



CLEVELAND HEIGHTS

Charter Review Commission

April 17, 2024

6:00 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky called the meeting to order at 6:05 P.M.

2) Roll Call

- a. Members present: Linda Striefsky, Stephanie Morris, Jonathan Ciesla, Roland Anglin, Harriet Applegate, Graham Ball, Drew Herzig, and Guy Thellian.
 - i. Harriet Applegate arrived at 6:10 P.M.
 - ii. Harriet Applegate left at 7:08 P.M.
- b. Members absent: Graig Kluge.
 - i. Graig Kluge participated via videoconference.
- c. Staff present: Assistant Law Director Lee Crumrine. Facilitator Kevin Butler participated by videoconference.
 - i. Facilitator left the videoconference at 7:01 P.M.

3) Review and Confirm or Amend Agenda

- a. Motion to amend the agenda to add approval of the meeting minutes of January 22 was made by Drew Herzig, seconded by Jonathan Ciesla. Approved Unanimously.

4) Approval of Minutes of January 22.

- a. Motion to approve the meeting minutes of January 22 was made by Jonathan Ciesla, seconded by Roland Anglin. Approved unanimously.

5) Public Comments

- a. None.

6) Old Business

- a. Revised draft project plan for CRC – Ongoing evaluation of need for extra, special meetings on April 27 and/or May 4, May 8, May 11. We have special meeting already on April 20, standing meetings on April 17, May 1 and May 15, but need to have report done and drafting of Charter done before May 21 public meeting.

- i. Chair stated that the goal is completion of CRC work by April 15. Upon the suggestion of Guy Thellian, the CRC agreed to schedule all three dates of April 27, May 1, and May 15.
- ii. Chair suggested dividing up the final report by buckets and assigning each to members. Chair suggested having drafts by April 30 with a plan to approve a draft of the final report by 5/15. She suggested that Harriet Applegate and Drew Hergiz draft the text about ranked choice voting, that Guy Thellian draft the text about finance and budget, that Graig Kluge draft text about ethics and training and Article 8, and that Chair will work on the overall charter.
- iii. Chair suggested sending out a draft of updated language to CRC members for review at home in order to expedite discussion at meetings.

b. Continue discussion of proposed text from Drew Herzig on nondiscrimination provision as Charter amendment, including input from Facilitator on open issues.

- i. Facilitator circulated a draft that did not list individual protected classes and leaves that to Council to provide for by ordinance. Drew Herzig stated his preference for listing individually protected classes. Chair referenced the existing county nondiscrimination law, which she believes applies to employment and public accommodations. Chair asked for the source of the proposed list of protected classes. Drew Herzig responded that much of it came from University Heights's charter and that he added additional protected classes to be as inclusive as possible. Facilitator listed the protected classes in the county law and stated that federal and state law is not covering as many categories as current City ordinances. Drew Herzig suggested adding "ancestry" from the list of protected classes in the county law; the Chair asked how that differs from national origin, which is in the list already. Graham Ball stated that he likes the list because it is hard to change.
- ii. The Facilitator gave an example, noting potential issues with the class based on "membership in a collective bargaining unit," including for example, contracting with vendors who are or are not union shops. He cautioned awareness of unintended consequences. Harriet Applegate suggested changing "membership in a collective bargaining unit" to "union membership." Jonathan Ciesla noted that the discussion reinforces his concern about how the list of protected classes will need to change.
- iii. Motion to add to Article 13 "The Council shall adopt such legislation as is necessary to implement this provision, including to ensure the City may enforce these objectives in its award and supervision of contracts and grants" was made by Jonathan Ciesla, seconded by Drew Herzig. Motion passed 5-1 with 2 abstentions.
- iv. Motion to change "membership in a collective bargaining unit" to "union membership" by Harriet Applegate, seconded by Graham Ball. Motion passed 4-0 with 4 abstentions.

c. Placeholder; this will be decided at April 20 meeting - 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 (tentative). What bucket for Preamble?

- d. Placeholder; for discussion at April 20 meeting - Discussion of proposed text (Charter and ordinance) for Ranked Choice Voting provision from Drew Herzig and Harriet Applegate.
 - i. Chair stated that presentation in favor of ranked choice voting included the presumption that the CRC would provide to Council charter text and an ordinance implementing the charter text. The Law Department would refer the request to the Facilitator, but the budget for the Facilitator cannot cover this. The CRC could request more funding. Harriet Applegate stated that FairVote will assist with drafting an ordinance from FairVote. Drew Herzig raised the other issue that drafting an ordinance may be premature. The Facilitator agreed that a law director would not want to get out in front of the Council and the voters in that way. He noted that, when the Lakewood charter was amended, cutting 20 pages that resulted in the need for a number of ordinances, the development of the ordinances took some months. Harriet Applegate also stated that drafting an ordinance now would be presumptuous and putting the cart before the horse, but she also said it was important to tell Council that we have an enabling ordinance, and have consulted with the Board of Elections, if Council would like a proposed ordinance. The CRC agreed not to refer the request to draft an ordinance to Facilitator.
 - ii. Harriet Applegate asked whether the CRC will make a presentation to Council of the final report, and Chair stated that we could meet with Council for a presentation. Drew Herzig stated that a presentation was made in 2019. Guy Thellian asked whether the University Heights CRC presented both a charter amendment and ordinance. Drew noted that the University Heights CRC report discussed ranked choice voting. Drew also requested distribution of the 2 sample implementing ordinances the Facilitator had provided.
- e. Placeholder; for discussion at April 20 meeting - Discussion of proposed text from Guy Thellian on Finance and Budget matters
- f. Continue discussion of plans for second public input meeting, to be held in May; defer to discussion after New Business item 7.e.
 - i. The CRC discussed possible locations for a second public input meeting, including Council Chambers, Coventry PEACE Campus, and the Lee Road main library.
 - ii. Drew Herzig is to reserve a meeting room at the library. Assistant Law Director Lee Crumrine is to confirm whether Steve Barker can record a meeting held at the library.
 - iii. Chair stated that she intends to give notice of the meeting to the Mayor and Council members as a courtesy.
 - iv. Guy Thellian agreed to prepare a flier.

7) New Business

- a. Discussion of proposed changes to salary provisions for City Council and Mayor (Roland Anglin draft).
 - i. Roland Anglin presented his drafts regarding salaries. He stated that he spoke with Jeanne Gordon who was helpful. He stated that there is no need for changes except regarding the frequency of Civil Service Commission salary reviews. He asked if the review should be required every 2 years or 4 years. Chair noted that the 2017-19

- CRC proposed a 4-year cycle for Council and that the current Charter calls for a 2-year cycle for mayor. Roland Anglin stated that 4 years is a long time to keep people in the same salary band. Jonathan Ciesla stated his preference for a 2-year cycle and that he did not imagine there would be a large administrative burden from it.
- ii. Chair stated that they would need to broaden Section 12.4 to cover the mayor as well.
 - iii. The CRC discussed the political ramifications of votes on salaries by elected officials, particularly mid-term, and the issue of staggered terms of office.
 - iv. Chair and Roland Anglin to provide updated drafts at the meeting on April 20.
- b. Discussion of proposed changes to votes needed for initiative, referendum, and recall (Guy Thellian draft) plus discussion of balance of Article VIII.
- i. Guy Thellian presented his drafts regarding initiative, referendum, and recall. His proposal would reduce the percentage of signatures for an initiative from 10% to 5%, reduce the percentage for referendum and recall of the mayor from 15% to 10%, and reduce the percentage for recall of Council members from 25% to 15%. Guy Thellian stated that the requirement should be higher for mayor because the recall of the mayor is more disruptive. The CRC discussed the deadline for referendum petition should remain at 30 days or change to 40 days, and it was retained at 30 days.
 - ii. Motion to approve Guy Thellian's draft proposals for initiative, referendum, and recall, with 30 days for referendum deadline, was made by Jonathan Ciesla, seconded by Drew Herzig. Motion passed 6-0.

8) Review of Meeting Action Items

- a. Assistant Law Director Lee Crumrine and Drew Herzig to confirm a location for the second public input meeting. Assistant Law Director Lee Crumrine to confirm the availability and ability of Steve Barker to record the meeting.
- b. Jonathan Ciesla to provide proposed amendments addressing gendered language.
- c. Graham Ball to provide a proposed amendment regarding a land acknowledgment.
- d. Guy Thellian is to produce a flyer for the May 21 public input meeting.

9) Public Comment

- a. None.

10) Review of Meeting for Lessons Learned

- a. CRC discussed advantages of presenting full motion before discussion, to focus the discussion.

11) Adjourn

- a. Motion to adjourn was made by Guy Thellian, seconded by Roland Anglin. Approved unanimously. Adjourned at 8:01 PM.

Next meeting: Saturday, April 20, 2024, at 10:00 A.M.