

**City of Cleveland Charter Review Commission**  
**May 10, 2018**  
**10:00 a.m.**  
**Cleveland City Hall, Mercedes Cotner Council Committee Room 217**

**Attendance**

Charter Review Commission Members Present: Bibb, Brady, Camardo, Cleveland, Hamm, Kazy, Keane, Kenney, Langhenry, McCormack, McNair, Phillips, Vento.

Members Absent: Johnson, Santana.

Also attending: Richard Horvath, Chief Corporate Counsel, City of Cleveland.

Commission Chair Martin J. Keane called the meeting to order at 10:07 a.m.

- Chair Keane asked for any comments or changes to the minutes of the last meeting (April 26, 2018). No comments were made.
- Chair Keane introduced Richard Horvath, Chief Corporate Counsel from the City's Law Department, who has been instrumental in past charter reviews as well as the "resident expert" on charter issues in general.
- Horvath provided a brief history of the Charter Review and started out explaining Home Rule authority of the City of Cleveland and the impact that the Charter has on the daily operations of the city.
- He said that the Charter Review Commission is undertaking a valuable effort in going through the Charter and keeping sight on the benefits that it can offer to the city and to its residents.
- During the mid- 1960s there was a comprehensive review of the charter that was initiated by the citizens of Cleveland.
- The first review occurred in 1968 when City Council first appointed a charter review commission, which proposed approximately 25 proposed changes to the Charter after its review.
- The next time the Charter was reviewed was in 1988, and that charter review commission recommended 15 proposed amendments. But the City Council only put a small number of these amendments before the voters.
- Horvath believes that there was a missed opportunity in 1988 when very little was done.
- He mentioned that there never was a real organized review of the Charter prior to the 2008 charter review commission.
- In 2008, the charter review commission went through the Charter, and looked at other changes proposed by the city administration, City Council and Clerk of Council.
- Horvath feels that the review this year should be easier because it has only been ten years since the last review and there shouldn't be a long line of people wanting to make a lot of changes. It may put pressure on the Commission to better explain what proposed changes are and why they need to be done; this was not done 2008, mainly due to a lack of time.

- Horvath said that the Commission needs to take the time to explain the proposed charter changes to the voters to help them understand what these proposed changes will do.
- Horvath encouraged the Charter Review Commission members who are not elected officials to provide their own thoughts and ideas on handling issues and bringing up suggested recommendations as well as tweaking the process.
- Horvath then went over some proposed charter changes from 2008 that the 2018 Charter Review Commission should consider.
- Richard Horvath identified the recall process (2008 Recommendations #15 and #16) of city elected officials as an item that the Charter Review Commission should review.
- There is currently no mechanism in the Charter to address the issue of what happens to the vacancy if the Mayor or a Council Member is recalled by the voters (2008 Recommendations #22 and #23). There needs to be a process in place to fill the mayoral seat during the time that the vacancy is created due to recall and a special election for the selection of a new Mayor can be held. A vacancy of a Council Member is not as crucial because operations of the city are not as affected, but there still is no Council Member in place until a special election can be held. The Charter should be clear on who performs the duties of Mayor and of Council Member if a recall of either public official should occur. Commission Member Langhenry pointed out that the person replacing the Mayor only serves until a permanent replacement is elected to the office.
- Commission Member Phillips commented about the vacancy in the Mayor's office and expressed concern about the Law Director assuming the office in the event of a vacancy. He mentioned that in other cities, the council president would assume the Mayor's office.
- Commission Member Brady mentioned that the replacement of the Mayor by the council president could set off a chain reaction of events that could be challenging – special elections would have to be held for the council president and the vacant council ward seat.
- Horvath then talked about the passage of the city budget (2008 Recommendation #43). Currently, City Council must have the budget sit for 15 days before the final passage, which can come very close to the April 1<sup>st</sup> deadline for when the budget is passed. He mentioned that there may be instances where more time is needed to go over the budget. Today the budget hearings are televised, and information is online, so 15 days may no longer be necessary.
- Horvath talked about the mandatory referral process (2008 Recommendation #56). Currently, if there is a public improvement involving a public building, it must go through the City Planning Commission. Richard Horvath suggested that the City Planning Commission should only review city planning changes that will directly impact the City Plan.
- Horvath talked about hiring of city prosecutors (2008 Recommendation #60). Most city departments hire the number of employees that are in each year's city budget which City Council passes. However, this section of the Charter requires Council to designate the number of city prosecutors by separate ordinance, which is really unnecessary since Council has already passed the Law Department's budget for the year.

- Council Member Brady thinks that the voters electing the city prosecutor or the safety director would have increase accountability to the citizens.
- Council Member McCormack said that City Council confirmation of certain positions hired by the Mayor could be considered as an option.
- Horvath talked about the ability of City Council to go into executive session (2008 Recommendation #34); currently the Charter is silent on the issue so Council cannot do this. Other cities have the ability to go into executive sessions under state law, but Home Rules cities like Cleveland must allow it specifically in their charter. Horvath felt that the Commission should consider allowing under the same conditions that are in state law. Chair Keane felt that there may not be that many instances where executive session would be used. Commission Member McCormack felt that we need to have such meetings open to the public
- Chair Keane mentioned that the Charter Commission will talk about executive sessions again when it reviews the relevant part of the Charter.
- Horvath mentioned that the 2008 commission did not have time to prioritize the recommendations that were made.
- Commission Member Cleveland mentioned that in 2008, some commission members personally wrote letters to City Council specifically prioritizing recommendations.
- Chair Keane moved to the next agenda item. Before each meeting he asked all Commission Members to review the charter sections that will be discussed at that meeting and to note any concerns, issues, thoughts, or suggestions that they may have.
- Commission Member Kenney asked if there was a form that could be used when recommending changes in the Charter, something that could be used to help analyze the proposed changes.
- After much discussion about the form, Chair Keane asked Special Counsel Rachel Nigro Scalish to draft an analytic protocol for the Charter Review Commission.
- Chair Keane noted that the next Commission meeting is on May 24<sup>th</sup> and will be held at a special time, 1:30 p.m. At that meeting, the Commission will be reviewing Charter Chapters 1 and 11.
- Chair Keane adjourned the meeting at 11:45 a.m.