



City of Cleveland Heights
Charter Review Commission

**Items for Consideration: Committee of the Whole
Member Statements**

Friday, 22 June 2018

In response to a motion adopted at the Committee of the Whole meeting on Thursday, 7 June, members were requested to submit a brief statement of how they viewed the items for charter review consideration. The statements are in order they were received. The first statement, from Member Mike Gaynier, was submitted before the 7 June meeting. The others were submitted afterwards.

June 6, 2018

A brief outline of my positions on the council/city manager form of government in Cleveland Heights

I favor maintaining the basic structure of our government. I do not believe it is deficient compared to neighboring communities in our region with “strong mayor” governments. We have made tremendous progress these past 5 years on our infrastructure issues (roads, sewers and water), defining our priorities (our Master Plan), creating an effective strategy for major development objectives, such as Top of the Hill, and adding key personal to get the job done, from my perspective as an 11 year resident.

I would support reasonable adjustments to our charter in the following areas:

- 1) Without losing the stability of staggered elections (3 council members in 2019; 4 in 2021, 3 in 2023.....), I would support equitable (TBD) methods of electing the president of council from the citizen vote, rather than via vote of council members. Though popularly elected, this position would remain ceremonial, and would possess no veto power over the other council members, nor appoint or oversee any city employees.
- 2) We should drop the “mayor” designation and use only the “president of council” title to aid public understanding of our government structure.
- 3) Compensation for council members should be adjusted for inflation on a regular basis, perhaps every four years. Compensation for the president of council merits increasing an additional 10-15%.
- 4) I want to learn if ranked choice voting is possible for our council races.
- 5) I would consider term limits for council members; perhaps 12-16 years.
- 6) I prefer that all council members remain elected at large, and would support post election council assignment of responsibility for each member (including the president) to specific, publicly identified geographic areas of responsibility to residents and businesses.
- 7) I am open to discussion on council vacancies remaining open until the next general city election.

Regarding the city manager position, I do not see any major job description changes necessary. Our focus should be on charter adjustments that attract competent and motivated council candidates willing to serve, provide performance oversight of our city manager, and collaborative legislative direction for Cleveland Heights.

Respectfully submitted,

Mike Gaynier

To: Cleveland Heights Charter Review Commission
From: Katie Solender
Date: June 15, 2018
Re: Statement of current position and list of items for consideration

In general, I favor maintaining the basic structure of the Cleveland Heights city government. I am not convinced that Cleveland Heights does not compare well with communities in our region that have “strong mayor” governments. I agree with Mike Gaynier that much progress has been made in the past several years. Mike cited infrastructure issues (roads, sewers and water), priorities (the Master Plan), a strategy for major development objectives, such as Top of the Hill, and the addition of key personnel. To this I would add our financial position, which is also much stronger now. As was acknowledged at the commission’s June 7 meeting, the city has not communicated these accomplishments very well, but even that is beginning to change, thanks to our director of communications and public engagement. I would urge our city leaders to participate more directly in this effort through community conversations held in locations throughout the city on an ongoing basis.

The decision about whether to keep the present structure should include discussion of whether changes should be made regarding the authority of and expectations for the city manager.

I am not entirely opposed to the option of a directly-elected mayor. In consideration of that possibility, the notion of a “mayor” first needs to be clarified. In that regard, discussion of the questions included in the “Considerations” document we received before the June 7 meeting would be helpful, especially in relation to the following (at present, my answers tend toward keeping the mayor’s role ceremonial):

1. Full- or part-time status and compensation
2. Mayor’s relationship to city council, including veto power
3. Mayor’s relationship to city administration, including appointment power
4. Length of the mayor’s term

Other areas for consideration:

City Council

1. Review (or add) language about the powers and duties of council, to raise the expectations for leadership and accountability.
2. All council members elected at-large? All elected from single-member districts? I currently lean toward having all council members elected at-large, and I would be interested in thoughts about assignment of responsibility for each member (including the president) to specific, publicly identified geographic areas of responsibility. That being said, I would also be interested in further considering the possibility of a mixed ward/at-large council. For any district plan, what would be the mechanism for drawing the map? Would council do it? An independent citizens’ redistricting commission? What would the criteria be—equal population, compact, contiguous (anything else)? How often would the district boundaries be reviewed? How would the transition from our current set-up to a new one be handled?
3. Term limits for council members: two terms?
4. Requirement re length of residency before running for council?
5. How should vacancies be handled?
6. Recommend a regular schedule for adjusting compensation for council members, perhaps based on inflation, and with the council president having an additional increase?

7. All regular and special meetings of council should be subject to the provisions of the Ohio Sunshine Law.
8. Clarify stipulations for passage of ordinances and resolutions, especially the use of emergency legislation; consider requiring a vote to suspend the rules before voting on any legislation as an emergency.
9. Change from a “ceremonial mayor” chosen by council from among its members and consider a directly-elected council president who would preside at all regular and special meetings of council (with or without a vote?), recommend and introduce legislation, and take part in discussion.

City Manager

1. Recommend that the city manager be the chief administrative *and executive* officer of the city.
2. Review/update description of the city manager’s authority and duties to raise expectations for leadership and accountability.
3. Consider whether changes should be made to language regarding the vice city manager, to raise expectations for responsiveness and accountability.

Departments

1. I am not familiar with the issues surrounding the question of whether the law director should continue to be appointed or should be directly elected.
2. Same with the question of whether the charter should stipulate council approval of appointments to public safety positions (police and fire chiefs).

Charter Review

1. Require that the charter be reviewed at least once during each ten-year period?
2. Define the number of commission members (is 15 too many)?

Ethics

1. Add language about respectful, civil conduct for council and all city officials.

Training

1. Add language about training for new members of council (and newly elected or appointed mayor/council president) within a specified period after election or appointment.

The above is certainly not comprehensive. There are other issues to consider relating to the sections on departments; elections (ranked choice voting?); initiative, referendum, and recall; finances; franchises; the planning and civil service commissions; etc. Another consideration would be the costs that might be incurred as a result of any of the changes we might recommend.

Status Report/ Carla Rautenberg

As I said in a written statement to the Charter Review Commission dated March 15, 2018, I do not think the current form of government is best for Cleveland Heights at this time. As some others have noted at various times during meetings of the Charter Review Commission, our city faces serious challenges:

- A poverty rate that has risen from 1 percent or so in the early 1990s to 20 percent today
- Continuing stress on neighborhoods caused by vacant and abandoned housing in wake of the foreclosure crisis
- Continuing population loss, with no end in sight
- A sharply lower tax base
- A high number of retail and commercial vacancies throughout the city – in addition to the blight of Severance Center
- A majority minority population that is not reflected in the makeup of City Council
- Failing storm sewer infrastructure that will have to be rebuilt at a still unknown, but surely very high, cost

While the Council Manager form may be appropriate for many communities, I do not think it has served Cleveland Heights well for the last 20-30 years. My research and reading indicate that both South Euclid and Shaker Heights, with their strong mayor forms, dealt with the foreclosure crisis more successfully than we did. South Euclid currently has virtually no long-standing vacant properties; Cleveland Heights has hundreds. Based on attendance at over 100 Council Committee of the Whole meetings, I consider this attributable, at least in part, to our form of government. In this, I differ from most members of the CRC.

City Council

Given that my preference for a strong Mayor, checked and balanced by a legislative Council, is unlikely to prevail, I propose for consideration by my colleagues the following changes to our Council/Manager system:

1. A mixed Council, with three members elected At-Large to 4-year terms; and four members elected from Wards, for 2-year terms.
2. Vacancies: An At-Large seat that became vacant would remain so until the next regularly scheduled election, when the voters would choose a replacement. A vacancy in a Ward seat would be filled with a replacement to be appointed by Council, and that individual could run in the next municipal election. (The theory

here is that while the Ward would not lose representation, the individual chosen would have to run for election fairly soon; in addition, it would be easier to challenge a ward-based incumbent, vs. running in an at-large race.)

3. Note: the entire Council would be up for election every four years. I consider this an advantage. While some have pointed to the “stability” conferred by staggered elections, I think it too often simply tends to enforce the status quo. And in a City Manager system, staggered Council terms can lead to Managers being retained beyond the point that they are effective.
4. The Council would still elect its own President; I agree with those who have suggested dropping the designation “Mayor” for this position. It is likely that Council would elect a President from among the At-Large members, but the Charter should not require it. In all matters, the votes of Ward and At-Large Council people would count equally.
5. I do not endorse term limits because in a properly functioning electoral system, the election is the term limit. If constituents are being well-represented and choose to keep re-electing an individual, in a democracy that should be the voters’ right. Therefore, let’s put our emphasis on making our elections function properly.
6. I propose immediately increasing Council salaries to \$12,000 per year, with Council President being paid \$14,000 per year. Thereafter, Council salary increases could be linked to the U.S. Labor Dept.’s CPI-W, as is done for Social Security.

Rationale for Changing to a Mixed Council:

With all of Council serving at-large, residents often feel they have no direct representation at City Hall; they have no one to call when they have a problem – or even a good idea! In addition, the expense and time required to run a citywide race can be a barrier to entry for younger and less well-to-do candidates. Someone who runs and wins in a Ward gains valuable experience and name recognition, both of which can be helpful if s/he later chooses to run At-Large.

I propose 2-year terms for Ward Council members for several reasons: it provides more frequent opportunities for people to enter the political arena in our city; running in Wards would not require as much time and money as running city-wide, therefore having to run every two years should not be onerous; after all, U.S. Congressional representatives stand for re-election every two years.

An Elected “Weak” Mayor

In a long-standing Council/Manager system such as ours, I’m afraid that electing a “ceremonial” Mayor could lead to power struggles and be counter-productive. This is apparently happening in Portland, Maine, where following 80 years with a Council/Manager form of government, the citizens voted in 2010 to add a “ceremonial” weak Mayor to their C/M form. Although the charter changes creating the new full-time mayoral position did not reduce the Manager’s power and authority at all, the Mayor, having won at the ballot, seems to be constantly jockeying for power. I don’t think the possible gain is worth the risks.

Powers of the City Manager

Currently, the City Manager’s choice of Law Director, Finance Director and Planning Director must be approved by Council. I propose that the selection of the Chief of Police and the Fire Chief be subject to Council approval as well. Council should also have to concur if the City Manager wishes to terminate any of those five individuals. Currently, the City Manager can fire any city employee at will.

Transparency & Accountability in Government

I hope the Charter will require our elected *and appointed* officials in Cleveland Heights to adhere not only to the letter, but also to the spirit, of the Ohio Sunshine Act. The irony of the Ohio Legislature specifically exempting ITSELF when it passed that legislation should not escape us.

The Charter should require that all Council meetings, including Committee of the Whole and all other committee meetings, be videotaped and also transcribed. The latter is necessary because one can search a text document for specific mentions, while this is not possible with video- or audio-recording. Video is far preferable to audio-recording because with audio only, it is often difficult to discern who is speaking at a given time, or about a given matter.

City Hall already has video capability in Council chambers and automated transcription software is available. Better microphones would be needed.

Ranked Choice Voting

Having read many articles purporting to explain ranked choice voting (RCV), sometimes called instant run-off voting (IRV), I think it’s confusing and I do not advocate it for Cleveland Heights at this time.

Respectfully submitted,

Carla Rautenberg, 6/16/2018

Charter Review Thoughts – Jim Vail

Here are my thoughts:

A. Should we retain the Council/Manager structure (perhaps with modifications) or convert to some form of “strong Mayor” approach?

1. Most of us agree that while the City must manage its operations effectively, the City also needs innovative and effective leadership to attract and retain residents and desirable businesses.
2. We expect our council members to provide leadership, but council members serve part-time (even though most of them provide many more hours than required); so who should provide the full-time leadership of the City?
3. I believe the full-time leadership should come from a council-appointed City Manager and that the Charter should be modified to reflect that the City Manager is the City’s CEO. She or he should be:
 - Described in the charter as the Chief Executive Officer of the City;
 - Required to not only make sure the “trains are running on time” but to also lead/collaborate with Council and senior leadership to envision the City’s future and the means to achieve that future; and
 - Required to and engage in planning for the future and communicate with citizens about such plans.
4. I prefer such an approach to a “strong mayor” alternative for several reasons;
 - Leading a city has always been difficult but has become even more difficult over the last decade or so. Many factors contribute to that increased difficulty, but I believe they include:
 - Fewer resources, due to changes in government at the state and federal level; and
 - Increasing poverty in Cleveland Heights.
 - I prefer that we have a leader who is educated about, and experienced in, leading cities. Because our leaders (and we) face more difficult times, we have a smaller margin of error in planning and decision-making. I think the City Manager form of government is the better form of government in such times.
 - I envision an approach along the lines of Howard’s comment – something similar to a University president or non-profit CEO. There, the president/and or CEO are the leaders of their organizations and they collaborate with, and are governed by their boards of directors (akin to our elected council members). Certainly, there are many success stories in those kinds of organizations.
 - Similarly, School Districts are led by appointed Superintendents who are professional educators. They report to, and are hired and fired by, elected School Board members but the Superintendent is the leader of the School District
5. A “strong Mayor” could certainly succeed even though he or she may not be educated or experienced in city government, but the risks of such an approach far outweigh the benefits, when compared to a strong city manager.

- The electoral process is likely to reduce the pool of good leader-candidates dramatically. Many people who might be good city leaders will avoid running; we have seen that phenomenon in council races.
 - On the other hand, we risk the “good campaigner/poor leader” and “popular name/ poor leader” problems.
 - While removal of an ineffective City Manager is not easy, waiting 4 years for a new mayor is a long time, during which many problems may occur and some of which may not be curable merely by the election of a different mayor.
 - The problems of political patronage and the risk of people running for mayor as stepping stone to political advancement also trouble me.
6. I find persuasive the comment of Tom Wagner who served on Lakewood’s charter review commission and who voted to convert to a city manager system. He acknowledged that Lakewood is currently led by an excellent mayor, but still wanted a Council/Manager system because he remembered the difficulty caused by a former mayor he felt had harmed the City.
 7. I find persuasive the report from Governing Magazine and the IBM white paper that concluded that cities with council/manager forms of government were more efficient and had won most of the recently-awarded “Leading Cities” and “All American Cities” designations.
 8. I find persuasive the report that of the 41 cities which had recently changed their form of government, 40 had converted from “strong mayor” to the “council/manager” form of government.
 9. Some people have suggested that we consider a “Shaker Heights model” as a hybrid between a strong mayor and a council/manager form of government. But the Shaker approach is not a hybrid. Shaker’s charter does not provide for a chief administrative officer, although an ordinance does provide for a chief administrative officer who serves at the pleasure of the Mayor. Such an approach is common to most “strong mayors” who have the authority to hire and fire a Chief of Staff or Chief Administrative Officer.

B. Should the City select members of Council at large, or by wards (partially or totally)?

1. I favor the at-large elections for all seats, but recognize that approach may have some limitations; specifically, the cost and time of having to campaign city-wide could a) contribute to fewer people running for council, b) result in some parts of the City being under-represented on Council.
2. I prefer at-large elections for several reasons:
 - The need to campaign City-wide requires candidates to learn about the issues facing the entire city, not just a part of it;
 - Wards have the risk of creating fiefdoms;
 - Wards may lead to infighting over limited resources;

- Brenda May's comment that she did not prefer wards because she thought such an approach provided "token" representation resonated with me.

Thus, I prefer we retain the current form of electing council members.

Jack Newman Notes
June 18, 2018

I favor maintaining the basic structure of our government, that is Council/Manager. In my view, there has not been a meaningful case, let alone a compelling one, made for a change, nor are there any obvious, untapped areas of inquiry that, if pursued, would be likely to alter that assessment. On the other side of the ledger, I see substantial risks, and worry about unknowns, associated with uprooting the existing system in favor of something else.

I do however, believe city government could benefit from a broadening and sharpening of the expectations for the city manager, to emphasize that it is the city's senior executive position, should be seen by all (both internally and externally) as such, and carries with it obligations of vision and leadership, not just implementing orders. My sense is that in the recent council/manager tenure, things have already been moving in that direction, but it will still seem very helpful to set out more explicit expectations. Charter provisions would thus include items along the lines of the following (some of which are already present in the charter in one form or another):

The City Manager (CM) is the Chief Executive Officer of the City and the official head of city government and represents the City in intergovernmental relationships.

The CM is responsible for the general direction, supervision and administration of all City affairs.

The CM reports to, is responsible to, and is subject to the oversight of, Council.

The CM has the following more particular powers and responsibilities:

To represent the city in its relationships with business and residential interests consistent with the city's master plans and strategies adopted from time to time by Council and with the ordinances and policies approved by Council.

To appoint, promote, suspend, discipline and/or remove all city employees and appointive city officers except as otherwise provided by the laws of the United States or Ohio, this Charter, or ordinances adopted pursuant to this Charter. The CM may authorize any City officer, subject to the CM's direction and supervision, to exercise these powers with respect to subordinates in that officer's department, office, or agency.

To be the chief conservator of the peace within the city, and to see that all laws and ordinances are enforced.

To develop and submit to Council policy proposals, including from time to time proposals for new or revised master plans, and to provide advice to Council on matters of policy.

To develop, introduce, and recommend ordinances and resolutions for consideration by the Council and otherwise make recommendations for actions to be taken by the city.

To prepare and to submit to Council annually, and publish contemporaneously in media of ready availability in the city:

- A proposed operating budget for the upcoming year,
- A proposed capital improvements program and budget containing at least the improvements scheduled for or proposed for the upcoming year and for each of the next succeeding three years.
- A written message accompanying the budget proposals (i) describing the state of the city, including but not limited to its financial condition and its future needs, and identifying any longer term risks the CM believes are reasonably likely to have a material impact on the city's future financial and other well-being, (ii) making recommendations for the establishment and achievement of future city goals and dealing with the risks identified, and (iii) setting forth the initiatives proposed for the year and for the next succeeding three years.

To promote and pursue the vision and plan for the city as determined from time to time by Council in light of and in response to the proposed budgets, the description of condition and needs, the identification of risks, and the proposed goals and initiatives.

To execute on behalf of the city all contracts, conveyances, evidences of indebtedness and other instruments to which the city is a party.

To attend meetings of Council with the right to participate fully in its discussions and bring matters to its attention, but without the right to vote on or veto any measure, and to attend meetings of any committee of Council when permitted or requested by that committee and to bring matters to its attention, but without the right to vote on or veto any measure.

To perform such other duties as may be prescribed by this charter or by ordinances or resolutions of Council not inconsistent with this charter.

To delegate to any other city officer, department head, or supervisor, subject to direction, supervision and ultimate responsibility by the CM, the authority to exercise any of the CM's powers and duties

In addition, it would seem desirable to enhance the explicit authority and expectations of the Vice City Manager (VCM), beyond simply authority to act in the temporary absence or disability

of the CM (as in the current charter), and to require approval of the VCM's appointment by Council (not in the current charter). The pertinent provisions could run something like this:

There shall be a VCM, who shall be selected and appointed by the CM on the basis of executive and administrative training and experience determined by the CM to be appropriate to fulfill the responsibilities of the office. The appointment of the VCM shall be subject to, and shall be effective only upon, approval of the appointment by Council acting by a majority of all its members. The VCM shall report to and be responsible to the CM and may be suspended or removed by the VCM without the approval of council.

The VCM shall assist the CM in the operation of the CM's office and the execution of the CM's powers and duties, subject to the direction, supervision, and ultimate responsibility by the CM. During any temporary absence, suspension or disability of the CM, the VCM shall have and exercise the powers and perform the duties of the CM.

As to the Council, I likewise believe the current method of selection - at large for all seven seats with 4 year terms staggered in two segments of 4 and 3 seats - should be retained.

To address points advanced by some concerning lack of certainty about whom a particular resident might contact on council to raise an issue, consideration could be given to requiring each newly constituted council to set seven geographical districts and assign one council member to each of the districts as the publicly identified contact for that district, but without limiting residents of the district to using that person.

To help address comments by some about confusion as to distribution of authority and/or responsibility, I would encourage elimination of the title "mayor," retaining only "president of council." I believe the council should select its own leader, and therefore believe it would not be desirable to have a popular election for that position. Among other things, this could potentially reinject into our system the very kind of conflict and uncertainty about overall distribution of authority and responsibility that in my view we should seek to avoid.

The record contains very little discussion of the pros and cons of head-to-head council races, and to me this could warrant a more meaningful examination, as could both term limits and the question of dealing with council vacancies.

Beyond the issue of structure and election of Council, it could make sense to include some provisions that establish particular expectations of members of Council, such as:

A requirement for generalized training of all newly elected members of Council.

Relatedly, a commitment to participation in orientation, and periodic refreshment, that would include spending meaningful operational time with every department (police rides, for example).

Active participation in an annual evaluation of the CM

Commitment to participate in community events

Minimum standards for handling committee assignments.

Patty Ajdukiewicz – Statement of Current Position Regarding Charter Review

I am in favor of keeping our current form of government, while making a few changes to enhance the city manager/ council relationship. I believe that the problems that arose in recent years, were primarily caused by personality differences and not structural issues. The City has already added key personnel to address some of the items that were brought up during our review process and their work is already showing positive changes.

For our city to be competitive among equals, we should make sure that the City's staff responsible for economic development and communication are present and have the tools needed to execute their duties. Both those departments have been staffed, but we need to look to our neighboring cities to see how better to communicate the positive changes happening.

I believe that some changes are needed to better the City:

- I agree with Mike that we need to get rid of the word “mayor” to describe the president of council – it make it seem that Cleveland Heights has a strong mayor system and makes it more confusing for citizens to navigate the system; that position should be strictly for ceremonial purposes and to keep the council on track
- The City Manager should be encouraged to bring policy suggestions to council and they should review it within a timely manner (to be determined what that is exactly)
- Cleveland Heights residents need to understand that it is the council that is accountable to them and that not only the everyday issues should be brought to their attention, but that there are also responsible for the leadership of our city and all their actions are under scrutiny by the people who have elected them
 - o We have talked a lot about the vision and the leadership of the city. In my view, the former falls on the city council where the latter is city manager's responsibility
 - o The city manager/council is a democratic system but as it is less known in our region we need to make sure that all the residents understand all their rights and obligations' within this structure
- I would like to hear more regarding the at-large/ ward city council election

Considerations and My Thoughts on Form of Government and Council Makeup

Jessica Cohen

While many commission members may be more or less decided on how they want to proceed in the decision-making process, I would like us to have more of a back and forth for how suggested changes (or lack thereof) would respond to the charge that was given to the Commission by Council:

- *What is the problem we are trying to solve by considering a change to Cleveland Heights' form of government?*
- *How will a changed form of government affect the balance we seek on issues of representation, policy leadership, and administrative efficiency?*
- *What are the consequences of changing the government of Cleveland Heights?*

I would like to address all of these and propose that we dive into these issues at our June 21st meeting.

From my perspective, I see the problems we are trying to solve as the following:

1. **Lack of leadership and vision** – I was struck by Peter Rubin's statement that we need to think about what Cleveland Heights needs right now. What government may have been effective in the past, may not be so today for the stage Cleveland Heights is in. Peter labeled that stage as "post-maturity". Indeed, Cleveland Heights is an inner ring suburb facing significant challenges. Of course it has important advantages, but where is the public, articulated vision that residents can hold our city government accountable for? We are sorely lacking this public, articulated vision and the accountability that comes with it. What about the creation of a Community Development Corporation for Cleveland Heights? Future Heights has been begging to serve in that role for years now. And the city has moved at a glacier pace. Just attending a Neighborhood Progress annual luncheon provides a clear window into the amazing innovative programs and approaches Cleveland CDC's are bringing to their neighborhoods. While Future Heights – the eventually-to-be-designated CH CDC, remains hamstrung and stalled. Critical issues like Severance, declining housing stock value, and innovative economic and community development are all sitting stagnant, while innovative CDCs in Cleveland and other, better equipped suburbs, like Shaker Heights, Solon, and South Euclid move a clear agenda forward to address their city's core issues. Is just a public state of the city enough? How can we really hold our city staff accountable to a public, articulated vision if everyone is shielded by personnel records and the city manager has seven bosses? Where does the accountability lie? This is particularly an acute issue given that voting out members of Council is an almost impossible task given the lack of willing candidates and the inability to run for a particular "seat" in a head to head election. If my colleagues on the commission think we can address this by making tweaks to the city manager system, I'm willing to listen, learn, and consider.
2. **Lack of attention to the long-term health and vitality of the city** – This goes hand in hand with the prior problem, but is significant in that it refers to the critical underlying, perhaps hidden issues in our city that remain ignored until they could no longer be ignored. The two examples I

have been most disturbed by is the sewer infrastructure issues and the collapse of our Cleveland Heights water department and service delivery. Both have resulted in significant rate increases for Cleveland Heights residents. This has angered residents, frustrated residents, and in some cases, caused people to think about leaving the city. Again, I find the situation where the person ultimately responsible for the long-term health of our city being shielded by the confidentiality of personnel records to be an almost insurmountable barrier to securing any accountability at all. Furthermore, I'm not convinced by the evidence presented that the Council (all 7 members) can functionally and practically engage in an honest, forthright discussion about issues with the city manager. This would depend on Council working together harmoniously and towards the same objectives which is not always assured depending on the dynamic of Council; and, in their part-time capacity do they have the bandwidth to really keep tabs on all aspects of the city management in a way that allows them to provide real supervision, guidance and vision to the city manager? I am interested in hearing my colleagues' response to how tweaks to a city manager system would remedy this issue.

Both of the above categories of problems require vision, leadership, time, accountability, and transparency. How do we accomplish this under the current system – if we can?

Regarding the second question from Council that we should address, I am troubled some of my colleagues' concerns around the politicization of city management. I object to the sense that there is something wrong with having a political process as part of the governance of our city. That is the foundation of our democracy. The risk of electing the “wrong” mayor is as much a reality as electing the “wrong” council member(s) or hiring the wrong city manager. In fact, we run a similar risk in any hire at the city. These are regular, inherent risks that can be righted with the expectation of some time and some expense. To dismiss a strong mayor system because of this fear of politics or the wrong candidate short changes this process and does our city a disservice.

In terms of ward representation, I have been moved by the comments of our invitees and the interviewees we have consulted on this topic. I retain my mid-process conclusion that an at-large system serves the needs of our city. I don't believe that the problems this city faces will be solved by any change to the way Council is elected vis a vis wards versus at large. I am interested in continuing to understand better and consider solutions to enhancing opportunities for people in Cleveland Heights to run for office and to make it more accessible. I believe some of this may be accomplished through charter changes (number of signatures on election petitions as one example) but also could be accomplished by local nonprofit initiatives (electoral educational sessions for example, working with neighborhood groups to recruit qualified candidates, candidate training, etc.).

Regarding the third question from Council, I believe that there will always be some negative and some positive consequences of significant changes – in government and elsewhere. I have addressed the concern about injecting more “politics” into city government. One specifically has not yet been addressed which I would like to surface: the potential additional cost of a strong mayor system. I have heard some numbers bandied about in our meetings that such a change could cost

\$500,000. I'm not sure where that number came from, but I question its validity and want to caution my colleagues on the Commission and the public on speculating too wildly about potential additional costs. We need to have a conversation based in facts and reality. And if cost is the main determining factor for someone in avoiding this change, I would ask – isn't our city worth it?

I look forward to delving more into perceived consequences with my colleagues at the meeting as I believe to fully answer this question we need to have an iterative and participatory conversation among the commission members.

Lastly, I would share some remaining thoughts on the topic at hand:

- I would like to spend some time discussing the public feedback on this issue. It's important that we consider and understand the feedback we are getting from the public. I don't want to minimize the importance of the feedback because there is a perception that it's a minute percentage of the total citizenry or that only the loudest voices have made themselves heard. To do so would be contrary to the spirit of citizen participation we hold dear as Americans.
- I would like to learn more about we might incorporate "head to head" elections into the charter.
- I would like to see a charter review take place at least every 10 years, perhaps sooner and that continue to be part of the charter.
- I would like to explore the idea presented by the former financial director of the city for an infrastructure millage enshrined in the charter. I want to understand what that means for the city and for the residents.
- If we do consider a strong mayor position, I would want to discuss including a Chief Administrative Officer and a recall provision in the charter.
- I think we should consider including in the charter a salary provision for council members (and mayor, if applicable) that allows for increases over time.
- If we retain the city manager form of government, I would like to consider how to incorporate additional accountability into the system.

TO: Colleagues and Residents of the City of Cleveland Heights

RE: Charter Amendment

The Legislative body (City Council) creates laws and passes the budget. The Executive (Mayor) is responsible for enforcing the laws and carrying out the day-to-day activities associated with the city. Both should be directly accountable to the people of Cleveland Heights. **Why?** Because in the Representative Democracy will live in, “We The People” directly elect our representatives to work on our behalf. We elect those who create the laws and those who “enforce” them. Both can be recalled and voted out by us.

Key points:

- Cleveland Heights should have a strong Mayor-Council Form of Government
- There should be a full-time Chief Administrator Officer or Chief of Staff, responsible to the Mayor
- Committee of the Whole meetings should be recorded
- Council should remain part-time, increased salaries
- Council should be divided into up to 7 Wards
- Councilmembers should have attendance requirements

Arguments:

- Mayor can be all of a “politician,” “professional” and “Charismatic” (simply see terms)
- The Legislature and Executive should be **DIRECTLY** responsible to the American people. This is **NOT** the case when council is in charge of the “Executive” (as seen in the City Manager form of Government). For those who are confused and/or argue this is not the case. Directly responsible would look as such: Citizens>Executive. **NOT:** Citizens>Council>Executive

I conclude, that if we do not move forward with amending or completely re-designing our Municipal Charter to reflect direct election of both our legislature and executive: we have failed the people of Cleveland Heights, wasted taxpayer dollars and most importantly, wasted our valuable time. I understand that sometimes “The People” have to take a stand against a “deciding body” in order to create meaningful change. Through our failure, I am hopeful that the people of Cleveland Heights will succeed at amending the Charter through ballot initiative.

Sincerely,

Allosious K. Snodgrass,
Vice-Chair

Politician- a person experienced in the art or science of government; *especially* : one actively engaged in conducting the business of a government

Professional- of, relating to, or characteristic of a profession

* Merriam-Webster Dictionary

Sarah M. West

Writings on Charter Review considerations for the June 20 meeting

1. I do not favor changing the form of CH government to strong mayor or ward based council.
2. I favor retaining a professional City Manager.
3. The City Manager should be the chief executive and administrative officer for the City. The City Manager must be placed in a role of empowerment and value in the Charter. The City Manager should act with the advice and consent of the Council in matters related to city policy. The City Manager hires and fires all department heads.
4. I favor changing the current system of appointed from within Council "Mayor" and "Vice Mayor" to an elected President of Council for which a candidate must run separate and apart from any other seat on Council. The President of Council may run on a platform shaped by intended policy, but the President of Council's vote holds no more weight on matters than any other councilmember's and the President of Council does not hold a veto.
5. The President of Council must run for his/her position every 4 years in even years and may reside in any neighborhood within the city borders.
6. The remaining six members run for four year terms in a 3/3 split in even and odd years and will remain at large.
7. The President of Council is a head to head election.
8. The remainder are elected as they currently are.
9. A nonsitting candidate who runs for President of Council and does not prevail wins no seat.
10. A sitting Council member who runs for President of Council and does not prevail loses his/her Council seat, but may run to regain it in the next election cycle if not term limited.
11. The President of Council is term limited and may not be elected to that seat more than three times.
12. The Councilmembers are term limited and may not be elected to their seats more than three times.
13. If a person serves as an elected councilmember twice and elected President of Council once, or serves as elected councilmember once and elected President of Council twice, that person is considered term limited from future seats.
14. Vacancies to the President of Council may only be appointed from sitting Councilmembers.
15. Vacancies to Council are addressed in the same way as they currently are.
16. Eliminate the 4 nonpublic, nonrecorded work retreats.
17. Eliminate all other work meetings which do not have recorded minutes as required under the Sunshine law.
18. If the President of Council is unavailable to lead a stated Council meeting, the seniormost Councilmember is the designated proxy.

19. The City Manager is the official spokesperson for all city policy and procedure under the scope of his/her enumerated duties. In the event of emergency, the City Manager should coordinate public responses with the appropriate first response teams and other applicable agencies.
20. The President of Council may choose to act as a ceremonial leader at community and charitable events or may appoint another Council member at his/her discretion.
21. For all purposes related to the business and administration of the city, the City Manager, should attend all intra-and intercity meetings, conferences, events, etc. and prepare a report to the Council. The President of Council may choose to attend if invited, but the City Manager is the attendant of record.

From my observations, one of the biggest areas of opportunity for our city government is the implementation of training so councilmembers and the city manager can work as a cooperative, evidence-based, vision-focused team. Collaborative governance, cultural competence, exploration of leadership models and strategies and other professional development is necessary in order to effectuate a highly effective city government.

To: Charter Review Commission
From: C. Randolph Keller
Date: 6-21-18
Re: Considerations For Finalization

Introduction

While not attending every meeting, I have remained attentive to my responsibilities as a Commissioner on this Charter Review Commission. I consider those responsibilities first of all to study the Charter of the City of Cleveland Heights. Secondly, whether through a review of their submissions, or when privy to their commentary, I must listen carefully to my fellow commissioners. While being under no obligation to agree with them, I believe that I must understand the presentations of those who have come before the body and factor them into my considerations. Finally, I should render a well thought out position as to the review of the Charter of the City of Cleveland Heights.

In so doing, I maintain my previous framing of the issues. First, there is palpable assertion that Cleveland Heights government has no architect or champion to construct a vision for the City and then champion that vision forward. Second, there is a caucus within the City that has grave concerns over the economic development of the City or its lack of same, which according to that caucus is compounded by insufficient access to the Government and its respective responsible personnel. Finally, there is a concern among some that the current form of government is not a representative government due to the absence of a strong mayor elected by the populace.

I have not heard in my opinion from our guests, the documentary materials, my fellow commissioners, independent analysis, or public commentary a convincing position as to how a change in the actual form of government to that of a strong mayor specifically remedies or notably improves upon the creation and promulgation of a vision for the City, the economic development efforts of the City, or access to the functions of government and the personnel responsible for them. Finally, by definition, the current form of government is a democratically elected government. As to the third and final concern, the election of a 7 member City Council in my opinion enhances the wide range of voices necessary to a democracy.

It would in my opinion be a disservice to those who are already serving and sacrificing in their official governmental capacities as well as an inefficient utilization of fiscal resources to implement change merely for the sake of change.

My position and vote is to retain our current form of government.

Issue

Thus, the issue becomes, what recommendations **relative to the Charter**, can this Body make that will address these 3 major areas of concern (creation/promulgation of a vision for the City, enhanced economic development, and the creation of improved governmental/constituency relations).

Recommendations/Considerations

Article III

The Council

I am currently of the mindset that the Council should remain a 7-member body elected at large for 4-year terms.

I would however recommend a districting of the City that creates 7 council districts, based on size, diversity, business presence, and other relevant demographics. Each at large member on a rotating basis (perhaps every 6 months or annually) shall be assigned to a specific district.

A mandatory district council meeting will be held monthly within each council district for constituents to meet with their assigned member of council, voice their concerns, express their appreciation for what is working, and make suggestions in furtherance of the Council's responsibilities in sections 8, 9, and 10 (think Noble Neighbors).

In the event the councilperson assigned to that district is unable to attend the monthly district meeting, the councilperson so assigned shall be responsible for the securing of a replacement from City Council to attend in his or her place.

Perhaps, a raise, if feasible, should also be given to the Council members particularly with their new responsibility for the monthly district meeting.

I would eliminate the titles of Mayor and Vice Mayor and simply have a President of City Council and a Vice President of City Council, who as part of their duties will be responsible for the aforementioned districting and assignments. Their other perfunctory duties outlined in section 10 would remain.

Finally, an annual "state of the city" address should be scheduled yearly on a date certain. This should be a joint presentation from the President of Council and the City Manager to lay out for all interested the vision for the upcoming year with a comprehensive plan for its implementation. The President of Council and the City Manager should also touch upon a 5 year vision in that presentation specifically in the context of how the current year's vision is forecast over a 5 year window.

Article IV

City Manager

In addition to the Powers and duties enumerated in Section 3, the City Manager would be required to deliver with the City Council President an annual "state of the City" address on a date certain.

Section 4 should be amended to establish a position of Deputy City Manager. This position will assist the City Manager in the exercise of powers and duties in Section 3 as instructed by the City Manager (one such duty for the Deputy City Manager could be direct oversight and collaboration with the Director of Communications and Marketing, a position that is being recommended in this document). I recognize that

this has financial ramifications but I believe that there is someone already compensated in this assistant role.

Article V

Section 1 should create the administrative position of Director of Communications and Marketing. Council should determine the functions and duties with specific attentiveness to the communications and public relations deficit that we have heard so much about during the Commission review.

This person should work intimately with the Council President, City Manager, and Deputy City Manager to address the issues of vision and communication of it to the constituency.

Article XI

I would consider requiring, in addition to the City Manager and the Chairman of the Planning Committee, the Council President and 2 additional members of Council be placed on the Planning Commission as non-voting members. This assignment could rotate in a manner similar to the district council assignments to give voice to each of the districts on the Planning Commission, again providing some input and communication concerning the vision and future planning of the City.

Maia Rucker
Charter Review Thoughts
June 21, 2018

After careful consideration, I am in favor of retaining the current form of government in Cleveland Heights that is City Manager/Council. In my opinion, there are a number of risks associated with overturning the current government form in favor of a system with a strong mayor. I strongly feel the city's operations should be executed by a professional. I am further concerned that the current push for a strong mayor is based on conflict from a select few with city officials/council due to personality differences, and is not rooted in the best interests for the city.

Further, it is my opinion that the residents of Cleveland Heights are grossly unaware of how the current form of government operates, the roles that Council Members and the City Manager execute, and where to take their concerns. Thus, the language of the charter should be revised to clearly reflect the duties of the City Manager, expanding the position to a Chief Executive Officer of the city, as well as further explaining the roles of council.

I am also in favor of changing the current terminology used in reference to appointment within the Council from Mayor to Council President to further ensure clarity to those less familiar with the Cleveland Heights government system. I am open to discussion regarding "head to head" election for Council President. However, I am against a ward system. It is my opinion that every person interested in running for council should be cognizant of and passionate about issues affecting all of Cleveland Heights.