



CLEVELAND HEIGHTS

Charter Review Commission

May 28, 2024

6:00 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky called the meeting to order at 6:02 PM.

2) Roll Call

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

3) Approval of Minutes of May 14, May 15, and May 21

- a. Motion to approve minutes of May 14 and May by Chair, seconded by Guy Thellian. Motion passed 6-0.
- b. Motion to approve minutes of May 21 as amended by Chair, seconded by Guy Thellian. Motion passed 6-0.

4) Review and Confirm or Amend Agenda

- a. Drew Herzig asked if the report could note in the report the vote of each member. Chair responded that it would be a challenged and that many votes were not taken by roll call.

5) Public Comments

6) Old Business

- a. Discussion of plans for meeting of CRC with City Council.
 - i. Chair reported that the CRC will meet with Council's Committee of the Whole on June 11 at 6:00 PM. She stated that the first hour would be a discussion with the CRC and the remaining time would be a discussion among Council about how to proceed with the recommendations.
 - ii. Guy Thellian stated his hope that Council members will review the report and recommendations ahead of the meeting so that it would be more productive.

7) New Business

- a. Discussion of public comments at or since May 21 public input meeting.
 - i. Chair thanked everyone for their help with the meeting.
 - ii. Chair provided to the CRC a chart summarizing the public comments from the meeting.
 - iii. Harriet Applegate stated that the decrease of signature requirements is too much, particularly for initiatives. She stated that it is important for campaigns to talk to voters before an issue goes to the ballot.
 - iv. Chair explained that changing the percentage from one based on registered voters to the number of votes cast in the last preceding election dramatically decreases signature requirements. Guy Thellian stated that competing interests exist between facilitating democracy and avoiding nuisance issues. Guy Thellian reiterated the example of the Cedar-Lee-Meadowbrook park initiative as noted by Barbara Hawley at the public input meeting. Motion to leave the signature requirements for initiative, referendum, and recall as drafted, seconded by Drew Herzig. Motion failed 1-5. Motion by Jonathan Ciesla to use the percentage for initiative, referendum, and recall as currently provided in the charter except that the percentage would be passed on the total votes cast in the last preceding election, seconded by Harriet Applegate. Motion passed 5-1.
 - v. Chair suggesting increasing the required signatures on nominating petitions for 150 signatures for Council and 300 for Mayor. Jonathan Ciesla stated that he preferred using percentage because it changes with the city's population. Drew Herzig stated his preference for a specific number because it makes it easier for a potential candidate to determine how many signatures they would need. Motion by Chair to increase the required signatures on nominating petitions for 150 signatures for Council and 300 for Mayor, seconded by Jonathan Ciesla. Motion passed 5-1.
 - vi. The CRC discussed the authority of Council to establish, combine, and abolish departments, to set the duties of directors, and to approve directors' appointments. Drew Herzig stated his opposition to the provision. Guy Thellian noted that the recommended charter prevents Council from abolishing or combining departments provided for under the Charter. Jonathan Ciesla stated that reorganizing the departments would be properly a legislative measure instead of an administrative one. Drew Herzig moved to keep the provision as drafted, seconded by Guy Thellian. Drew Herzig stated that his understanding of the elected mayor amendments was to make the administration more responsive to the voters and that this provision gives that authority back to Council. Motion passed 4-2.
 - vii. The CRC discussed the proposed provisions requiring administrative staff to attend meetings upon the request of the Council President or committee chairs. Drew Herzig stated that he still opposes this

provision because of its application to employees. Guy Thellian noted that the CRC received two emails – one from former Council President Melody Hart and another from Gary Benjamin – on this subject. He also stated that he is a little uncomfortable with the provision. He suggested requiring the director or the director's delegate to attend the meeting. Chair stated that she feels strongly that we have to give to people the benefit of the doubt that they will act in good faith. The CRC discussed changing Section 3.12 to remove “and employees” after “administrative officers,” “person” to “Mayor, City Administrator, and/or City administrative officers,” “the official, director, or personnel” to “Mayor, City Administrator and/or City administrative officers,” and add “or may send a delegate” after “shall attend.” Harriet Applegate objected to the change because it removes the power of Council to and preferred the way it is drafted and suggested only removing “and employees” instead if the CRC wants a change to the provision. Motion by Jonathan Ciesla to keep the provision as drafted, seconded by Harriet Applegate. Motion passed 3-2 with one abstention.

- viii. Regarding how amendments will be presented to voters, the CRC discussed making themselves available to Council to help sort that out.
- ix. Regarding the Mayor's public comments, Chair stated that she understands one of the CRC's charges is balancing the powers of government between the Mayor and Council following the elected mayor charter amendments. Jonathan Ciesla stated that this problem was created because of the limited nature of the elected mayor amendments. Guy Thellian stated that the CRC's goal is to give both Council and the Mayor the tools they need to do their job. Drew Herzig stated that he believes the CRC did check the Mayor despite the best intentions of the CRC members.
- x. Chair noted that the Mayor stated that the Charter should also require to provide information to the Mayor upon request. Chair stated that Council would not have any information. Jonathan Ciesla stated that all of Council's actions occur at a public meeting. Drew Herzig stated that this assumes good faith and that Council was not conducting business outside of open meetings.
- xi. The CRC discussed the Mayor's suggestion that the subpoena power should be exercised only on supermajority.
- xii. Chair noted Barbara Hawley's concerns with the ethics provisions in light of the robust state law in this area. Chair stated that she used some of Hawley's suggestions to revise Section 10.3. Drew Herzig asks what replaces the provisions of Section 10.3(d) regarding felony convictions, and Chair referred him to her proposed revisions to Section 7.8. Drew Herzig expressed opposition to the use of the term of “moral turpitude,” and the CRC discussed removing that provision. Motion to adopt the revisions proposed to Section 10.3 by Drew Herzig, seconded by Jonathan Ciesla. Motion passed 5-0 with

one abstention. Motion to adopt the revisions proposed to Section 10.4, seconded by Jonathan Ciesla. Motion passed 6-0. Motion to adopt the revisions proposed to Section 7.8 deleting the provision related to “moral turpitude by Drew Herzog, seconded by Harriet Applegate. Motion passed 6-0.

- xiii. Motion to adopt the addition of “The Council shall be the judge of the election and qualifications of its own members” to Section 3.2 by Jonathan Ciesla, seconded by Guy Thellian. Motion passed 6-0.
- b. Time permitting, discuss any remaining CRC member questions/comments on revisions to report draft
 - i. Chair brought up the issue of salary review and asked whether doing it every two years is necessary rather than every four years. Motion to change it to four years by Chair, seconded by Harriet Applegate. Motion passed 6-0.

8) Review of Meeting Action Items

- a. None.

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 Drew Herzog. Approved unanimously. Adjourned at 8:07 P.M.

Next meeting: Tuesday, May 29, 2024, at 6:00 P.M.