



CLEVELAND HEIGHTS

Charter Review Commission

April 27, 2024

10:00 AM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky called the meeting to order.

2) Roll Call

- a. Members present: Linda Striefsky, Roland Anglin, Harriet Applegate, Graham Ball, Drew Herzig, Graig Kluge, and Guy Thellian.
 - i. Roland Anglin arrived approximately 10:10, following approval of meeting minutes and before review and confirmation of the meeting agenda.
 - ii. Graig Kluge participated by videoconference for the first portion of the meeting, and he arrived approximately 12:35, during the discussion of Section 3.6 regarding virtual meetings of Council, and remained in person for the rest of the meeting.

- b. Members absent: Stephanie Morris and Jonathan Ciesla.

3) Approval of Minutes of April 13, April 17, and April 20 meetings (pending availability).

- a. Motion to approve the minutes of April 13 and April 17 was made by Guy Thellian and seconded by Drew Herzig. Graham Ball stated he attended the April 13 meeting remotely for the first part of the meeting; he arrived in person around 11 AM, but the minutes state that he participated by videoconference. The minutes were amended to reflect that change. Approved unanimously.

4) Review and Confirm or Amend Agenda

- a. None.

5) Public Comments

- a. None.

6) Old Business

- a. Placeholder – Revised draft project plan for CRC
- b. Update on use of CRC email by the public.

- c. Finish discussion of proposed changes to salary provisions for City Council and Mayor (Roland Anglin draft)
 - i. Roland Anglin reported that he emailed Judith Miles, Chair of the Civil Service Commission, but she has not responded yet. Chair will ask Assistant Law Director Lee Crumrine to reach out to her.
- d. Discussion of new draft of proposed text for Ranked Choice Voting (RCV) provision from Drew Herzig and Harriet Applegate.
 - i. Harriet Applegate and Drew Herzig presented a revised version of the charter amendment. Drew Herzig explained that RCV voting makes a primary election for mayor unnecessary so those provisions related to the primary are struck. They added January 1, 2026, as a placeholder date for the effective date.
 - ii. Drew Herzig explained that the draft states “Notwithstanding any law to the contrary” to express Charter takes precedence. He stated that he called the Cuyahoga County Board of Elections regarding RCV, and the person he talked to stated that the Ohio Secretary of State is opposed to it.
 - iii. Harriet Applegate reported on meeting she attended for discussion of RCV with the Cuyahoga County Board of Elections Director Perlatti and former Ohio Representative Sean Logan, who is with Fair Vote, an advocate for RCV. She reported that Clear Ballot, which is the vendor of election equipment for Cuyahoga County, is also the vendor for Portland, Oregon, which is in the process of developing the software for RCV. There must be federal and state approval of these changes, and all changes are being held up at the federal level right now. Director Perlatti said that right now the BOE cannot conduct a RCV election, and they are more comfortable with implementation by 2029 than the earlier date (2027) proposed by Fair Vote.
 - iv. Harriet Applegate and Drew Herzig distributed to the CRC a document explaining how the single transferable vote method of RCV works. The CRC discussed how tabulation would proceed under the single transferable vote. Chair asked whether there is a variation on the transferable vote method that redistributes votes from only the bottom finisher, not also excess votes from a top finisher who has more than enough votes to win a seat. Harriet Applegate thinks there is not. Drew Herzig thinks there are, but advocates of RCV prefer doing both. Harriet Applegate said that the first step in the tabulation looks at all the votes for the top finisher with excess voters, to identify the second choice and transfer votes to the second choice.
 - v. Chair pointed out that sentence deleted from Article Seven, Section 1, cross referencing to provision for filling Council vacancies, should be restored. Harriet Applegate said she believes the ordinance text reflects the vacancy provision.
 - vi. Harriet Applegate and Drew Herzig are working on submitting a draft ordinance to the CRC by the next meeting.
 - vii. Guy Thellian questioned how surplus votes are transferred. He stated that transferring votes gives more value to ballots of voters who select winners, because their first and second choices count. Drew Herzig said he believes that voters who did not select the top finisher has more respect than under traditional voting methods.

- viii. Roland Anglin asked who implements the charter provision. Chair responded that Council will have to pass an ordinance and then the Board of Election will have to implement it. Roland Anglin asked whether the CRC will need to respond to the questions of Council, and Chair responded that Council can have meetings with the CRC to explain our recommendations, but perhaps Council will ask for extra meetings regarding RCV. Drew Herzig stated that advocates for ranked choice voting should be available to answer Council's questions.
 - ix. Guy Thellian stated that he would deemphasize how complicated it is because it really is not.
- e. Discussion of revised draft of proposed text from Guy Thellian on Finance and Budget matters.
 - i. Guy Thellian presented the revisions to the budget amendments, and he explained changes suggested by Assistant Law Director Lee Crumrine that he did and did not incorporate into the revised draft.
 - ii. Motion to approve the budget article as amended by Roland Anglin, seconded by Harriet Applegate. Drew Herzig asked to postpone a vote until a revised draft is available. Roland Anglin withdrew his motion.
- f. Discussion of revised draft of land acknowledgment.
 - i. Graham Ball presented a revised draft of his proposed land acknowledgment. He stated that he tried to fix the tone based on concerns of members. He stated that it begins by expressing gratitude, and he softened language concerning the City's commitments. He declined to remove the term "settler colonialism" because, in his conversations with Cynthia Connelly and Sundance, that the land acknowledgment needs to be a reckoning and to be honest and specific and that the land acknowledgment's purpose is to engage with these issues and encourage the City to reckon with that history.
 - ii. Chair stated that the revisions do address some of her concerns. She stated that her concern is that the city recognizes other groups who suffered injustices in different ways and that this issue should be addressed in the same ways rather than in the Charter because other groups may feel all groups should have similar recognition. Graham Ball and Chair disagreed about whether there is precedence for this kind of provision in City Charters. Graham Ball also responded to explain why he believes it belongs in the Charter as a foundational document and that this injustice is the original sin of our country. He stated that comparing oppressions is not useful or productive, but this is foundational to the City and there is precedent of other institutions engaging with this injustice in this way.
 - iii. Drew Herzig stated that the draft is beautifully written and moving.
 - iv. Chair stated that she believes that this does not belong in the Charter and that this should instead be memorialized annually in another way by Council, similar to the way the City recognizes Black History Month, Pride Month, and Women's History Month. She does not want to elevate one injustice over others. Graham Ball and Drew Herzig agreed that acknowledging this injustice does not dismiss the injustices suffered by other groups.

- v. Harriet Applegate agreed with Graham Ball that it is foundational to the City and, because this is geographically specific, it's different from other oppressions.
- vi. Harriet Applegate made the comparison to land seizures in Israel.
- vii. Graham Ball stated that it is more useful to look at the systemic causes of oppression and how they intersect and that the common thread is white supremacy, which is ongoing and carried out through our institutions.
- viii. Graig Kluge stated that he agreed with the language and concept of the draft 100%, but that he does not believe that it belongs in the Charter.
- ix. Graham Ball stated that he recognizes that if members vote against this provision it is because of the question of whether it belongs in the Charter. He stated that if the provision is voted down that he hopes Council would use it as a guide to adopt a land acknowledgment.
- x. Roland Anglin thanks Graham Ball for getting this issue on the agenda although he likely will not support a recommendation to put it in the Charter.
- xi. Guy Thellian asked to postpone the vote until the next meeting on May 1. He would like to do some more research on foundational documents of other cities.

g. Status report on plans for second public input meeting to be held May 21.

- i. Chair reported that Guy Thellian drafted a flyer.
- ii. Chair circulated on April 22 copies of slides for the presentation at the public input meeting. CRC members were not yet ready to discuss them. Chair will put them on the agenda for the next meeting.
- iii. Chair circulated a draft of a CRC report. Drew Herzog provided a draft of a segment for the nondiscrimination amendment for the final report. Guy Thellian said he would include in his insert on finances and budget some discussion of the ‘sustainability’ feature.

7) New Business

- a. Discussion of proposed further changes (those other than vote requirements for initiative, referendum, and recall) to Article VIII (Graig Kluge draft) - deferred
- b. Discussion of proposed changes on removal of CC member and Mayor (Graig Kluge draft) - deferred
- c. Discussion of proposed changes on ethics and training (Graig Kluge draft)
 - i. Graig Kluge presented his draft amendment regarding ethics and training, which is mostly taken from Lakewood’s charter.
 - ii. See comments on specific provisions in 7)d.
- d. Discussion of any CRC member questions/comments on “clean up” draft and discuss issues arising from “clean up” draft analysis.
 - i. Chair explained and presented a draft of suggestions and comments and a list of issues for CRC consideration. [See list attached to minutes as Exhibit B.]
 - ii. The CRC discussed whether to use electors or registered voters. Chair asked Graig Kluge to ask the Board of Elections about this issue. The CRC deferred a decision on the issue until Graig Kluge reports back.
 - iii. Guy Thellian asked about the recommendation in Section 3.3 to consider reconciling the provision for removal for Council with

those for Mayor. Chair stated that Graig Kluge is working on a proposal to consolidate those provisions.

iv. The draft moves Section 3.6,(d) to the nondiscrimination article. Chair stated that she spoke with former Council President Melody Joy Hart who said that she does not recall ever getting such a report. Chair asked whether the Charter should keep this provision and whether it should have a deadline. Drew Herzog and Guy Thellian stated his preference to keep the provision.

v. Motion by Chair to move the second to last sentence of Section 3.6(d) to the article on nondiscrimination, delete the first and third sentences of Section 3.6(d), and add a deadline of June 30 of each year, was seconded by Drew Herzog. Chair stated that the first sentence of Section 3.6(d) is no longer needed because of the nondiscrimination article and that the third sentence is not needed because the report would be public under public records law. Motion passed 6-0.

vi. In Section 3.7, Chair stated that the provision requiring Council meeting to be held in public places prevented Council from holding meetings virtually during the COVID pandemic. Motion to add to Section 3.7 “Notwithstanding the requirement for meetings to be held in public places within the City, Council may provide by ordinance or resolution for virtual meetings if not prohibited by state law,” was seconded by Drew Herzog. Motion passed 7-0.

vii. In Section 3.10, Guy Thellian asked about what the CRC had previously decided regarding franchises, and Chair stated that the CRC voted to keep that language.

viii. In Section 3.11(b), Chair explained that Assistant Law Director Lee Crumrine suggested to have the Clerk of Council prepare the agenda in the absence of the Council President and Council Vice President because the President Pro Tem will not be elected until the meeting occurs. Motion by Chair to adopt the changes proposed in the first two sentences of that paragraph as amended to “In the absence of the Council President and Vice President, the Clerk of Council shall prepare the agenda for meetings of Council,” was seconded by Guy Thellian. Motion passed 6-0.

ix. In Section 3.11(a), there is a reference to action by Council to determine that the President or Vice President is unable to fulfill the duties of the office requiring “an affirmative vote of at least four (4) members.” The Chair questioned whether this vote should instead be passed by a simple majority. Motion to strike “of at least four (4) members” by Chair, seconded by Guy Thellian. Motion passed 6-0.

x. In Section 4.4, Assistant Law Director Lee Crumrine suggested reworking the second to last paragraph regarding a report of the City Administrator. Chair stated that these reports have been delivered. Chair asked whether the provision should be retained and whether it should have a deadline. She suggested requiring the City Administrator to make an annual report by September 1 of each year. Motion by Chair to revised this paragraph to “The City Administrator shall make an annual written report to the Mayor and

Council, not later than September 1, concerning the administration of all departments, divisions, boards and commissions of the City, and their needs and requirements for the future," was seconded by Drew Herzig. Motion passed 6-0.

- xi. Section 4.7 - Chair stated that all of the provisions related to interests in contracts will be moved to Article 10.
- xii. Graig Kluge joined the meeting in person at about 12:35.
- xiii. Section 4.10 discussion (recall of Mayor) parked pending distribution of Graig Kluge's draft.
- xiv. In Section 5.1, Chair explained the suggestion to move provisions related to boards and commissions to a new article. The CRC discussed whether the Charter should limit which departments can be abolished or combined. Guy Thellian stated that it should protect at least the departments of Law and Finance. Harriet Applegate and Drew Herzig stated that it should apply to all departments created by the Charter. Motion by Chair to add "Notwithstanding the foregoing sentence, Council may not abolish any of the departments listed in this Section 5.1" to Section 5.1, was seconded by Roland Anglin. Motion passed 7-0.
- xv. Regarding section 7.2, Chair asked if text needs to be added to this Section to accommodate RCV. Chair suggested that the RCV bucket include as a new paragraph 9(c) "Council shall establish by ordinance the ballot for ranked choice voting."
- xvi. In Section 7.5(d), Chair explained the suggestion that the CRC recommend deleting subsections (c) and (d) and allow state law to apply. Drew Herzig stated his preference for retaining a reference to state law. Motion by Chair to delete subsections (c) and (d), seconded by Harriet Applegate. Motion passed 7-0.
- xvii. Guy Thellian asked whether Section 7.2 would need changes to accommodate ranked choice voting. Chair suggested to Harriet Applegate consider a revision to that section in their ranked choice voting proposal.
- xviii. In Section 7.3(e) and 7.4 and 7.5, Chair explained that Council members had asked to change the deadline for nominating petitions which is currently based on when the mayoral primary election is held, and she also noted that there would be no primary with ranked choice voting. Motion by Chair to change the deadlines to a date based on the date of the applicable election, seconded by Roland Anglin. Motion passed 7-0.
- xix. Chair explained that in Section 7.5 regarding write-in candidates that provisions related to the Mayor were moved here from Section 7.2. Drew Herzig asked why there were restrictions on write-in candidates for mayor that do not apply to candidates for Council. Chair explained that that is a provision adopted with the provisions for an elected mayor. Guy Thellian stated his preference for removing that provision. Motion by Guy Thellian to delete "Write-in votes for Mayor in elections shall be permitted only if a duly nominated candidate cannot participate due to death or other disqualification, or if a candidate does not have an opponent, or if no

candidate has been nominated,” was seconded by Harriet Applegate. Motion passed 7-0.

xx. A question was raised as to why the word “canvass” is needed. Assistant Law Director Lee Crumrine is reviewing that term.

xxi. Chair explained that Section 7.7, regarding voting by a member of the armed forces and his family, only refers to state and federal law. Chair made motion to delete Section 7.7, which was seconded by Roland Anglin. Motion passed 7-0.

xxii. The CRC discussed the recommendation of the 2017-19 CRC to revise Section 8.1 to limit changes to initiative petitions to non-substantive changes. Chair expressed her concern about substantive changes to a petition after signatures have been gathered. Drew Herzig expressed his concern about typos derailing the process. The CRC discussed who would determine whether a change is substantive. Harriet Applegate stated that she would favor the committee of petitioners having more power, and is not in favor of the limitation. Graham Ball stated that the power to alter the ballot language could hurt the negotiating power of the petition committee, as compared to City Council needing to accept the language or reject it. Guy Thellian stated his preference for limiting changes to non-substantive changes. Motion by Guy Thellian to adopt “In no instance may any such change, addition or amendment substantively alter the measure as it had appeared in the petition originally circulated for signatures” in Section 8.1, was seconded by Drew Herzig. The CRC deferred a vote on the motion until the next meeting.

xxiii. In Section 8.3(f) regarding recall, there is a mistake about whether the votes are “affirmative” or “negative.” Drew Herzig suggested using “opposed to removal.” Chair made motion to replace “in the affirmative” with “opposed to removal” in subsection (f) and “are affirmative” with “in favor of removal” in subsection (d), which was seconded by Drew Herzig. Motion passed 7-0.

xxiv. In Section 8.5, the CRC discussed the timing for official publicity given that the Ohio Constitution provides for 30 days for charter amendments. Motion was made by Chair to change the timing to 40 days for initiative, referendum and recall, and leave it as 30 days for charter amendments, and was seconded by Roland Anglin. Motion passed 7-0. The CRC discussed moving all provisions related to charter amendments to the article pertaining to charter amendments and agreed that Assistant Law Director Lee Crumrine should be asked to draft accordingly.

xxv. Motion by Harriet Applegate to add “for the good of the City” to the second sentence of Section 10.1, was seconded by Chair. Motion passed 7-0.

xxvi. In Section 10.2 regarding oaths of office, the draft expands this provision to all salaried employees. Chair explained that state law does not provide an oath of office for employees other than officers and the CRC would have to provide for one. Motion by Drew Herzig to delete the reference to salaried employees, was seconded by

Roland Anglin. Chair questioned who is an “officer” under the charter. Motion passed 7-0. Chair to ask Assistant Law Director Lee Crumrine for advice regarding the definition of “officer.”

xxvii. Motion by Chair that oaths of offices be kept by the Human Resources Department, was seconded by Guy Thellian. Motion passed 7-0.

xxviii. The CRC discussed whether to include directors in the provision of Section 10.3(a) providing who owes a fiduciary duty to the City. Motion by Chair that Section 10.3(a) applies to all directors, seconded by Graig Kluge. Motion passed 7-0. Motion by Chair that Section 10.3(a) not apply to salaried employees, seconded by Guy Thellian. Motion passed 7-0. The CRC discussed the meeting of “City official” in Section 10.3(c).

xxix. The CRC discussed whether disqualifying offenses as to Mayor and Council should have a catchall including any other felonies. Graham Ball and Harriet Applegate stated their preference for keeping the listed felonies because they related to fitness for office. Motion by Drew Herzig to adopt Section 10.3(d) as amended (Graig Kluge’s draft except add “competent jurisdiction in the United States, and remove “the” before “conviction”), and was seconded by Harriet Applegate. Motion passed 7-0.
CRC voted to park issue of whether removal provision as to Council and mayor should refer to the listed offenses in Section 10.3(d) plus other felonies.

xxx. For Section 10.5, the CRC discussed how many hours of training should be required for Council. Drew Herzig stated a preference for either 6 or 8 hours instead of 4 hours. Roland Anglin suggested deleting “contact” training, so that virtual training sessions were permitted. Chair suggested text permitting current elected officials to have the option of taking the opportunity for the training provided by the City. Motion was made by Graig Kluge to adopt the proposed ethics and training provisions as amended to increase the number of required hours from 4 to 8 hours, to delete ”contact” limitation and to add the Chair’s suggested language, and was seconded by Drew Herzig. Motion passed 7-0.

xxxi. Motion was made by Chair to adopt subsection (d) of the Powers and Procedures of the Civil Service Commission as amended, and was seconded by Guy Thellian. Motion passed 7-0.

e. Discussion of proposal from Judge Costello regarding deletion of mayor’s court provision in Section 4.6

- i. Regarding Section 4.6, Judge Costello submitted a comment to the CRC recommending deleting that section concerning the mayor’s court. Motion to delete Section 4.6 was made by Harriet Applegate, and was seconded by Guy Thellian. Motion passed 6-0.

f. The Role of Council

- i. Guy Thellian presented his proposal to recognize in the Charter the role of Council as advocate for residents. The Facilitator drafted proposed language. Drew Herzig expressed concern with providing for an advocacy role for Council members in the Charter. Motion by

Chair to add “When appropriate, members of Council may serve the residents of the City as advocates through whom residents can seek the services of the City and any redress of grievances” to Section 3.11, was seconded by Guy Thellian. Motion passed 6-1.

- g. Subpoena Power
 - i. The CRC discussed two different draft proposals for subpoena power. Drew Herzog had requested a draft that gave subpoena power to Council rather than the Council President. Chair stated her preference for that version.
 - ii. Motion by Drew Herzog to adopt the version of the proposed subpoena power provision granting subpoena power to Council and to add the use of the power as a suggested topic for Council training, seconded by Graham Ball. Motion passed 7-0
- h. Complete decision on content of proposed amendment “buckets” and on whether CRC recommendation will be presented as one amended charter or as buckets.

8) Review of Meeting Action Items

- a. Next meeting, the CRC will discuss the budget, land acknowledgment and initiative provisions.
- b. Assistant Law Director Lee Crumrine to advise the CRC about the meaning of “canvass” and “City official.”

9) Public Comment

- a. None.

10) Review of Meeting for Lessons Learned

- a. None.

11) Adjourn

- a. Motion to adjourn was made by Chair, and was seconded by Roland Anglin. Approved unanimously.

Next meeting: Wednesday, May 1, 2024, at 6:00 P.M.

NOTE: Exhibit A to agenda, Possible Bucket Groupings, deleted here because not discussed at meeting. Exhibit B, Substantive issues identified in clean up analysis, is attached

EXHIBIT B

CLEVELAND HEIGHTS CRC

Substantive issues identified in draft clean up analysis – All suggested for consideration

April 25, 2024

1. Use of “electors” versus “registered voters” – to be discussed
 - a. *Did Graig talk to BOE?*
2. Move last sentence of 3.6(d), requiring Mayor to report annually on employment per policy, to end of Nondiscrimination provision. Delete rest of 3.6(d) because superseded by Nondiscrimination provision.
Do we want a deadline for delivery of this report?
 - a. *I favor limiting to employment as is now the case in charter.*
 - b. *I asked Tony and Melody whether this report is issued and if it even is needed. It makes no sense to require in the charter reports that are not essential and can't be provided for by ordinance.*
3. 3.8(b) – If P and VP of Council are absent, Lee proposed that the Clerk prepares agenda. 2019 CRC draft was silent on this point.

- a. I agree with this change.
- 4. 3.11 Change to majority vote versus 4 (regardless of how many show up). Typically the “default rule” for voting is a majority. There are places in the charter that provide for a supermajority, usually 5 votes. This relates to election of P and VP of Council. There were changes to this section adopted in 2019, but not as to this specific point. FYI, I asked Melody Hart about whether there was an intent to require 4 votes versus a majority and she said it was never discussed in that context and she did not understand it as requiring a 4 vote text even if less than 7 Council members were present.
 - a. *I support change to just “by vote of Council”, which defaults to majority of those present.*
- 5. 4.4, third paragraph – A comment noted that this requires City Administrator to provide semi-annual reports (no other timing specified) with recommendations approved by the Mayor. I asked Jeanne Gordon about source for this, but she has not replied yet. Suggest we consider requiring that one of the semiannual reports be synchronized with the budget report, then time the other one accordingly; this would mean one report in September, one in March. Or, perhaps we reduce this to one report per year, in September.
 - a. *I suggest 1 in September. These reports have not been provided so far, once a year seems enough.*
- 6. 5.1 and 5.2 – Suggest we consider prohibition on abolishing listed departments. Some of the other charters have that.
 - a. *I agree with this.*
- 7. Suggest moving the provisions as to commissions to a new general provision in Art 7.
 - a. *Art 7 should be 12. I agree with this.*
- 8. 7.3(d) Lee recommends deleting this paragraph because OH law says all this.
 - a. *I agree.*
- 9. 7.3 Did we ok change so deadline for nominating petitions for CC was moved to 90 days before the general election?
More broadly, consider going back to pre-2019 reference to “applicable election” for setting the 180 day period (can’t start collecting signatures before this date) and 90 day period (deadline to submit petitions) and other related periods. This removes mayoral primary as reference point for these dates, which gives us less to worry about in terms of deleting unnecessary provisions if RCV is adopted.
 - a. *I agree with 90 days before general and “applicable election”.*
- 10. 7.7 – Voting by members of the armed forces – Consider deleting this section because it’s governed by Ohio election laws and there would be no reason for CH to try to handle it differently.
 - a. *I support deleting this.*
- 11. Lee suggests that the appropriate place for the consolidated removal provision is in Article VII. Currently we have a removal provision for Council in 3.3 and for Mayor in 4.9.
 - a. *I am ok with VII.*

12. 8.1 – CRC parked issue on whether changes may be made to a petition after signatures are turned in. Need to resolve.

- a. *I am ok with either no changes or no substantive changes, but only for latter if we add explanation in 2019 report as to how limited nonsubstantive is. It's really limited to typos and things like that.*

13. 8.5 – Regarding the change in deadline to distribute materials about initiative, referendum or recall, or Charter amendment, from 30 to 40 days before the election, Lee suggested submitting the draft to the BOE for technical comments. Given our timing, however, we should discuss whether we should defer BOE review that until after we submit to CC.

- a. *We don't likely have time for BOE review before May 15.*
- b. Related matter on the 30 to 40 days – We may change this deadline for all but a Charter amendment, because state Constitution on charter amendments says 30. Given 30 day deadline for Charter amendment, do we still want to change for initiative, referendum and recall?
 - i. *I would change for what we can, and stick with 30 for charter amendment.*

14. 10.1 Ethics – Harriet had suggested change in second sentence of text to “All officials are expected to treat each other with respect and together work for the good of the City and its residents to make the City a desirable place to live.“ We need to vote on this.

- a. *I am ok with her change.*

15. 10.2 – Ethics – Oath of Office – The 2019 CRC draft requires Mayor, Council members, all other officers of the City and all employees with annual salary to take an oath of office; salaried employees were added by the 2019 CRC draft. Lee points out that Ohio law does not currently have an oath of office applicable to salaried EEs.

- a. Discussion Question: Do we want to delete salaried employees from this provision?
- b. If not, here is Lee's comment as to an appropriate oath. We may want to recommend Council adopt oath by ordinance.

There is no oath of office provided for by state law that is applicable to salaried city employees. R.C. 733.68 only applies to city officers. If this provision applies to all salaried employees, recommend specifying the requirements of the oath (i.e., to support the constitution of the United States, the constitution of this state, and the charter and ordinances of the City and an oath that the officer or employee "will faithfully, honestly, and impartially discharge the duties of their office or employment."

I am ok with deleting salaried employees from the oath. The lack of a state oath suggests it's not usual to require one.

16. 10.3(a) Fiduciary duty provision in 2019 CRC draft applies to only to Mayor, Council and Directors of Law and Finance.

- a. Discussion question: Do we want to include all Directors. – *I say yes.*
- b. Discussion question: Do we want to include salaried employees here? – *I say no.*

17. 10.3(c) – Interests in Contracts - This covers the issue of interests in contracts that is also in 3.10 and 4.8. Suggest we delete those and just keep this.

a. I agree with consolidating in 10.3.

18. 10.3(d) – This describes crimes that result in an officer being ineligible to hold office or be a director. Suggest we cross reference to this section in the removal provision applicable to both the Mayor and Council. That results in a consistent list of removal triggers for Mayor and Council.

a. I agree with using this list for removal.

19. In 12.4, when we discussed and voted on the changes proposed April 20, we did not notice that 12.4 needs a reference to the Mayor so it reads: “review of compensation for members of Council and the Mayor...”. We need to vote on this change.

a. I support this change.