



City of Cleveland Heights Charter Review Commission

Decisions and Rationales

21 June 2018
Council Chambers
Cleveland Heights City Hall

Charter Review Commission: Present; Craig Cobb, Jessica Cohen, Michael Gaynier, Randy Keller, Howard Maier, John Newman, Jr., Chair, Carla Rautenberg, Vince Reddy, Maia Rucker, Allosious Snodgrass, Vice Chair, Katherine Solender, James Vail and Sarah West. Absent: Patrycja Ajdukiewicz and David Perelman.

1. Acceptance of Decisions and Rationales from 7 June 2018.

Moved and seconded to accept the Decisions and Rationales 7 June 2018.
Accepted unanimously.

2. Continued discussion and consideration of issues

The Chair noted the document distributed by the facilitator suggesting that discussion can develop from using motions under Robert's Rules of Order. A motion such as, I move to retain the current Council-Manager system, when seconded opens the Commission for discussion on that topic. The Chair then asked if any member had an issue or concern for discussion. A member expressed interest in learning more about ranked choice voting for council. The Chair suggested dealing with the executive initially then council. When dealing with council then ranked choice would be relevant.

3. Motion to have a strong mayor form of government

Moved by Carla Rautenberg, seconded by Allosious Snodgrass

The Committee discussed the perceived merits and drawbacks of a strong mayor system. Proponents argued that a strong mayor would be a forceful spokesperson who would remedy what they saw as the lack of a publicly articulated vision of the city, starting with the campaign, and would be held directly accountable to citizens by election, in contrast to a hired executive who enters that position by an appointment (and thus operates less in the public eye) made by seven elected council members who, unlike a single individual

mayor, could be voted out only with greater difficulty and over time; that the Master Plan is a long term set of aspirations, not a current concrete vision that could be expected and demanded of a strong mayor; that a strong mayor system would, unlike the current system, give the executive a more effective leadership platform (leadership being distinguished from management, the latter being regarded as insufficient for Cleveland heights at this stage), while at the same time having checks and balances in that the mayor and council would be independent centers of authority; that while this could give rise to conflict, this was the nature of democracy and in any event there was conflict in the current system also; that a mayor could be subject to recall, although this would be a last resort for egregious conduct.

Opponents of a change to a strong mayor system argued for a more collaborative process for articulating and executing a vision for the city and resisted the notion that some cities do not need vision thus providing the proper places for city managers to function. For them, the Master Plan contains not only long-term aspirations but also immediate, identifiable objectives that permit accountability for pursuing the city's vision and assist the council in directing the efforts of the city manager and holding her accountable. A single person in the form of a mayor generating a vision for the city was, for those favoring a city manager form, problematic as it gave significant power to a just one individual. In contrast to a collaborative process for generating and executing a city vision such as with the Master Plan, the conflict in a strong mayor system would, in their view, impair the potential for collaboration. A concern was expressed about the transition period between forms of government, during which municipal activities would be interrupted with no assurance what would happen after the transition. There was a view expressed that that the retention of the current system would provide a larger pool from which to choose an executive who most likely has experience in municipal administration.

In terms of leadership, some argued for more clearly stating the leadership role for the city manager, thus creating charter-based performance expectations against which the city manager could be held accountable. A view was advanced that that there is already a mechanism for accountability to council in the form of weekly council meetings which involve the city manager.

The council charge to the Commission was referred to, asking what is the problem that is being addressed and how would a change in the form of government improve on the problem, and the view was expressed that progress had been made on what were seen as underlying city issues, with a key element being ineffective communication of what had been and was being done, a circumstance that was described as already improving with the city having hired an experienced communications director and the Master Plan entering the implementation phase.

Views were expressed that perceived shortfalls in the existing governmental processes likely could be effectively addressed in charter adjustments without a fundamental structural change.

A member proposed a system by which members of council would be responsible for holding meetings in districts of the city. This was argued as both improving communications and accountability.

The question was called, and the vote outcome is below.

Vote on the Motion: Yes – 2 No – 10 Abstain - 1

4. Motion that Cleveland Heights should retain City Manager form of government

Moved by Sarah West, seconded by Jim Vail

Suggestion was offered to have a committee look at the ideas members had advanced in their written comments leading up to the meeting. The Chair suggested that that be discussed after a vote on the current motion. Another suggestion was offered to have the council approve both the appointment and removal of certain administrators such as the fire and police chiefs. Committee was reminded that a motion was pending and that is best to dispose of the motion before looking at other topics. Chair called the question after no one had any further comments to make on the motion.

Vote on the Motion: Yes – 11 No – 2 Abstain - 0

5. Discussion about details of council in the city manager system

It was noted that some want to augment the authority of the city manager and some want to place limits on the authority. Another noted that it was not possible to talk about the authority of the city manager without looking at the authority of the council. The decision was to look at the council. A discussion followed over how the discussion and resolution should proceed, with points being raised about the potential for head to head council elections as well as about the selection of the president of council and whether she/he should have the title mayor. Taking the suggestion offered by the Facilitator, a determination was made to proceed via step-by-step motions.

6. Motion that council have seven members

Moved by Jim Vail, seconded by Vince Reddy

There being no desire expressed for further discussion, the Chair called the question.

Vote on the Motion: Yes – 13 No – 0 Abstain - 0

7. Motion that Council retain seven at-large members

Moved by Jim Vail, seconded by Mike Gaynier

Discussion began with comments about use of ranked choice voting for an at-large council. Law staff noted that the Board of Elections does not consider ranked choice an option for a city according to a communication from them. She noted that it could be argued as part of home rule, but the city would have to make the case, and she pointed out certain implications for possible consideration by the Commission. The facilitator noted that ranked choice seems very similar to the Hare system of proportional representation which the Model City Charter has supported. According to him, systems of this type are most useful when the person receiving the most first place votes becomes mayor. Cincinnati used the Hare system from 1924 to 1957. In the Cincinnati system, the candidate with the most first choice votes had the title of mayor and the second highest vice mayor. The Chair observed that he had contacted Candace Hoke, a Professor Emerita at Cleveland State, whose name had been raised by a member as a possible source of election expertise. Professor Hoke commented that ranked choice is attractive in theory but has practical difficulties in that it is complex, can be confusing to voters especially if other methods are used for other offices on the same ballot, and is difficult to audit efficiently. She further noted that the system can be manipulated against a particular targeted candidate, reducing his/her chances of election. Some members noted that having independently looked into how the system might function in practice, they had found it very confusing.

Discussion turned to the question of election at large versus election via ward. No one spoke in favor of a fully ward based system, but views were expressed in favor of a mixed system of, say, 3 of 7 at large and 4 of 7 by ward. Benefits advanced of inclusion of ward elections included a sense of that residence would have “real representation” and an identified person to contact at city hall (circumstances in Lakewood and South Euclid being cited as reference points), and possible attraction of more and different candidates in view of smaller financial resources, lesser effort and smaller profile likely required to run in a smaller geography. Inquiry was made about a suggestion that had come up in one or more written submissions about having a fully at large council, but seven post-election designated districts for council member contact responsibility. An expansion and further articulation of this idea was advanced in which council members would each be responsible, on a council-designated and possibly rotating basis, for certain geographies in the city as liaison to council, to include, among other things, a requirement for holding periodic meetings in that area; this was argued as building relationships and improving both communications and accountability, without sacrificing what

might be seen as the benefit of each council member still having to run citywide and thus having to pay attention to issues citywide. An extended discussion of these alternatives ensued. With particular reference to the district (as opposed to ward) idea, the importance of training of council members to discharge the responsibilities to districts was emphasized, in view of the variation and intersection of groups and issues from one geography to another.

The question was called and the vote outcome is below.

Vote on the Motion: Yes – 9 No – 3 Abstain - 0

8. Methods of Looking at aspects of the Charter beyond retention of City Manager and at large Council

Discussion was had concerning next steps, including possibly beginning drafting. The decision was to postpone drafting and consider at the next meeting the various additional contents of the Charter from its beginning through Article IV. Members are encouraged to send questions and views to the facilitator on those segments of the Charter in advance of the next meeting. The objective is to make as many decisions as reasonably possible on these segments at the next meeting, with the idea that attention could turn to later segments of the Charter simultaneously with drafting on the initial segments. Law staff noted that some issues pertinent to Articles III and/or IV (as well as later segments of the Charter) are likely to benefit from input from the law department, the Board of Elections and possibly others. The Chair and the facilitator will consult with the legal staff on this subject and report back to the Commission.

9. Additional Business

There was no additional business.

10. Public Comment

Michael Bennett noted that some documents referenced in the meeting, such as certain submissions from Commission members on some issues, have not been available before the meeting. Also, he felt that in making its decisions there seemed to be little reference by the Commission to the information generated over the six months of meetings, especially citizen input, which in his view was inappropriate and not in line with a reference he cited in the Master Plan to citizen input. Finally, he sees the Commission as having overlooked the problems that some see as needing a new form of government and expressed hope that in its further deliberations the Commission look for

opportunities for making changes that will address the cited problems. Garry Kanter expressed satisfaction with the decisions on city manager and at large council and was pleased that additional issues were now to be considered. He questioned the role of legal counsel in certain aspects of this evening's meeting. He noted that the Commission's role is to make recommendations, not write legislation, which is the role of Council. He opined as to the significance of what he characterized as minutes, as opposed to an audio recording, out of desire to be able to identify speakers, and commented on certain matters relating to meetings involving Commission members.

9. Adjournment

Committee agreed by consent to adjourn after the last public comment.