



CLEVELAND HEIGHTS

Charter Review Commission

May 21, 2024

6:00 PM

Heights Libraries – Lee Road

1) Call to Order

- a. Chair Linda Striefsky called the meeting to order at 6:06 PM.

2) Roll Call

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

3) Review and Confirm or Amend Agenda

- a. The CRC agreed to discuss salaries with the Civil Service Commission before proceeding with the agenda.

4) Review of Charter history and Commission's proceedings and overview of draft revised Charter

- a. Chair gave a presentation providing background about the charter review process, the Charter, the work of the CRC, and an overview of the significant recommendations and proposed amendments of the CRC.

5) Public Comments

- a. Barbara Hawley asked if the CRC had numbers to show the differences in signature requirements reflected in the changes for initiatives, recall, referenda, and nominating petitions, and Chair responded that it is discussed in the report. Hawley stated that she is more concerned about initiatives and cited the city's experience with the Cedar-Lee-Meadowbrook development and the initiative for a park at that location. She stated that it would be problematic to make it even easier to put petitions like that on the ballot. Guy Thellian responded that their recommendation aligns with the charters of other cities in the area. She stated that she appreciated that the CRC rid the Charter of provisions that are already covered by state law, but that ethics is where the CRC did not do this, and there is an extensive body of state law on this subject creating the potential for a lot of confusion.
- b. Marty Gelfand stated that he is unsure why the CRC would want to lower the number of signatures for nomination petitions. He stated that it would be a better

idea to raise the signature requirement to demonstrate a candidate's seriousness. He further stated that Section 3.12 clarifies some things but it does not clarify enough. He stated that the provision related to departmental heads makes sense, but applying it to all employees could confuse the issue. Chair responded that the CRC considered different ways to address the problem in the structure of the Charter without micromanaging one-on-one interactions between Council members and administrative staff. Regarding nominating signature requirements, Graham Ball stated that the CRC wanted to reduce barriers to entry and noted that the Charter's requirement was much higher than in other cities. Drew Herzig stated that the intent is to make government more inclusive and democratic.

- c. Lou Radivoyevitch asked about the logic behind the recommendation regarding Council determining the departments and duties of directors and expressed concern whether that it creates unnecessary tension between the branches of government, and Chair stated that, consistent with charters of cities having elected mayors, council should provide some policy guidance. 1808 Middlehurst stated that it could interfere with the mayor's ability to shape the administration. Chair noted that the mayor would still have the authority to appoint directors, and she stated that she would hope that there would be a lot of collaboration in that process. Guy Thellian stated that their investigation of what other cities with elected mayors did, that this was the more common arrangement.
- d. Len Friedson stated that it is important to have a body that allows the mayor to have authority to do things, but it needs to prevent a rogue situation. He stated that the Charter should not assume collaboration, good will, and benevolence. He stated that he understands that the challenge in creating a balance of power is difficult.
- e. Howard Maier stated that he was on the previous CRC. He stated that ranked choice voting is an interesting concept, but it is complicated and will require an unusual amount of voter education. He asked how the CRC proposes that proper voter education takes place. Chair stated that the CRC recognizes that significant voter education is required and the city could provide that education. She stated that if people had some practice, it would be less scary. Graham Ball stated that they found that voters quickly learned how to vote in ranked choice voting elections after the first election and that voters found it easy to understand after gaining some experience with it.
- f. Regarding Council's proposed authority to define the departments and the duties of directors, Marty Gelfand compared it to Congress's authority to create departments and the President's authority to appoint secretaries subject to the approval of Congress. He stated that the CRC's recommendation makes sense.
- g. Charles Schweigert asked the CRC to clarify its recommendation regarding a hybrid at-large/ward system of electing Council. Chair stated that the CRC decided not to vote on it because the CRC decided to adopt ranked choice voting instead. The resident suggested that the city can do both, and Chair responded that the CRC believes that ranked choice voting accomplishes the same goals as a hybrid at-large/ward system. Drew Herzig stated that the CRC did vote on that issue and that the CRC wanted to avoid overloading the ballot with proposed amendments and overloading the city with implementing these recommendations.

- h. Joyce Roper stated that she was shocked that the land acknowledgment was not approved by the CRC. Guy Thellian explained that other than Portland, Maine, the CRC did not find other examples of land acknowledgments in city charters. Chair noted that the CRC is recommending that Council employ other measures to recognize those injustices.
- i. Vince Reddy stated that he was member of the previous CRC and expressed appreciation to the current CRC for reviewing their work. He stated that he was an opponent of the change in the form of government. He stated that East Cleveland was one jurisdiction that made a similar change to an elected mayor form of government in the mid-1980s. He asked if the CRC looked at that, and Chair responded no. She explained that the CRC spoke to the mayors of Shaker Heights and South Euclid. Jonathan Ciesla also stated that this CRC was operating under the assumption that the elected mayor form of government would continue.
- j. Barbara Hawley asked whether the CRC had given thought to how this will be presented to the voters. Chair explained that the CRC discussed potential amendments in terms of buckets. She stated that the CRC will make themselves available to Council to help finalize any amendment sent to the voters. She stated that Council can decide to choose only some recommendations and not others and may decide to put some on the ballot at one time and save others for later.
- k. David Goodman stated he is concerned about the ranked choice voting proposal combined with the lowering of nominating petition signature requirements, which may overwhelm voters. Harriet Applegate stated that voters can still vote for as many or as few of candidates as they want. She stated that there would be a cap on the number of candidates that can be ranked on a ballot. She also stated that significant and organized can get a candidate elected under ranked choice voting.
- l. Chris Rom asked whether the Cuyahoga County Board of Elections would have trouble implementing ranked choice voting. Chair responded that there would have to be an update to their software in order to implement it. Drew Herzig stated that the Board of Elections would have the burden to implement it rather than the city.
- m. Lou Radivoyevitch asked whether any city in Cuyahoga County uses ranked choice voting, and Chair responded that none are but that Lakewood is also considering it.
- n. Len Friedson stated that he wanted to applaud the CRC for raising the issue of ranked choice voting. He further stated that he wanted to challenge the CRC to educate Council and the public about that issue. Graham Ball stated that there is a statewide organization called Rank the Vote Ohio that is willing to help educate voters on this subject.
- o. Sonya Charles stated that she is a ranked choice voting proponents and thanked the CRC for the recommendation. She stated that although it may appear confusing at first that it is easy for voters and that the complicated aspects will be handled by the board of elections. She stated that she has faith in the voters of the city. Drew Herzig agreed that it is intuitive on the voting end of the process.
- p. Council member Jim Petras stated that while it would be new to Cuyahoga County that it is used statewide in Alaska and Maine and in New York City and

other municipalities. He stated that while it is different that it is not complicated and that people are accustomed to making similar choice every day.

- q. Thalia Sassman thanked the CRC for its work, including ranked choice voting, and stated that there are multiple organizations ready to help Cleveland Heights implement ranked choice voting and educate voters.
- r. Mayor Seren stated that there were items that he had hoped the CRC might consider. He stated that the CRC focus has been on checking the mayor, but that he had hoped the CRC would also focus on checking Council. He stated that there is a concern about how a future Council can misbehave. He stated that he wants the Charter to avoid some of the politics that can interfere in the efficient and effective administration of government. Regarding the recommended provision about Council interactions with the administration, Mayor Seren asked the CRC to consider a reciprocal provision requiring Council to respond to requests for information. He stated that the Council's subpoena power should be exercised only by supermajority. He also asked the CRC to reconsider the provision allowing the Council President or any committee chair to require administrative staff to attend meeting, which would effectively function as a subpoena and instead require Council to approve such a request. Regarding the requirement that administrative staff attend meetings, Chair stated that we are presuming good faith and collaboration. Mayor Seren stated that he has concerns about requiring administrative staff to attend specific meetings and it being a charter violation if they do not, and he stated that it could be fixed a bit to provide flexibility.

6) Next Steps

- a. Chair invited the public to send the CRC an email or attend the CRC's next meeting. She stated that the CRC will be finalizing the CRC's recommendations and sending them to Council by May 31.

7) Adjourn

- a. Motion to adjourn by Drew Herzig, seconded by Chair. Approved unanimously. Adjourned at 7:16 P.M.

Next meeting: Tuesday, May 28, 2024, at 6:00 P.M.