



CLEVELAND HEIGHTS

Charter Review Commission

May 4, 2024

2:00 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky called the meeting to order at 2:03 PM.

2) Roll Call

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

3) Approval of Minutes of April 27 and May 1 meetings (pending availability).

- a. Motion to approve the minutes of April 27 as amended to remove Jonathan Ciesla as being present by Jonathan Ciesla, seconded by Roland Anglin. Motion passed 7-0 with one abstention.

4) Review and Confirm or Amend Agenda

- a. None.

5) Public Comments

- a. None.

6) Old Business

- a. Finish discussion of proposed changes to salary provisions for City Council and Mayor (Roland Anglin draft)
 - i. Roland Anglin stated that he corresponded by email with Judith Miles, the chair of Civil Service Commission, and he will speak with her next week.
- b. Discussion of new draft of proposed text for Ranked Choice Voting charter provision and ordinance from Drew Herzig and Harriet Applegate.
 - i. The CRC review the latest version of the ranked choice voting charter amendment proposal and the draft implementing ordinance.
 - ii. Drew Herzig addressed some of the questions raised in previous meetings by members. He explained that the formula to calculate the number of votes needed to be elected and how it was revised to make it clearer.

- iii. Chair stated that the second paragraph of the current Section 7.1 ("When there exists a vacancy in the Council, an election for the unexpired term shall be held as provided in Section 3.4.") needs to be included in Section 1 of this draft.
- iv. Chair asked about the effective date of the provisions, and Drew Herzog responded that they are placeholders. CRC agreed to use an unspecified effective date instead.
- v. Chair stated that in Section 7.6 that "charter" should be capitalized.
- vi. Chair stated in Section 8 that "the" needs to be added before "Judge." She asked if "counting" is necessary in paragraph 2 of Section 7.8. Jonathan Ciesla suggested deleting "counting." Drew Herzog suggested using "counted" instead of "counting." Chair asked Harriett Applegate and Drew Herzog to check back on that question. In the last sentence of third paragraph, Chair suggested stating "When a candidate is eliminated, votes that had been cast ofr that candidate shall be counted...." Harriett Applegate and Drew Herzog will check with FairVote about this issue too.
- vii. In subsection (c) of Section 7.8, Chair questions "have reported but in no event later than as required by law."
- viii. Chair asked if Section 8.4 is meant to be subsection 8.4(g).
- ix. Chair questioned the provision regarding rulemaking authority in the draft ordinance because the City cannot authorize the Director of the Cuyahoga County Board of Election to do anything.
- x. Graham Ball suggested a formulaic expression of calculations like the number of votes need to win an election.

c. Discussion of revised draft of proposed text from Guy Thellian on Finance and Budget matters.

- i. Guy Thellian presented the revised draft of his budget amendment. Motion by Chair to adopt Article 9 as amended, seconded by Guy Thellian. Drew Herzog expressed concern that setting the process in the Charter will hinder the City from continuing to develop the budget process as they adjust to the new form of government. Motion passed 8-0 with one abstention.

7) New Business

- a. Should we invite new Council member Posch to submit the survey and speak with CRC?
 - i. Harriet Applegate and Jonathan Ciesla stated that their preference for not inviting him to speak with the CRC because the CRC is running out of time and Councilmember Posch does not have experience serving on Council yet. Roland Anglin suggested offering him 10 minutes, and Drew Herzog agreed to familiarize him with the work of the CRC. Graham Ball stated that because Councilmember Posch will be voting on their recommendations that the courtesy should be extended, and Guy Thellian agreed because he is a stakeholder in the process.
 - ii. Chair will invite him to meet with the CRC at one of their upcoming meetings.
- b. Discussion of proposed further changes (those other than vote requirements for initiative, referendum, and recall) to Article VIII (Graig Kluge draft)

- i. Graig Kluge explained his proposal to consolidate recall and removal provisions for Council and the Mayor into general recall and removal provisions for all elected officers.
- ii. Jonathan Ciesla asked if there is a definition of “elected officer.” Chair suggested defining “elected officer” to include Council members, the Mayor, and the Judge of the Municipal Court.
- iii. The CRC discussed provisions related to the recall of 4 or more Council members.
- iv. Motion to amend Section 3.6 so that a majority of Council members constitutes a quorum, seconded by Harriet Applegate. Motion passed 8-0.
- v. Motion by Drew Herzig to adopt Section 8.3(e) as amended to delete the provision relating to vacancies caused by the removal of four or more Council members, seconded by Jonathan Ciesla. Motion passed 8-0.
- vi. The CRC discussed the use of the word “elector” versus “registered voter” and feedback on that issue from the Cuyahoga County Board of Elections. Motion by Drew Herzig to change “elector” to “registered voter” throughout the Charter, second by Graig Kluge. Motion to postpone the motion until the next meeting by Chair, seconded by Harriet Applegate. Approved unanimously.
- vii. Motion by Chair to adopt Section 8.3(a), (b), (c), (d), and (f) as amended to change “removal” to “recall” and “officers” to “elected officers,” seconded by Jonathan Ciesla. Motion passed 8-0.

c. Discussion of proposed changes on removal of CC member and Mayor (Graig Kluge draft)

- i. Graig Kluge explained his proposal for removal, which combines removal provisions for Council and the Mayor.
- ii. Jonathan Ciesla asked about the provision requiring the vote of 5 members of Council. Chair responded that because it is an extraordinary measure it would be appropriate to require 5 votes of Council and that removal can be delayed until vacancies on Council are filled.
- iii. The CRC discussed whether removal should occur only on conviction of certain listed offenses or any felony. Jonathan Ciesla stated that there are many felonies that do not relate to fitness for office.
- iv. Motion by Jonathan Ciesla to adopt Section 7.7 and strike the provisions of Articles 3 and 4 related to the removal of Mayor and Council, seconded by Guy Thellian. Chair suggested adding “elected” before any use of “officer” and she suggested “or” before “for violation of this Charter.” Motion as amended passed 7-0 with one abstention.

d. Complete decisions 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. The CRC to decide on the use of “electors.”
- b. Harriet Applegate and Drew Herzig to follow up with FairVote about pending questions.

c. Chair to follow up with Councilmember Posch about meeting with the CRC.

9) Public Comment

a. None.

10) Review of Meeting for Lessons Learned

a. None.

11) Adjourn

a. Motion to adjourn by Jonathan Ciesla, seconded by Graig Kluge. Approved unanimously. Adjourned at 3:57 P.M.

Next meeting: Wednesday, May 8, 2024, at 6:00 P.M.