



City of Cleveland Heights Charter Review Commission

Decisions and Rationales

7 February 2019
Council Chambers
Cleveland Heights City Hall

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

1. Acceptance of Decisions and Rationales

The Decisions and Rationales of 24 January 2019 were accepted by acclamation.

2. Resignation of Sarah West

Renewed consideration was given to the status of Sarah West. In a note to the chair dated October 21, 2018, she had tendered her resignation from the Commission owing to a newly emerged scheduling conflict that would prevent her attendance at Commission meetings for at least a period of time. The Commission had held action on the resignation in abeyance, in the hope that the conflict would clear on a timely basis and she could resume attendance, but that has not occurred and she has been unable to attend a meeting since October 4, 2018. Accordingly, on motion of Jack Newman, seconded by Jim Vail, the Commission unanimously accepted the resignation, with thanks, effective October 21, 2018.

3. Consideration of Comments on the proposed Amended Charter

In line with its practice throughout the charter review process, the Commission reviewed and considered oral and written comments that had been received from the public at, and in connection with, the January 24 public meeting, as well as written submissions received from Commission members addressing and evaluating those comments. Topics included a revised preamble, further attention to drafting regarding gender neutrality, timing for Council to fill vacancies, treatment of emergency measures, elimination of the

title Mayor, elimination of the residency requirement for the City Manager, questions regarding the initiative and referendum processes, a request for reconsideration of the decision on form of government, potential additions to provisions on the responsibility of the President of Council (particularly as to evaluation of the City Manager), criticism of the 25% salary differential for President of Council as higher than unjustified, and a suggestion to prohibit providing food to Council members at their meetings.

It was noted that, the members had in front of them a new draft of the proposed revised charter that included language changes in light of the comments on gender neutrality, emergency measures and initiative/referendum, and additions to the provision on responsibilities of the President of Council. The new draft had no changes on the other items. Upon reviewing each item, the Commission concluded that, with the exception of the preamble, the new draft (whether via change or no change) disposed of the comments and submissions in an appropriate matter.

The two items generating most discussion, and the only items on which separate votes were taken, were a potential new preamble and the elimination of the title Mayor. With regard to the preamble, a member of the public had suggested that the Commission consider including additional thoughts of an aspirational variety in the preamble, and had submitted an example from a city in California. Katie Solender, who was unable to be at the meeting, had suggested slight revisions, which were circulated. Discussion centered around the desirability, or not, of including an aspirational element in the Preamble, recognizing that it would not be intended or expected to affect the actual interpretation of any substantive portion of the charter. Jim Vail moved to substitute for the existing preamble the preamble that had been newly proposed, with the modifications advance by Katie Solender. Jessica Cohen seconded the motion.

Vote on the Motion: Yes – 8 No – 1 Abstain – 0

As to the title Mayor, following renewed discussion, Jessica Cohen moved to retain the change as previously decided and as reflected in the existing draft -- that is, eliminating the title -- but with a related addition to the Report as discussed [see related material in Point 5, below]. Vince Reddy seconded.

Vote on the Motion: Yes – 8 No – 0 Abstain – 1

It was noted that the Report, now to include the additional comment, would call this issue to Council's particular attention, with the notion that Council would likely be in a better position than the Commission to give a final weighing of the pros and cons. Also, the Chair planned to follow up with

certain outside individuals in order to be a position to comment further if sought by Council.

4. Review and Acceptance of the Amended Charter

The Commission then considered the proposed Amended Charter as a whole, as it had been presented put before the Commission at the outset of the meeting, but now also including the newly approved preamble. Jim Vail moved to accept the Amended Charter as so described and to refer it to the Commission with a recommendation for approval and referral to the Council. Patty Ajdukiewicz seconded the motion.

Vote on the Motion: Yes – 8 No – 1 Abstain – 0

5. Review and Acceptance of the Commission’s Report

The Commission then reviewed the most recent, revised version of the Report, which had been circulated in advance of the meeting. There was discussion of certain changes already reflected in that version as well as certain additional changes potentially warranted in light of the discussion and action just taken regarding Amended Charter. Jessica Cohen moved, and Vince Reddy seconded, that the Report as presented to the meeting be accepted and referred to the Commission with a recommendation for approval and delivery to Council, subject to the following: (i) addition of a reference to the new preamble; (ii) elimination of the second paragraph under the subheading “Core Issue – Form of Government;” (iii) inclusion in the first paragraph under that heading of a reference to the Commission’s consideration of extensive material, specifically including comments from and submissions by the public; and (iv) an additional sentence at the end of the penultimate paragraph discussing Article Three to the effect that if, contrary to the Commission’s recommendation, the Council were to decide to retain the title Mayor, the Commission urges that in doing so the Council make every practical effort not to diminish the responsibility, accountability and dignity suggested by the Commission for the City Manager position.

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

6. Handling Preparation and Approval of Decisions and Rationales and Dissolution of the Committee of the Whole

The Committee discussed and developed a method for handling approval of the Decisions and Rationales for this meeting of the Committee of the Whole and the anticipated follow-on meeting of the formal Commission, given that there would be no further meetings of the Commission in either capacity. A review

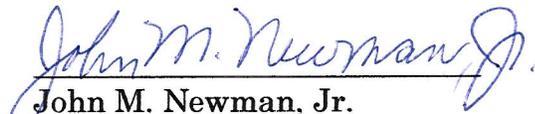
of possible contents for Decisions & Rationales for the Committee of the Whole was presented orally for contemporaneous consideration and approval, subject to later fleshing out as appropriate, reduction to writing, and attestation in final form by the Chair and Vice Chair. This process was, in consultation with the Committee's counsel, deemed an acceptable approach for use both by the Committee of the Whole and by the formal Commission.

Vince Reddy moved that the process for Decisions and Rationales and the oral review of contents as respects the meeting of the Committee of the Whole be accepted and that the Committee of the Whole be dissolved. Patty Ajdukiewicz seconded the motion.

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

The Committee of the Whole was dissolved and the meeting of the Commission in that capacity adjourned in favor of a meeting of the formal Commission.

Attest:



John M. Newman, Jr.
Chair



Jessica Cohen
Vice Chair