



# City of Cleveland Heights Charter Review Commission

## Submissions to the Commission

Committee of the Whole  
31 January 2018

The following messages and other materials have been submitted to the Facilitator since the last sharing of Submissions. This document was delayed as some materials were recently received.

### 1. Diane Hallum Message 19 January

Diane Hallum shared the following message for the Commission on Friday, 19 January. She presented information during the public comment session at the last meeting, 18 January. She also submitted an attachment which is in an appendix to this message. The specifics of her ailment that she noted has been deleted from the second sentence. Otherwise her message is shared in full. She also sent a second message and that follows the appendix to this message.

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Dear Prof. Keller,

I want to apologize for losing my temper while attempting to describe the structural defects in our current form of government.

Frustratingly, while still able to conduct some research, [I am physically limited]. Combine that with 6 years of accumulated shock, disbelief, and dismay while attempting to understand the how's, why's, and what's of governance here in the City of Cleveland Heights and I believe I do rather a good job of not losing it more often.

My outspokenness, especially when continuing to ask "why" from our leaders, has irritated and angered them. However, I've gained the respect of many citizens, both residents and business owners and operators. Because of my disability, I try to avoid speaking when in front of Council without prepared comments. Otherwise, as two ex-Mayors of Cleveland Heights have learned, interruptions of any kind that distract me result in my babbling, thus allowing city leaders to declare me "crazy" or otherwise. Which explains my extreme irritation when Mr. Newman rightly interrupted me.

I would appreciate it if you could extend my apologies to him, and to everyone else on the Commission.

I am aware that, while the majority have benefited from close interactions with our city leaders which has enabled them to sit on numerous city-based or city-sponsored committees, commissions, boards, etc., including this very important Charter Review Commission, they are not the cause of the abuse of power that occurs in this city. However, the current governmental structure supports this almost incestuous population who are allowed to participate with city leaders and City Hall.

When Commission Chair, Jack Newman, insisted that the Commission only interview “organized” groups he exemplified just how those in power have been able to remain in power. Chairman Newman, in effect, was saying that this commission should survey themselves and no one else.

A review of members on all city committees, commissions, boards, and other city-sponsored groups will reveal a revolving door of Future Heights board members, Reaching Heights board members, key developers, contractors of construction and services, consultants who routinely receive contracts with the city, and non-profits that also benefit financially from tight relationships with the city. Leaders than claim that they relied on such “citizens” to support their decisions.

My suggestions, complaints, and comments to Council and those I have posted on Cleveland.com, based on factual research, direct conversations with people, or my own personal experiences, have been primarily about the intentional denial of rights to ordinary citizens in this city. This decades-long practice of cherry-picking who will be heard or be included has resulted in immense voter disenfranchisement in this city. Add to this the lack of journalistic media that reports on City Hall activities and we have ignorant citizens in Cleveland Heights denied inclusion, participation, and true consideration in how we are governed.

The tightfisted control over who is "heard" is exemplified by the following:

Since 2011, our Council appointed five Council members after four of those members stepped down and one, sadly, died while in office. Three of those who vacated their council seats did so 1-2 weeks immediately after a municipal election and the fourth did so two months after an election.

Email records and personal conversations revealed that the Council member vacating his/her seat, along with other sitting Council members, intentionally by-passed the ballot box in order to appoint who they wanted to Council. Two citizens told me that sitting Council members approached them to let them know of this plan and asking if they would like to sit on Council. These offers were made by Council members months in advance of filing deadlines for upcoming municipal elections.

My work to put a Ward Initiative on the 2014 November ballot was widely supported by residents and business owners, with 90% of those I and my supporters talked to immediately signing our petition. Not surprisingly, those in the executive positions of the local Democratic party and city leaders that included key City Hall department directors were aggressive in their comments and actions towards my efforts and succeeded twice in preventing me from attending large citizen gatherings where I had hoped to gather signatures.

My particular Ward initiative suggested the following changes:

- Creation of 7 Wards comprised of approximately 5,800 electors – with wards made by a Ward committee with three applicants from each of the current “5” Wards, ensuring those chosen actually represent the Dept. of Commerce’s demographic average within that Ward.

- 52% of our population are black, the median/mean household income levels are \$53,900/\$73,782, and mean worker earnings are \$34,069; yet if one reviews just who sits on these powerful assemblages, you see white members with higher incomes;
- The O.R.C. section on “types of governments”, population size is used to determine the number of Council members. A city our size, we should, in theory and per that statute, have a total of 9 Council members that, hopefully, will provide better oversight.
  - Two At Large Council members would also be elected
  - Removing the designation of “Mayor” for the President of Council
  - Providing that voter’s, not Council, chooses any replacements to Council
  - Greater limitations on “Emergency Measures” so that Council cannot abuse this abuse of the democratic process
  - More precise and explicit language to force Council to record and post videos of ALL meetings on the Internet as it currently does for its ceremonial “Council Meetings”.
- [Council does not keep any “journal” of discussions, deliberations, or votes made during the working Council meetings that include the Council of the Whole, Council Committees, and city-created committees, commissions, or boards for routine city business and for temporary purposes.]
  - Town Hall Council meetings where citizens are allowed to ask questions of and get answers from our leaders in an open forum.
- [The extreme lack of real communication about legislation, decisions, plans, and key issues have been my number one complaint to our leaders. In fact, they become irritated and even angry if citizens do NOT know what they know or are smug in claiming that they know better and voters have no right to question them.]

While many, many citizens asked why we don’t elect a “Mayor”, I focused on a Ward-type of Council representation because I believed it offered the best solution to the defects in our current form of government. Based on my reading of the O.R.C., I also understood that we would have to vote to eliminate the current City Manager type of government and then vote for a Federal type of government to create a Mayor.

My work revealed just how ignorant our citizenry is about our city government. For that reason, my initiative included two or more town-hall meetings at old and current elementary schools within the boundaries of Cleveland Heights as the Ward Committee worked to consider and create seven Wards. I believed it would require one year to have a Board of Elections representative work with Dept. of Commerce demographic data to create compact, contiguous, equally sized Wards that could obtain significant acceptance and buy-in by the populace.

I performed extensive research in the creation of wards; the success of Wards versus At Large; legal issues raised with citizen initiatives; and charters from around the country. My hope was to establish a structural change that would return empowerment to this city’s citizens, increase citizen participation in our democratic process, and establish a more deliberate, transparent, and responsive government.

A side note: research reveals that having political party affiliation for even these levels of elections increased voter participation, which is a key objective for me.

I am providing the FAQ I created in 2013-2014 to hand out to people to answer the questions so many had about our current form of government, why we had a Mayor they didn’t elect and why not go in that direction, and other concerns regarding Wards and the entire process.

Thank you, for performing this very important work that will greatly affect all our lives here in Cleveland Heights.

Sincere regards,  
Diane L. Hallum  
Director, Citizens Leadership  
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## Appendix 1

## FREQUENTLY ASKED QUESTIONS: City Wards

1. Why Change From At-Large Council Representation to Wards?
2. Why Have Two (2) At-Large Elected Members on Council?
3. How Large Will the Wards Be and How Will They Be Determined?
4. Why Don't We Simply Vote For a Mayor?
5. When Would Ward Representation Go Into Effect?
6. What Are The Terms of Office for All Council Representatives?

### 1. Why Change From At-Large Council Representation to Wards?

- ◆ Council is not responsive to its citizens, often not returning calls, emails, or answering questions from Cleveland Heights residents.
- ◆ Council members can spend up to \$24,000+ to run for a seat, thus they may feel beholden to those who financed their elections.
- ◆ Ward Seat elections typically cost under \$1,000.
- ◆ Each Ward Representative on Council is nominated and elected by their neighbors. Nominations require a minimum of 50 signatures.
- ◆ Each Ward Representative must live in that Ward – and stay there during their term of office.
- ◆ Each Ward Representative knows the issues and concerns of those in his/her neighborhood.
- ◆ Citizens will have closer and stronger ties to someone on Council since their Representative will live down the street, or a few streets over.
- ◆ Ward Representatives will be beholden to their neighbors and not a powerful political or economic group.

### 2. Why Have Two (2) At-Large Members on Council?

- ◆ Since Ward Representation gives a voice to each neighborhood in the city, conflicts may arise between neighborhoods or neighborhood groups or alliances. The two At Large Members can offset possible intransigence or favoritism from causing a stalemate in Council decision making.
- ◆ At-Large Representatives are held accountable by all electors.

### 3. How Large Will the Wards Be and How Will They Be Determined?

- ◆ There will be seven (7) wards with approximately 5,000 electors (we currently have a total of 34,768 electors (or voters) in Cleveland Heights).
- ◆ A Ward Committee will review Ward Boundaries every 10 years using the most recent voter registration list to ensure Wards are compact, contiguous (no extreme nooks-and-crannies in the border boundary), and equally-sized.

#### 4. Why Don't We Simply Vote For a Mayor?

- ◆ State Law requires several major Charter changes and voting referendums to switch from our current “plan of government” (with a *City Manager*) to a *Federal Plan* of Government, which would include an elected Mayor.
- ◆ The shift to Wards can be the first step toward such a change in our “plan of government”.
- ◆ After creating Wards, additional Initiatives can then create a *Federal Plan* that includes an elected Mayor.
  - Initiative One would be to switch from the City-Manager Plan to the Federal Plan
  - Initiative Two would be to create a Charter Commission that would rewrite the Charter so that it meets the operational, departmental, and budgeting and financing of a *Federal Plan*. Everything at City Hall, from top to bottom, may have to be modified.
  - Initiative Three would ask voters to approve the Charter created by that Commission.
  - We then elect a Mayor.
- ◆ An elected Mayor does not have to have a background in public administration, finance, budgeting or management and will have extensive executive power.
- ◆ The City Manager takes her orders from the Council. Once we have Ward Representation, each neighborhood will have greater influence on what orders are given to the City Manager.
- ◆ A Mayoral election will cost tens of thousands of dollars, creating a leader more beholden to those who financed his/her election than current Council Members.
- ◆ A City Manager has a degree, experience, and skills to administer and manage the operations and finances of a municipality and will use those abilities under the guidance of the Ward and At-Large Council Members.

#### 5. When Would Ward Representation Go Into Effect?

- ◆ The Initiative to vote for Wards will be on the November 2014 Ballot.
- ◆ The Primary Elections of Ward Representatives will be in the November 2015.
- ◆ The seven (7) Ward Representatives and the two (2) At Large Representatives will take office the first Monday in January 2016.

#### 6. What Are The Terms of Office For All Council Representatives?

- ◆ To simplify the election process, Council Seats will be voted on in odd numbered years.
- ◆ All nine (9) Council Seats—the two (2) At Large and seven (7) Ward—will be elected to 4-year terms at the same time.

## 2. Message from Diane Hallum, 22 January 2018

Dear City Leaders:

Council had expressly declared that the Charter Review Process would be open and transparent.

However, I am dismayed that none of the documents and records created, disseminated, discussed, or shared among members of this very important Charter Review Commission are not being made available to the citizens of this city.

Among those records are the survey questions the Commission is giving to Council members and City Hall directors, I also am of the opinion, due to Sunshine Laws, that their responses must be made available as well, along with all other records on the city's web site.

The Charter is the "Constitution" for the people of this city, as Councilwoman Yasinow declared when the Resolution creating this Commission was first introduced to the people. As such, all citizens must participate in this process.

They cannot participate if they are denied the most fundamental right in a democracy to have unfettered access to the records being used by this very important Commission in discussing, deliberating, and deciding what their rights will be in the future.

I am grateful that this city has finally decided to acknowledge the responsibilities laid out in our City Charter to review the Charter, and have listened to all those citizens who have been clamoring for a Charter review for several years.

I look forward to seeing those records on the Charter Review Commission web page.

Thank you.

Regards,

Diane L. Hallum

Director, Citizens Leadership



### 3. Letter from Gary Benjamin

LAW OFFICE OF GARY A BENJAMIN, INC  
2976 MONMOUTH RD.  
CLEVELAND HEIGHTS, OHIO 44118

Cleveland Heights Charter Revision Commission  
c/o Facilitator Keller

Dear Commission:

I have attended two Charter Revision Commission meetings. At one of them a resident stood up and said something to the effect that he didn't care who the elected council members wanted as Mayor; he cared who he, as a voter, wanted as Mayor. I thought this simple statement got to the heart of the debate between having a Mayor directly elected by the voters as opposed to a "Mayor" selected by four (4) of the seven (7) Council members.

I know there are arguments to be made on both sides, but if we are focused on American values and the accountability of our government officials, the Mayor elected directly by the people wins. It comes right out of the democratic ethos and is the dominant form of government for municipalities in Northeast Ohio.

A directly elected Mayor sets the tone, or the vision, for the municipality in ways that a Manager cannot. A Manager reports to seven people, each of whom may have their own vision, and must give equal weight to each. Electing a Mayor directly creates what I call a 'true Mayor' form of government. The skills of a CEO, such as management, public speaking, motivating, selling ideas, as well as a variety of other skills are needed or at least preferred for a Mayor. And we, the voters, get to directly evaluate the skills of the candidates without filtering our judgment through a third party — or in this case a third, fourth, fifth, and sixth party since it takes four members of council to select the presiding officer. The Mayor elected by Council needs only to preside over a small group in order to be successful. That Mayor needs only to keep four (4) people satisfied with his or her performance. The people are not selecting our leader for our city. The Council is electing a presiding officer over its own deliberations. These skills of a presiding officer are important, but they are not really what a Mayor needs to be doing. The current form of government with a council-elected mayor also creates an opportunity for infighting and maneuvering for power. This is not in the interest of city residents and diverts attention of the council from important actions.

Our council-elected Mayor can appear at an event and ceremonially represent the city; but she cannot, at that event, commit the city to any course of action or even statement of values as the elected representative of the citizens of Cleveland Heights since she is one of seven (7). The way our Charter is set up, expressing our values, or making commitments needed, can only be done by either the City Manager, committing resources controlled by her as CEO; or four (4) of seven (7) council members asking or ordering the City Manager to act.

An elected official, like a Mayor needs to be the CEO that residents can hold accountable, not the City Manager. The City Manager should act as the COO reporting to the mayor, as CEO.

Not that I am deaf to those who argue that fit ain't broke, so don't fix it.' We have a good City Manager and an active council and are well served by both. But to get a policy idea like the Community Development Corporation adopted, took years too long. It would likely have been adopted years ago and

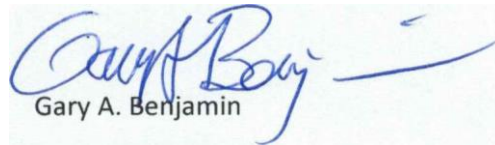
would have helped mitigate the damage caused by the downturn and the foreclosure crisis, if we had a Mayor elected by the people of Cleveland Heights and directly accountable to those voters.

Our charter was last revised in 1986, 32 years ago, when our population was 11,000 souls higher. I believe that we are losing population because of the slowed reactions of a city government that cannot respond quickly, especially to economic development opportunities. In 1986 technology was a lot different than it is today, and speed was not a virtue. The stolidity of the way Cleveland Heights does business needs to change and I think a directly elected Mayor would help to make that change. Acting more quickly is a necessity at times. A challenge like the foreclosure crisis needed swift action. Especially in this more modern era where the actions of the state and federal and county governments can all affect us at the local level swiftly. An elected Mayor with a vision for this city would serve us better, in my judgment, than our present system.

I have worked in places where I have had more than one boss. What happens if I do something that one of my bosses likes, and the other does not? I don't do it, that's what. If I had seven (7) bosses the dynamic of 'inaction is safer than action' would be increased. This form of government creates that dynamic of stolidity and inaction in a period of time when we need boldness and action.

I am unabashedly and wholeheartedly for changing to a directly elected Mayor with CEO authority.

Sincerely,



Gary A. Benjamin

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