



CLEVELAND HEIGHTS

Charter Review Commission

Saturday, May 11, 2024

10 AM - 3 PM

City Hall – Executive Conference Room

Minutes

1. Call to Order

2. Roll Call –

- a. Members present: Harriet Applegate, Drew Herzig, Graham Ball, Guy Thellian and Linda Striefsky. Graig Kluge arrived at 10:20.
- b. Members absent: Members absent: Stephanie Morris, Jonathan Ciesla and Roland Anglin

3. Approval of Minutes of May 4

- a. Motion to approve the minutes of May 4 was made by Guy Thellian and seconded by Harriet Applegate. Passed 6-0.

4. Review and Confirm or Amend Agenda

Agenda was revised by consensus to begin with item 6.c.

5. Public Comments

- a. None

6. Old Business

a. Placeholder - Revised draft project plan for CRC – 10 minutes

i. Discuss path to meeting deadline for draft Charter amendments by May 15 and draft Report by May 15

- 1. Consensus to schedule meeting on Tuesday, May 14 from 6 to 8 PM in order to collect comments on draft Charter and Report.
- 2. Also have previously scheduled meeting on Wednesday, May 15 from 6 to 8 PM .



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3. Plan is to post the draft Charter amendments and Report by May 15.

b. Update on use of CRC email by the public

c. Discussion of comments from Councilor Posch

- i. Chair asked for any comments from members regarding May 9 interview of Councilor Posch.
- ii. Virtual meetings – Commission had previously discussed edits to Section 3.7 to permit Council to provide by ordinance for virtual meetings if not prohibited by state law. Motion was made by Chair to revise the draft to delete “if not prohibited by state law”. Motion was seconded by Guy Thellian. Chair noted that holding virtual meetings would not be the rule, but it could be useful in some situations.
 1. Motion passed 6-0. (Graig Kluge had not yet arrived.)
- iii. Should Council be permitted to override by supermajority vote Mayor’s decision to fire a director? Guy Thellian spoke in favor of this change. Chair noted that the comparison charters do not have this feature. Guy Thellian felt that because of immature form of city government, City may need this. Drew Herzig said an employee fired by the Mayor and reinstated by Council would be in a difficult position. Guy Thellian noted that requiring a super majority vote means Council has to feel very strongly to vote for an override and that, while such an employee would not necessarily remain a City employee, a provision like this would allow the employee some power to negotiate an exit arrangement. Graig Kluge disagreed with adding this feature to the Charter. Graham Ball expressed agreement with Graig Kluge and Drew Herzig. Chair said she felt it was unnecessary. No motion was made, issue was dropped.
- iv. Guy Thellian noted the list of potential Charter changes suggested by Councilor Russell, which he had circulated. He said we had considered these changes to the extent needed.

d. Update on communication with Civil Service Commission regarding proposed changes to salary provisions for City Council and Mayor

- i. Noting the advice of the chair of the Civil Service Commission on May 8 that the Civil Service Commission will plan to visit the Commission meeting on May 15, the CRC discussed the possibility that the Civil Service Commission may prefer not to be involved with salary recommendations for Council and the Mayor. For instance, the Civil Service Commission may be subject to political pressure. Chair said she would ask the Facilitator about the experience in Lakewood.
- ii. Drew Herzig said that it’s likely to be more political if a separate commission is established to recommend salaries for Council and the Mayor.



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- iii. Chair made motion to retain the current draft provision, providing for the Civil Service Commission to make salary recommendations for Council and the Mayor, and note in our report to Council that Council may appoint a separate commission if it prefers. Drew Herzig seconded the motion. Motion passed 7-0.

- e. **Discussion of revised draft of proposed text for Ranked Choice Voting charter provision and of ordinance draft - Drew Herzig and Harriet Applegate**

- i. Regarding the draft by Harriet Applegate and Guy Thellian incorporating into the RCV bucket of Charter provisions to be revised/deleted if RCV is adopted, Chair suggested that Law Department would be helpful in crafting the appropriate text.
- ii. Drew Herzig presented 2 changes to the draft ordinance text for RCV.
 - 1. In the last sentence of the draft ordinance, text would read “The director of the Board of Election may promulgate whatever rules are necessary to implement this ordinance”.
 - 2. Chair noted that any action would be by the Board of Elections, not the director.
 - 3. Secondly, the ordinance text on reporting results would be revised to read “Unofficial results will be released after the polls close.”
 - 4. Drew Herzig moved to approve the draft as presented, with the change noted in item 2 above. Motion seconded by Harriet Applegate. Motion passed 7-0.

- f. **Status report on plans for second public input meeting, to be held May 21 –**

- i. **Location at Lee Road Library**

- 1. **Plans for publicity – status**

- a. **Press release, notice in Heights Observer calendar**
 - i. Guy Thellian noted progress in achieving coverage in Sun Press.
 - b. **City Newsletter**
 - c. **Posting of flyers**
 - d. **RSVPs**

- 2. **Room layout report** – Drew Herzig reported that he added to the room reservation a third room, the Brody Nelson room. This will facilitate use of power point.

- a. Suggestion that 2 stand microphones will be helpful for public comment.

- 3. **Update on draft PPT slides from Linda Striefsky**

- a. Guy Thellian suggested adding to slide 21, regarding RCV, “Achieving proportional representation, i.e., composition of Council better reflecting the community.”



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- b. Guy Thellian suggested deleting the second bullet on slide 25 because we deleted the Charter feature anticipating more than 3 Council members being removed in one election.
- c. Guy Thellian suggested adding on slide 26 “affirmation” to references to “oath”
- d. Guy Thellian suggested adding to first slide on Form of Government a new sentence referring to enabling each branch of government to function.
- e. Chair stated she would add a slide on the land acknowledgement.

g. Discuss any CRC member questions/comments on revisions to charter draft

- i. **Question on report required by Article 12 (formerly in Section 3.6) – Should it be limited to employment matters as required by current Charter?**
 - 1. Chair moved for approval of text as in the Charter redline. Guy Thellian seconded.
 - 2. Text for approval, in last sentence of Article Twelve: At least once each year, not later than May 31, the Mayor must submit to the Council a report regarding the City as an equal opportunity employer.”
 - 3. Drew Herzig moved to accept the language as in item 2 above. Chair seconded the motion. Motion passed 7-0.

h. Status of drafting of segments for report and of proposed Charter

- i. **Revised draft of Finance/Budget text for Report, including treatment of reference to sustainability**
 - 1. No further comments
- ii. **Discussion of edits to Report text for nondiscrimination provision**
 - 1. No further comments
- iii. **Discussion of RCV Report insert**
 - 1. Chair noted that Harriet Applegate had prepared a draft but it has not yet been circulated to the CRC members.
 - 2. Harriet Applegate discussed potential citations to materials supporting RCV.
- iv. **Discussion of Report insert on changes to petition signature requirements**
 - 1. Chair called attention to chart inserted in the draft Report summarizing the impact of the proposed edits to Sections 8.1, 8.2 and 8.3 as to signatures needed for petitions. Chair said the the changes resulted in two impacts reducing the number of signatures needed, first because the percentage of voters was reduced and secondly because the pool of voters was reduced from all



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registered voters to only those who voted in the last election. She also commented that in the University Heights charter review commission report, there was attention called to the impact of similar changes, and the decision of that commission to recommend using a smaller voter pool but not a smaller percentage; the University Heights proposal used slightly higher percentages.

2. Graig Kluge pointed out that, in the example used in the draft Report with 2013 voting statistics, the number of voters was almost twice the usual because of high turnout.
3. Guy Thellian moved to revert to the original percentages, but retain the change in the voter pool. Chair seconded.
4. Harriet Applegate pointed out that gathering signatures for these petitions usually is organized by a committee, so the burden does not fall on one person, as for candidate nominating petitions. She also noted that needing to obtain more signatures can be useful to the organizing committee because it is an opportunity to educate voters and ultimately build support for the petition issue.
5. Graham Ball said he prefers the lower number of signatures because it's a lower barrier to entry for petitions. He noted that initiative, referendum and recall petitions are pretty rare and lowering the percentage can encourage more engagement.
6. Motion failed to pass. 5-No, 1 Yes. (Accordingly, no change to draft.)

- v. **Discussion of Report insert on other Art Eight points** - Graig Kluge reported he expects to provide the draft tomorrow.
- vi. **Discussion of land acknowledgement Report insert** – Graham Ball reported that his draft is in process.
- vii. **Discussion of ethics and training Report insert from 6 to 8 PM**
 1. **Draft needs to refer to affirmation in addition to oath. No further comments.**

[CRC took 10 minute break]

- i. **Review and comments on overall draft of Report** – [deferred]
- j. **Status report on development of charter amendment “buckets” (see Exhibit A)**
 - i. **Chair noted** challenges of presenting ballot ready “buckets” before Council decides whether to accept the entire amended charter or only portions of the recommended changes.
 - ii. By consensus, members decided that recommendations to Council will present one complete amended charter plus buckets as shown on Exhibit A. The buckets will not represent ballot ready text, but will be organized



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by topics to facilitate the process of Council and the public understanding the various interrelated changes.

7. Review of Meeting Action Items

- a. Chair will determine how we can contact members of prior Commission to let them know we are recommending a lot of their proposed changes and invite them to public meeting for their input and so we can acknowledge their contributions.
- b. Chair will speak with Council President Cuda regarding schedule for presentation by CRC to Council and any follow up meetings with Council.

8. Public Comments (10 minutes) – None

9. Review of Meeting for Lessons Learned – 3 minutes

10. Next Meeting: Tuesday, May 14 from 6 to 8 PM.

11. Adjourn – Motion to adjourn was made by Drew Herzig and seconded by Graig Kluge. Motion passed 7-0.



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EXHIBIT A

Possible Bucket Groupings for Charter Revision - As revised May 8

Bucket #1

- Ranked Choice Voting

Bucket #2

- Comprehensive non-discrimination policy statement

Bucket #3

- 'Ethics for elected officials'
- 'parliamentary procedure' trainings for all newly-elected city officials

Bucket #4

- Clean-up
 - Update and simplify presentation and language throughout
 - Replacing 'electors' with 'voters',
 - replacing Roman numerals with Arabic numbers
 - gender-neutral language throughout
- Numbers
 - Candidate numbers- Article 7
 - Adjust numbers, percentages, and the like on numbers of signatures needed for initiatives, recalls, etc., for
 - days to file petitions
 - to fill vacancies, etc. –
 - Article 3, 4, and 7
 - Adjust election requirements for appointed city councilors
- Function of government
 - Balance of powers between executive and legislative branches
 - Council authority to request information and/or attendance at Council meetings from department heads, through mayor's office or directly
 - Individual councilor's authority to contact department heads directly
 - Mayor's authority to appoint department heads, with or without Council approval
 - Who appoints to fill vacancy on dead-locked Council?
 - Council president or mayor?
 - Law Director available to advise City Council?
 - On what terms?
 - Salaries

Bucket #5

- Article 8
 - Initiative, Removal/Recall/Referendum