that the Law Director cannot be unbiased or neutral concerning legislation if they are hired or fired by one person. Council Vice President Russell stated that the Law Director should not be fired without the approval of Council. She identified a neighboring city in which the Law Director was fired because of a dispute with the administration. Council Vice President Russell stated that she also thinks that Council should have their own attorney.
- xiii. Council Vice President Russell stated that Council should have access to and control of Council Chambers. Chair explained the CRC's experience working in Council Chambers. Council Vice President Russell stated that Council should have had a say in the layout and access to Council Chambers. She noted that there is no City Council office space for members of Council.
- xiv. The CRC discussed how Council can hire a consultant for itself. Jonathan Ciesla pointed out that Council can hire consultants like it hired the CRC's Facilitator. Council Vice President Russell stated that Council's budget is too small and it's hard to make adjustments if more funding is needed..
- xv. Guy Thellian asked if Council has a budget for training, and Council Vice President Russell stated that the prior Council President determined that the budget for training for Council is only for in-state training. Council Vice President Russell explained her view of the benefits of going to out-of-state conferences and her experience at a meeting in D.C. hosted by the Ohio Municipal League, which she paid for herself. She also explained her experience in her union receiving training and education at conferences.
- xvi. Guy Thellian asked if the CRC could follow up with Council Vice President Russell for additional questions, and she agreed. Council Vice President Russell expressed the need for communication between the branches of government.
- xvii. Chair stated that some other council members indicated that constraints on information and inquiry occurred because of the burden placed on city staff due to too many questions and requests, and asked about Council Vice President Russell's perspective on that

balance. Council Vice President Russell responded that she has also heard that explanation, but she does not have personal knowledge about it. Council Vice President Russell stated that the lack of structure during the transition to the elected mayor form of government led to council members continuing to operate as they had under the council-manager form of government, when council members had access to the administrative staff.

- b. The CRC discussed Vice President Russell's comments after she left the meeting. Guy Thellian expressed disbelief regarding the lack of transparency and his concern that councilmembers cannot serve as advocates for residents.
- c. Harriett Applegate stated that she was struck by the contrast between Council Vice President Russell experiences under the council-manager form of government compared to elected mayor forms of government. Harriett Applegate suggested that there may be a problem with the culture of the city staff. Guy Thellian asked if Former City Manager Tanisha Briley would be a good person to interview about these structural issues. The Chair responded that Ms. Briley has moved out of the area. Roland Anglin stated that he is still trying to understand Council Vice President Russell's explanation of the "structure" needed. Jonathan Ciesla stated that the elected mayor charter amendment seems to have not adequately addressed a lot of gray areas, leaving more issues to address in the Charter in the future.
- d. Drew Herzig noted that the CRC has not yet received both sides of the story because the CRC has not yet spoken with the Mayor. Stephanie Morris agreed and stated that these interviews are getting into interpersonal relationships too much. Chair stated that no one interviewed so far have indicated that there was any discussion between the Mayor and Council because access to information from the administration was restricted, but Drew Herzig argued that the CRC has not made any specific inquiries about that subject. Drew Herzig expressed his view ed that members on the CRC who are members of Cleveland Heights Democrats appear to have an agenda because they endorsed the anti-Mayor slate of candidates for Council during the past election. Chair, Guy Thellian, and Harriet Applegate objected to that allegation. Chair pointed out that the Cleveland Heights Democrats endorsement vote is by secret ballot, so no one knows how individuals voted. Chair noted that, in her discussions with various City Council members about the inquiry issues, no one has mentioned that there were any discussions between Council and the Mayor before the administration restricted access to city staff by Council; the barriers to access were imposed by the Mayor. Chair noted that the council member who have stated to the CRC that they do not have problems obtaining information from the administration are allies of the Mayor and that there should be equal access to information. Drew Herzig expressed his concern that the CRC becoming too focused on personal grievances.
- e. Harriet Applegate thought it was interesting that Council Vice President Russell asked for more structure. Drew Herzig stated that the concept of "structure" was

unclear. Chair noted that Council having control of Council meetings was one structural issue identified by Council Vice President Russell. The CRC discussed the appropriateness of the Mayor being present during certain Council discussions. Drew Herzig asked whether Council has the authority to exclude the Mayor from executive session or committee discussions.

- f. Jonathan Ciesla stated that he found it helpful and valuable to speak with Council Vice President Russell because it became clearer about councilmembers' feelings of confusion and how clarity might alleviate that confusion.
- g. Harriett Applegate explained her impression that the Mayor has found his voice, role, and place, and that Council is yet to do so. Chair added that the modifications to implement the elected mayor form of government were limited, because of the "single issue" rule applicable to citizen initiated ballot issues, and that the CRC needs to determine whether and to what extent the charter needs to be modified to ensure Council has the tools it need as a co-equal branch of government. Drew Herzig gave his impression that Council Vice President Russell appears to have experienced whiplash from the different approaches to access to information under the City Manager as opposed to the elected Mayor.

#### **4) New Business**

- a. Chair informed the CRC that they have been provided a redlined copy of the charter revisions implemented by the charter amendment for the elected mayor form of government in 2021. Jonathan Ciesla has offered to annotate the first part of the 2017-19 amended charter using the CRC's meeting minutes.
- b. Chair informed the CRC that the Chair circulated an updated work plan, and that the CRC will discuss it at the meeting on Wednesday when the CRC will also discussed Drew Herzig's list of buckets for possible Charter amendments.
- c. Chair informed the CRC that she reached out to mayors from neighboring communities about scheduling a meeting with the CRC.
- d. Councilmember Jim Petras is scheduled to speak with the CRC at the meeting on Wednesday, January 24, 2024. The CRC has not received survey responses back from Councilmember Petras, Councilmember Mattox, and the Mayor.
- e. Harriet Applegate will contact a speaker on the topic of ranked choice voting.
- f. Drew Herzig suggested adding time frames for each agenda items in order to move discussions and deliberation along.
- g. Jonathan Ciesla asked about whether the CRC can edit documents uploaded to Dropbox. Assistant Law Director Lee Crumrine responded that the CRC should not edit documents as a group outside of a meeting, although a member may work on a document and then upload it to Dropbox for discussion at a CRC meeting.
- h. Assistant Law Director Lee Crumrine is to locate a redlined copy of the charter showing all changes to the charter since 2019.

#### **5) Adjourn**

- a. Motion to adjourn was made by Jonathan Ciesla and seconded by Harriett Applegate. Approved unanimously.

Next meeting: Wednesday, January 24, 2024, at 6 PM.