



CUYAHOGA COUNTY
BOARD OF ELECTIONS

Henry F Curtis, IV, Chairman

Anthony W. Perlatti, Director

Inajo Davis Chappell, Board Member

Anthony Kaloger, Deputy Director

Terence M. McCafferty, Board Member

Lisa M. Stickan, Board Member

MEETING AGENDA

April 28, 2023

9:30 a.m.

THE PLEDGE OF ALLEGIANCE

ADMINISTRATIVE

1. Approval of the minutes from the April 5, 2023, Board Meeting
2. Acknowledgment of municipal ward boundaries and corresponding precinct boundaries for North Olmsted

CANDIDATE AND PETITION SERVICES

3. Acknowledgment of resignations from and appointments to elected office

HUMAN RESOURCES

4. Approval of the personnel agenda

NEW BUSINESS

- May 2, 2023, Primary Election Update
- Clear Ballot Update
- Request for Bids Update

PUBLIC COMMENT¹

EXECUTIVE SESSION

Discussion of personnel issues (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) and disputes involving the public body that are the subject of pending or imminent court action.

Video of this meeting can be viewed at <https://www.youtube.com/CuyahogaCountyBOE>

¹ Please email mbejjani@cuyahogacounty.gov or dwhite1@cuyahogacounty.gov with your name and the nature of your comment so we can fully assist you.

2023 Board Meeting Schedule

April 2023

Friday, April 28th @ 9:30AM

Meeting for the May 2, 2023 Primary Election

May 2023

Tuesday, May 2nd

May 2, 2023 Primary Election

Wednesday, May 10th @ 9:30AM

Provisional verification for May 2, 2023 Primary Election

Tuesday, May 23rd @ 9:30AM

Certification of the May 2, 2023 Primary Election

June 2023

Week of June 5, 2023 (Date TBD)

Potential Audit/Recount Certification Meeting of the May 2, 2023 Primary Election

Wednesday, June 21st @ 9:30AM

Certification of remaining issues and charter amendments for the August 8, 2023 Special Election

Certification of candidates and issues for the September 12, 2023 Primary Election

Certification of independent candidates for the November 7, 2023 General Election

July 2023

Monday, July 17th @ 9:30AM

Certification of write-ins for September 12, 2023 Primary Election

Certification of remaining issues for September 12, 2023 Primary Election

August 2023

Monday, August 7th @ 9:30AM

Meeting for the August 8, 2023 Special Election

Tuesday, August 8th

August 8, 2023 Special Election

Monday, August 21st @ 9:30AM

Provisional verification for the August 8, 2023 Special Election

Certification of candidates and issues for the November 7, 2023 General Election

Tuesday, August 29th @ 9:30AM

Certification of the August 8, 2023 Special Election

September 2023

	Audit/Recount Certification of the August 8, 2023 Special Election Certification of remaining candidates for the November 7, 2023 General Election
Monday, September 11th @ 9:30AM	Certification of remaining issues and charter amendments for the November 7, 2023 General Election Certification of write-in candidates for the November 7, 2023 General Election
Tuesday, September 12th	September 12, 2023 Primary Election
Wednesday, September 27th @ 9:30AM	Provisional verification for the September 12, 2023 Primary Election Certification of the September 12, 2023 Primary Election

October 2023

Wednesday, October 18th @ 9:30AM	October Board Meeting
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November 2023

Friday, November 3rd @ 9:30AM	Meeting for the November 7, 2023 General Election
Tuesday, November 7th	November 7, 2023 General Election
Monday, November 20th @ 9:30AM	Provisional Verification for the November 7, 2023 General Election
Tuesday, November 28th @ 9:30AM	Certification of the November 7, 2023 General Election

December 2023

Monday, December 18th @ 9:30AM	Audit Certification of the November 7, 2023 General Election Certification of candidates and issues for the March 5, 2024 Primary Election
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January 2024

Monday, January 8th @ 9:30AM	Certification of remaining issues and charter amendments for the March 5, 2024 Primary Election Certification of write-in candidates for the March 5, 2024 Primary Election
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Agenda Item

#1

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting
4/5/2023

Attending:

Henry F Curtis, IV, Chairman
Inajo Davis Chappell, Board Member
Terence M. McCafferty, Board Member
Lisa M. Stickan, Board Member
Anthony Perlatti, Director
Tony Kaloger, Deputy Director

Mary Bejjani, Clerk to the Board
Skip White, Clerk to the Board

The Cuyahoga County Board of Elections Meeting began at 9:30 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Curtis noted that all Board Members were in attendance.

Agenda Item 1: Approval of the minutes from the March 6, 2023, Board Meeting

Chairman Curtis moved to approve the minutes from the March 6, 2023, Board Meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 2: Acknowledgment of Secretary of State Directive and Memorandum: Directive 2023-06: May 2, 2023 Primary/Special Election Canvass Instructions and H.B. 458 Clarifications; Memorandum 2023-01: Responsibilities of Sheriffs and Police in the May 2, 2023 Election (confidential – not for disclosure)

Chairman Curtis moved to acknowledge the Secretary of State Directive and Memorandum: Directive 2023-06: May 2, 2023 Primary/Special Election Canvass Instructions and H.B. 458 Clarifications; Memorandum 2023-01: Responsibilities of Sheriffs and Police in the May 2, 2023 Election (confidential – not for disclosure). Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 3: Acknowledgment of municipal ward boundaries and corresponding precinct boundaries for Euclid

Based on Decennial U.S. Census, the Ohio Revised Code (ORC) requires municipalities to review their population data and rebalance the city wards.

Director Perlatti stated that Euclid has lost seven precincts. John Eddy, CCBOE GIS Technician, went through the mapping process, which indicated Euclid has a lower population per precinct than other Cuyahoga County suburban communities. Board Member Davis Chappell asked if that was due to

Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

population loss or what was driving the change. Director Perlatti stated part of the explanation is due to a lawsuit that affected the layout of the City and the school district, and no changes were permitted. The restrictions from the lawsuit are no longer in effect, and the adjustments are now being accounted for. Director Perlatti has discussed the changes with the Mayor of Euclid. The Mayor discussed the changes with the Euclid City Council meeting, and there were no questions or actions needed from Council. If the Board approves the changes today, CCBOE staff will begin with data entry and proofing. By April 14, 2023, the changes should be available on the CCBOE website.

Board Member Davis Chappell stated, with the increased number of voters per precinct, what does the CCBOE do to prepare the voters and poll workers for the changes. Director Perlatti stated the CCBOE goal is to have 1,150 voters per precinct, which Euclid's precincts remain under the goal. The November 7, 2023, General Election is the next election for Euclid. The CCBOE will have enough time to work with the City and send notifications to voters.

Board Member Davis Chappell asked how many more communities have ward and precinct boundary changes to review and did is the City of Cleveland also due. Director Perlatti stated Cleveland had not started the process, and they needed to due to the size of the municipality. Cleveland does have the potential to lose two wards. Board Member Davis Chappell asked if the CCBOE should be proactive and reach out to Cleveland to encourage them, and would the CCBOE experience any hardship by waiting to receive the information. The CCBOE has had initial conversations with the City of Cleveland staff. Cleveland does hire an outside firm due to the size of the city. Technically, the ward and precinct changes need to be done by the 2025 election year, which is the next time municipal offices appear on the ballot. Other municipalities include North Olmsted, Westlake, Bedford, and Broadview Heights. North Olmsted should be ready for acknowledgment of ward and precinct changes at the April 28, 2023, Board meeting.

Chairman Curtis moved to acknowledge the municipal ward boundaries and corresponding precinct boundaries for Euclid. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 4: CCBOE Appointments to Elected Office Policy

Director Perlatti stated the ORC requires the CCBOE to issue a certificate of appointment to the elected office when there is a vacancy in an office. It is not a vacancy that is filled when an election is held, whether it is an appointment by a political party or a vacancy filled by a city council, depending if it is a charter or non-charter municipality. When the appointing authority provides the CCBOE with an appointment notice, the city will give the CCBOE an Oath of Office, which can be emailed or hand delivered, along with additional information. The CCBOE then has an administrative duty to issue a certificate. The CCBOE is not authorizing or picking the appointee. The process has worked well for many years. Recently, there has been confusion from a municipality that is unsure or not in agreement about who the council members are. The CCBOE recently received an Oath of Office, and the CCBOE acknowledged the appointment to find afterward that it was not the right person. The CCBOE Appointment to Elected Office Policy puts in place more structure. In addition, the Board is asking for more structure and more information before the CCBOE acknowledges the correct individual. Therefore, this Policy was created to obtain more information from municipalities.

The CCBOE worked with Assistant County Prosecutor Musson and the Ohio Secretary of State's office. The Secretary of State's office stated the CCBOE does have the discretion to create a policy. The CCBOE created a simple form that will be provided to all law directors, clerks of council, and school boards when providing an appointment. In addition to the Oath of Office, other information should include the section of the Charter, which states who has the authority to appoint, the date of the

meeting and meeting minutes reflecting the appointment or the agenda reflecting the appointment appeared, and gathering more information from the entities. To facilitate the process, the CCBOE created an internal form, which cannot be mandated, but the CCBOE policy states the information needs to be provided. The CCBOE Appointments to Elected Office Policy is similar to when the CCBOE created a Campaign Finance Policy for committees to provide bank statements.

Board Member Davis Chappell asked if the Policy was broad enough for filling vacancies or appointments to elected office, but will it also apply to recalls or some of the East Cleveland situations or anything else to be put on the ballot that should be included and broad enough to cover every instance. Director Perlatti stated in the cases where there is a recall, the CCBOE conducted the election and knows there is a bona fide vacancy resulting from a recall. Board Member Davis Chappell stated this form would then be broad enough to cover the other issues or exclude some situations where the CCBOE would need a certification.

Director Perlatti noted an example where some charters include in the recall provisions a two-part question. Where the first question is should the person be recalled and state a filing deadline where candidates and then vote on that also. Then the second question is only valid if the person is recalled, and if they are not, it is moot. In that scenario, the CCBOE would actually issue a Certificate of Election. That is different from what East Cleveland was as an example. There are many Charters that do not have the name appear. Assistant Prosecutor Musson stated the Policy does not cover non-elected appointments, for example, a potential Clerk. If someone were representing themselves to be the clerk and certifying documents, it would typically be a petition, and in that case, there would be a Board hearing where the facts would be presented.

Board Member Davis Chappell suggested the form include the certification language “I am authorized to certify and do hereby certify that the foregoing is true and accurate.” Part of the issue was the CCBOE was not sure who was authorized to submit the information or even to fill out the certification. The form should also include in the signature line “authorized appointing authority or representative.” The CCBOE will then know who is authorized to certify.

Board Member Stickan stated when vacancies occur, and municipalities will now know what information the CCBOE needs. The Policy and form will help streamline the process.

Chairman Curtis moved to approve the CCBOE Appointments to Elected Office Policy with Board Member Davis Chappell’s friendly amendment. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 5: Acknowledgment of the Ballot Proofs for the May 2, 2023, Primary Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting

Chairman Curtis moved to acknowledge the Ballot Proofs for the May 2, 2023, Primary Election in accordance with the Ballot Proofing Policy approved by the Board at the March 12, 2021, Board Meeting. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 6: Final approval of the ballot order for the May 2, 2023, Primary Election

Chairman Curtis moved to approve the final ballot order for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 7: Acknowledgment of candidate withdrawals

Chairman Curtis moved to acknowledge the candidate withdrawals, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 8: Acknowledgment of deaths in, resignations from, and appointments to elected office

Chairman Curtis moved to acknowledge the deaths in, resignations from, and appointments to elected office, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 9: Certification of Berea Municipal Court Judge nominated without Primary Election to the November 7, 2023, General Election (primaries eliminated per ORC 3513.02)

Director Perlatti stated that when the Board acknowledged Christopher Greene's withdrawal from the Berea Municipal Court Judge contest, it canceled the Primary Election for that contest. Therefore, only one person is moving forward to the November 7, 2023, General Election. The municipalities have been notified of the change in their election schedule.

Chairman Curtis moved to certify the Berea Municipal Court Judge nominated without Primary Election to the November 7, 2023, General Election (primaries eliminated per ORC 3513.02), as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 10: Authorization to pay: 65 Voting Location Managers x \$275 = \$17,875; 73 Voting Location Deputies x \$275 = \$20,075; 727 Precinct Election Officials x \$250 = \$181,750; 30 Election Substitute Officials x \$100 = \$3,000 for the May 2, 2023, Primary Election

Chairman Curtis moved to Authorization to pay: 65 Voting Location Managers x \$275 = \$17,875; 73 Voting Location Deputies x \$275 = \$20,075; 727 Precinct Election Officials x \$250 = \$181,750; 30 Election Substitute Officials x \$100 = \$3,000, a grand total of \$222,700.00 for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 11: Authorization to process payment in the amount not-to-exceed \$5,500.00 for eleven (11) private voting locations being used for the May 2, 2023, Primary Election

Chairman Curtis moved to authorize to process payment in the amount not-to-exceed \$5,500.00 for eleven (11) private voting locations being used for the May 2, 2023, Primary Election. Board Member Davis Chappell seconded. The motion passed unanimously.

Agenda Item 12: Final authorization for the allocation of voting booths for the May 2, 2023, Primary Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 1,315 voting booths will be allocated + 154 DS200 precinct scanners + 65 ADA AutoMark voting units and 228 Electronic Poll Books

Chairman Curtis moved to authorize the final allocation of voting booths for the May 2, 2023, Primary Election. Allocation quantities are based on one voting booth for every 175 registered voters per polling location. A total of 1,315 voting booths will be allocated + 154 DS200 precinct scanners + 65 ADA AutoMark voting units and 228 Electronic Poll Books.

Agenda Item 13: Approval of the personnel agenda

Chairman Curtis moved to approve the personnel agenda, as set forth in the board materials. Board Member Davis Chappell seconded. The motion passed unanimously.

NEW BUSINESS

East Cleveland Update

Director Perlatti stated the CCBOE did have one case in front of the Ohio Supreme Court, defended by Assistant Prosecutor (AP) Musson. Petitioners filed a case to compel East Cleveland Council to appoint a Clerk. Eric Brewer was then appointed by the President of the Council, which made the lawsuit moot and dismissed.

There was another case before the Court of Appeals that Willa Hemmons brought against the CCBOE, compelling the CCBOE to conduct an Election. AP Musson has recently provided an update that the judge denied the case. Board Member Davis Chappell stated the language was very clear, and the CCBOE was vindicated by the court. There was very specific language saying the CCBOE did not have a duty to conduct an election. East Cleveland did not follow its Charter and did not appoint a Clerk. The Board relayed to East Cleveland that the City can not come to the CCBOE to resolve its issues if they have not followed its Charter and that language went into the court's decision. AP Musson stated the court did pay attention to the briefing and the transcripts, saw what was going on, and succinctly said: "The East Cleveland Charter requires the Clerk of Council to certify the sufficiency of the recall petitions and issue certificates of petition sufficiency to the Board of Elections. The Clerk of Council did not perform those functions. Willa Hemmons was not the Clerk of Council and could not perform them. The Board of Elections did not abuse its discretion to decline to schedule a recall election because the required procedure was not fulfilled." The decision was a clear vindication of what the Board decided.

Board Member Davis Chappell stated the court decision is a public record and is a court order. She thanked AP Musson for his hard work. AP Musson spent a lot of back and forth, a lot of lawsuits filed, and a lot of responses and briefings required, and AP Musson has done a nice job.

Director Perlatti stated there is another case to which the CCBOE is not a party. The Court of Appeals case is regarding Nathaniel Martin bringing a claim against Lateek Shabazz and Mark McClain against Anton Billings. Director Perlatti stated they could not agree on who the Council Members are. The CCBOE has received an Oath of Office from East Cleveland for Anton Billings stating he is a council member and the CCBOE should issue a certificate of appointment. The CCBOE is working with legal counsel, and right now, the CCBOE is holding on to it because the CCBOE does not see a vacancy in the office, and since it's before the court, the CCBOE will let the court define who the council members are, and then the CCBOE can go ahead and certify. The CCBOE is not a party to the lawsuit but has an Oath submitted that the CCBOE does not see a vacancy. Board Member Davis Chappell stated she is glad the CCBOE now requires more than just an Oath of Office.

Director Perlatti stated that the now East Cleveland Clerk of Council, Eric Brewer, has gone through the three sets of recall petitions that Willa Hemmons initially brought forward. Clerk Brewer has said that all three of the petitions are insufficient. The petitions had a combination of insufficient valid signatures to meet the definition of the East Cleveland Charter of twenty-five percent (25%). The City is unsure if it is twenty-five percent (25%) of just people in that jurisdiction or the whole City. East Cleveland will need to figure that out.

Board Member Davis Chappell stated the Board had cases before where is twenty-five (25%) is the percentage of the last group that voted depending on the charter language. Board Member McCafferty stated that was in the mayor's race. AP Musson said they published the wrong version online that the legal publishing service used. They used an amended provisional charter that was not voted on, so there was an ordinance that referred it to the voters, but it did not make it to the ballot for technical reasons. So it is twenty-five (25%) of the voters, but there is some discrepancy on whether it is Citywide or the ward voting.

Board Member Davis Chappell asked if the CCBOE is entitled to rely on the law directors or the Clerk's interpretation of the Charter. AP Musson stated yes, generally on its face. However, if something comes to the CCBOE's attention that undermines the law director's opinion, the CCBOE can question the opinion. The CCBOE is not obligated to blindly follow the law director but it is their Charter. The city's law director is a good source, but if there is reason to question the CCBOE is able to.

Director Perlatti stated as of now the East Cleveland Clerk says that there is not sufficiency for the CCBOE to conduct a Recall Election. There is a potential the petitioners could bring a suit against the Clerk. The CCBOE would likely not be part of the suit, but the issue of a Recall Election may still be ongoing.

Capital Projects

Director Perlatti provided an update on the elevators in the Halle Building. The landlord brought in a different elevator company to review the elevators. The new company replaced the Hughes Building elevators a few years ago. The latest company stated the mid-size elevator could be repaired without a complete replacement. The landlord approved the repairs, which is now being worked on, which include electrical and other repairs to make the elevator functional. Board Member Davis Chappell asked if the repairs are long-term. Director Perlatti stated yes, the repairs are long-term. Technicians are currently on-site working on repairs. Board Member Davis Chappell asked if the elevator would be working for the May Primary. Director Perlatti stated he did not know. The CCBOE will be receiving weekly updates from Public Works.

The larger elevator currently has bids with Public Works and the landlord. They have one proposal, which is currently about \$300,000, to modernize the big freight elevator keeping the current doors that need to be manually lifted. The other bid is \$600,000 to have the doors replaced. The landlord will contact the City of Cleveland department for elevator inspections to see if the elevator is modernized and if there are specific codes that may be grandfathered in now. There is a time difference to complete the repairs of approximately three and a half months. Without replacing the doors, the repairs will take about eight months; if the doors are replaced, it will take about one year. Director Perlatti has inquired if all the doors need to be replaced simultaneously or if some replacements can be done later. If the smaller elevator can be repaired in time, it would negate the need to get a construction elevator mounted outside the building.

Board Member Davis Chappell asked if the CCBOE anticipates any operational issues to running the Election and if there is a deadline to determine if an outside construction elevator will be necessary. Director Perlatti stated for the May Primary Election, and he is comfortable. It may take a little longer, but not for a county-wide election. If the middle elevator is not operational, the CCBOE will have to pursue the outside construction elevator, which is a big project, including obtaining numerous permits. The CCBOE has not established a deadline date yet, and continue to monitor the status.

New Building

Director Perlatti stated on March 29, 2023, the County released a Request for Proposal to receive bids on a new location. A pre-bid conference will take place at the Halle building on April 17, 2023. Bidders will have the ability to come and see how the CCBOE works. CCBOE staff will be with Public Works to answer potential bidders' questions. The bidders will also be able to visit the Hughes Building, which is a standard-type office building, except for the first floor. The CCBOE has received inquiries, and they have been directed to Public Works.

Voter Education Update

Mike West, Manager of Community Outreach, presented information on voter education. The CCBOE is off to a good start. Outreach staff has hosted the Voter Education Library Series. In March, the campaign included 29 voter education events over 14 days for a total of 112 hours visiting 14 library branches. Branch locations were chosen based on the proximity of locations for the May 2, 2023, Primary Election. Electronic media and community partners publicized the events, including the League of Women Voters, the County, and Library systems, which reaches over 250,000 people. Whether people attended the events or not, the word is reaching people. The Director held an informational Zoom meeting with local voting stakeholders, and around 30 people participated in the meeting. The Director wants to make sure everyone was sharing the same information. In the coming week, another meeting will convene to update CCBOE with the partners to receive feedback on what is being relayed in the field. Board Member Davis Chappell asked who the partners were that the CCBOE would be working with for the debriefing. Mr. West stated partners include Mobilize the Vote, Cleveland Votes, and the League of Women Voters.

The CCBOE will continue posting various messages on social media platforms to keep people engaged and informed. The CCBOE plans to have new messages about every other day. The Director will also host his popular Election Updates via Facebook Live on the next few Wednesdays. The final election update will be on Tuesday, April 27, 2023, which is the deadline for Vote-by-Mail ballot applications. The Director and Deputy Director will also contact the County Republican and Democratic parties to expand voter education. The thought is to conduct Zoom meetings aimed at the political party offices, who can then pass the information on to their members.

The Outreach Department is receiving requests for presentations at Ward Clubs, and senior facilities. It is good to know that organizations can reach out to the CCBOE, and staff will go out and speak to their groups. Chairman Curtis stated it is vital for the public to understand that the best information they will receive is from the CCBOE because there is a lot of misinformation and disinformation. It is affirming to the Board that the public is contacting the CCBOE to get the information.

Board Member Davis Chappell stated the CCBOE is updating the voters on House Bill (HB) 458 and all the photo ID changes. She asked if the CCBOE had updated poll worker training and if poll workers received the updates. Director Perlatti stated yes, and what the CCBOE has done updates to the May 2023 Primary Election training. Poll Worker training technically is good for a three-year window. The CCBOE conducts training on an annual basis. There is generally the option of completing the training either online or in person. For 2023, the CCBOE is not offering training online, all poll workers are being trained in person, and it is in large part due to HB 458 and the law changes.

Looking at the data, approximately 97% of voters use photo identification at the polls. That still leaves three percent (3%) of voters with no identification. Looking back at November 2022, that totals about 7,500 people who did not bring photo identification. They used a utility bill or bank statement to vote.

The CCBOE wants to facilitate to process of those individuals so they understand that there are law changes. At a minimum, they can vote a provisional ballot which then they can come down to the CCBOE post-election to get the ballot cured. The provisional process itself is quite different, which now requires photo identification, which it did not before. This hands-on physical training with the workers is in place. The first training was conducted at the CCBOE by Marlene Robinson Statler, Poll Worker Department Assistant Manager, and feedback was then provided by those training to see what kind of questions arose so changes could be made to additional training.

Director Perlatti stated he was disappointed that on Tuesday, April 4, 2023, all the media was invited to the CCBOE for a press conference. Director Perlatti was to speak at the opening of the election and photo identification, and only one camera came. Director Perlatti stated the media likes the FaceBook live sessions because it is easier and more convenient. They do record it and use snippets. Photo identification will be a part of each of the upcoming FaceBook sessions. Also included will be the close of the vote-by-mail ballot application deadline and no longer Early-in-Person is voting on the Monday before Election Day. Deputy Director Kaloger stated the media did cover the library outreach sessions the CCBOE hosted. Board Member Davis Chappell said the CCBOE does continue to let the media know they are needed to inform the voters of Cuyahoga County.

May 2, 2023 Election Update

Deputy Director Kaloger stated the May 2, 2023, Primary Election has 226 precincts, which is over one-quarter of the County. The Election will include four candidate races and twenty-two issues which consist of 17 municipal issues, four school levies, and one library issue. Historically, a twenty percent turnout is anticipated. The close of voter registration was on Monday, April 3, 2023, and the CCBOE was open until 9:00 p.m. and received approximately 150 registration cards; most were from Employment and Family Services. On Tuesday, April 4, 2023, Election Support began going out to libraries and other agencies to pick up on-time voter registration cards. Those cards were considered on time because they were time-stamped and processed accordingly.

The Election Officials Department continues to hire Precinct Election Officials (PEOs). It is at nearly 100% of the goal, including 34 Cuyahoga County workers participating in the County Poll Worker Program. There are also several attorneys who will receive continuing education credits. About 89% of the PEOs have already been trained and will continue to hire and train enough workers to ensure enough workers, including polling location managers and deputies, ride-a-longs, and stand-by workers on Election Day. In-person training will continue until April 22, 2023, and after that, a Zoom refresher will be available for poll workers.

Early-in-Person (EIP) voting started on April 4, 2023, and there were eight voters on the first day. Voting hours for EIP through April 24, 2023, is 8:00 a.m. to 5:00 p.m., and will then be expanded from 7:30 a.m. to 7:30 p.m., with the exception of Tuesday, April 25, 2023, the CCBOE will be open until 8:30 p.m. to allow voters to bring in their vote-by-application for the deadline. On Saturday, April 29, 2023, voting will be from 8:00 a.m. until 4:00 p.m. The final day for Early-In-Person voting will be Sunday, April 30, 2023, from 1:00 p.m. until 5:00 p.m.

The Absentee Department sent out 2,077 vote-by-mail (VBM) ballots on April 4, 2023, and continues to process VBM ballot applications. The Ballot Department has completed the testing of all the voting equipment. On Friday, April 7, 2023, ballots will be quality assured and then prepared for delivery.

Election Support continues to pack the equipment and supplies for the polling locations. Berman's Moving and Storage is scheduled to start the first pick-up on Monday, April 17, 2023. The CCBOE

has 16 voting location changes, and impacted voters were mailed a specific letter informing them of the change. Additionally, the Voter Information Guide will highlight the polling location. Community Outreach continues to work with Mayors of impacted municipalities to get the message out to voters. The CCBOE is on schedule.

Board Member Davis Chappell asked how the CCBOE will notify provisional voters of the four-day cure period. Director Perlatti stated when a person votes provisionally, they are provided with a paper where they can contact the CCBOE to see the status of the ballot and the hours the voter can come and cure the provisional ballot. Election Day is May 2, 2023, and on Wednesday, May 3, 2023, the CCBOE starts looking at the provisionals and by Thursday or Friday, the CCBOE has gotten through the initial preparations, which is already the third day. Typically, the CCBOE would still be working with the provisionals. Chairman Curtis asked if a provisional voter comes in the day after the Election, would the CCBOE be able to cure the provisional. Director Perlatti stated the CCBOE could cure the ballot by looking up the city, ward, and precinct, retrieving the ballot, and remediating it.

For the May 2, 2023, Primary Election, a high volume of provisionals is not anticipated. The poll workers have an essential role in reviewing the envelope for photo identification. The poll worker will then give SOS Form 12-H to the voter, which informs the voter to come to the CCBOE to present proper identification.

Deputy Director Kaloger stated when there is a deficiency in the VBM information, the voters are informed on a rolling basis before Election Day. Director Perlatti stated another SOS Form 11-S mailed out to the voter saying the absentee envelope was not processable and advises the voter how to cure the information. For example, if the voter needs to provide identification, they can write it on the form and send it back to the CCBOE.

Board Member Davis Chappell asked what a voter is required to provide when voting absentee. Director Perlatti stated printed name, address, date of birth, and identification which can be the last four digits of the social security number or the driver's license number, or a photocopy of the front and back of the license. There is a change to the deadline for the VBM applications and a deadline on what the CCBOE can process on the back end. There are fewer changes to the VBM process on the front end than in-person voting. Board Member McCafferty asked if there was a track-my-ballot for VBM ballots. Director Perlatti stated yes. On the CCBOE, the VBM track-my-ballot reflects when the ballot application is received, when a ballot is mailed, and when the CCBOE receives and processes the ballot.

Board Member Davis Chappell states the interaction that occurs at the voter assistance table (VAT) is critical. Board Member McCafferty said the assistance at the table is even more critical in this particular issue. When working with voters, many will not take the information cards which provide the track-my-ballot information, where to call for questions and important dates. He stated there is a lot of information on the cards, and voters need to take it. During training, there needs to be an emphasis on giving the cards to the voters and ensuring the provisional envelope is completed correctly.

Director Perlatti stated the changes to HB 458 required the CCBOE to reprint some of the documents used during an Election. Unfortunately, that was an unfunded mandate. The CCBOE destroyed 70,000 provisional envelopes that could not be used, and the CCBOE had to produce new envelopes. The new provisional envelopes have been printed on white paper with yellow highlights over the required fields. The changes in the design should make it more apparent to the voter and poll worker what must be completed. The new design will not be available for May but will be available in the Fall. The

CCBOE has printed 10,000 envelopes for the May 2, 2023, Primary Election. The agency has also destroyed 150,000 voter registration cards and is printing new ones.

Board Member Davis Chappell stated the Board wants the poll workers to do their best, as they always do. The messaging to the voters should also be proactive to double-check completing their information. Director Perlatti stated the CCBOE tries to make it as easy and informative as possible, and the voters have a responsibility too. Board Member Davis Chappell said that the shortened time period to four days could make it more challenging for the voter. Board Member Stickman stated the messaging should include teaching voter awareness to generate an interest in tracking their ballot and following along the time frames. Director Perlatti said only a small percentage of provisional voters need to come to the CCBOE to cure their ballot. Emphasis to the voter to take the 12-H Form home and go through it would be helpful.

Board Member McCafferty stated the experience at the VAT would be different now with the voters lacking identification. That situation would previously not send voters to the VAT. Director Perlatti said every Election is important. However, the May Primary involves one-quarter of the County. The CCBOE will learn some lessons through the May Primary Election that was not anticipated and then enhance information for the September and November elections.

PUBLIC COMMENT

There was no public comment

EXECUTIVE SESSION

There was no executive session

Chairman Curtis moved to recess the meeting at 10:39 a.m. Board Member Davis Chappell seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on April 5, 2023.

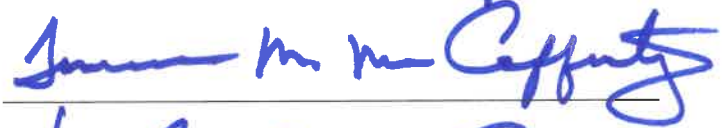
Henry F Curtis, IV, Chairman

Handwritten signature of Henry F. Curtis, IV in blue ink.

Inajo Davis Chappell, Board Member

Handwritten signature of Inajo Davis Chappell in blue ink.

Terence M. McCafferty, Board Member

Handwritten signature of Terence M. McCafferty in blue ink.

Lisa M. Stickan, Board Member

Handwritten signature of Lisa M. Stickan in blue ink.

Anthony Perlatti, Director

Handwritten signature of Anthony Perlatti in blue ink.

Agenda Item #2

Ward and Precinct Boundary Modifications for North Olmsted

Overview

Following a decennial census, all cities (municipalities with a population of 5,000 or more) must review their ward boundaries and adjust, if necessary, to maintain population balance among the wards. Cities are to follow the conditions of [O.R.C 731.06](#) unless their charter contains provisions that differ from the Ohio Revised Code.

Each city council passes legislation to adjust ward boundaries, and this legislation (along with legal descriptions and a map) is sent to the CCBOE by the Clerk of Council.

Role of the CCBOE

The Board will acknowledge the ward boundary modifications as the CCBOE does not have a role in creating ward boundaries. Moving a ward boundary, however, automatically impacts the precinct structure within the impacted ward. Per [O.R.C. 3501.18](#), boards of elections are responsible for defining precinct boundaries. The key criteria when determining a precinct boundary are:

- Precincts cannot exceed 1,400 registered voters.
 - The CCBOE has an internal goal of trying to keep precincts to about 1,150 registered voters to allow for population shifts.
- Precincts do **not** cross over ward boundaries.
- Precincts are grouped together by census blocks.
 - The CCBOE attempts to define precinct boundaries in a manner to minimize the creation of a split precinct.

North Olmsted

- The following remain the **same** between the Current (Old) and Proposed (New) ward boundaries for North Olmsted:
 - Precincts – 21
 - Split precincts – 0
 - Average voters per precinct – 1,061
- Voters impacted by ward/precinct changes – 16,608 of 22,282 (84%)
- Key points for each ward:
 - Ward 1
 - Precinct 1A is slightly smaller, with a portion moving to the newly drawn 1D.
 - Precinct 1B is larger and has been moved to encompass a sizable portion of the previous precincts 1D and 1E.
 - Precinct 1C is similar in size, with its boundaries shifting slightly.
 - Precinct 1D is larger and has been moved to encompass all of what was previously Ward 3A, and part of the old Precinct 1A.
 - Precinct 1E is larger, with its boundaries shifted to encompass a substantial portion of the old 1B.
 - Ward 2
 - Precinct 2A is larger, incorporating a part of the old 2B.
 - Precinct 2B's boundaries are smaller, with a portion moving to 2A.
 - Precinct 2C expands to incorporate a part of the old 1D.
 - Precinct 2D is slightly larger, incorporating a part of the old 1D.
 - Precinct 2E is smaller and has been moved to encompass part of old 1D and all of old Ward 4B.
 - Ward 3
 - Precinct 3A is larger and has been moved to encompass parts of old 3D and 3F.
 - Precinct 3B is unchanged.
 - Precinct 3C is similar in size, incorporating a part of the old 3A while a portion moved to the newly drawn 3D.
 - Precinct 3D is slightly larger, incorporating a part of the old 3C while a portion moves to the newly drawn 3F.
 - Precinct 3E is smaller, with portions moving to the new 3A and Ward 4D, while it incorporates a small part of the old Ward 4E.

○ Ward 4

- Precinct 4A is larger, incorporating a small portion of the old Ward 2E.
- Precinct 4B is similar in size but has moved to encompass almost all of the old Ward 2E.
- Precinct 4C is smaller, with a portion moving to the new 4E.
- Precinct 4D is slightly larger, incorporating a part of the old Ward 3E.
- Precinct 4E is virtually the same, with a portion moving to the new Ward 3E, while incorporating a part of the old 4C.

Cuyahoga County Board of Elections

New North Olmsted Ward Boundaries: Ordinance 2022-12
As Incorporated into Cuyahoga County GIS

Proposed Precincts

New Precincts

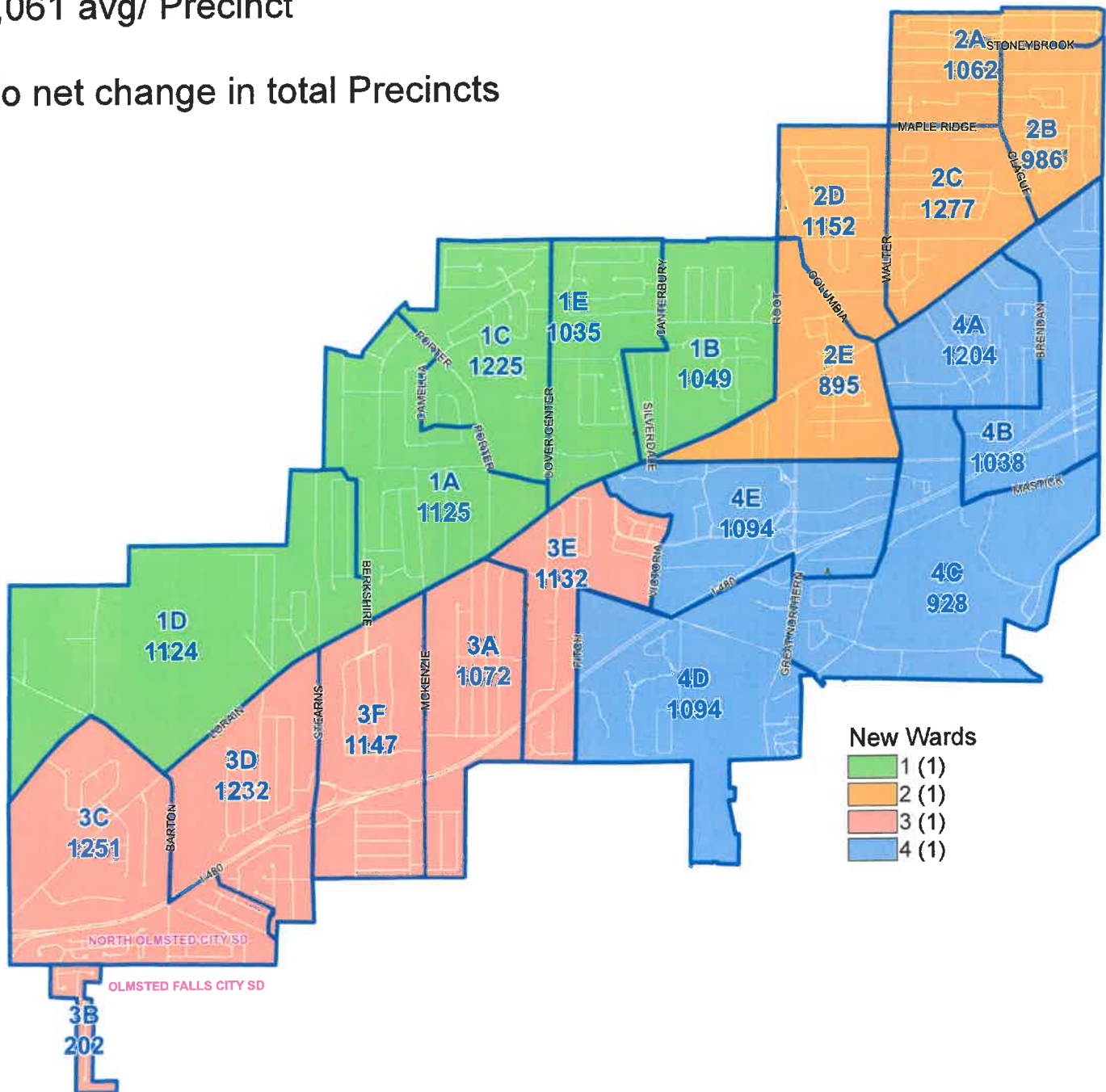
City of North Olmsted 22,282 voters

21 Voting Precincts

0 Split Precincts

1,061 avg/ Precinct

No net change in total Precincts



3/29/2023

Agenda Item

#3

Resignations from Elected Office

1. Joe Blados, Brooklyn Heights Village Council, Member of Council¹
2. Gregory M. Cingle, City of Brook Park, Director of Finance/Taxation²
3. Cynthia Beard, Highland Hills Village Council, Member of Council³
4. Ethan Spencer, Moreland Hills Village Council, Member of Council⁴
5. Justin Gould, University Heights City Council, Member of Council⁵

Appointments to Elected Office

1. Shane L. Tommer, Brooklyn Heights Village Council, Member of Council
2. Ethan Spencer, Village of Moreland Hills, Mayor⁶

¹ Term ends 12-31-2023; no special election required.

² *Resignation is effective 5-1-2023. Term ends 12-31-2025. A special election is required to fill the remaining two years of the term at the September 12, 2023 Primary (if three or more candidates file) and November 7, 2023 General Elections.*

³ Term ends 12-31-2023; no special election is required.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ The CCBOE acknowledged the death of former Mayor Fritz at the 4-6-2023 Board Meeting. Term ends 12-31-2023; no special election is required.

Aaron Frank

From: Joe Blados <joeblados1106@gmail.com>
Sent: Thursday, April 20, 2023 2:51 PM
To: Aaron Frank
Subject: Fwd: Resignation

----- Forwarded message -----

From: Joe Blados <joeblados1106@gmail.com>
Date: Mon, Dec 12, 2022, 10:25 AM
Subject: Resignation
To: Mike Procuk <mprocuk@brooklynhts.org>

12-12-2022

Dear Mayor Mike

Please accept this as my letter of resignation from village council as of 12/19/2022. I have enjoyed working with you , all council members and for the residents of Brooklyn Heights.

Sincerely

Joe blados

'23 APR 20 PM3:25



City of Brook Park

Finance Department

Gregory M. Cingle
Finance Director

March 31, 2023

Ms. Carol Johnson
Clerk of City Council
City of Brook Park
6161 Engle Road
Brook Park, Ohio 44142

Dear Ms. Johnson,

Please accept this letter as formal notice of my retirement as the Director of Finance/Taxation for the City of Brook Park, effective May 1, 2023.

I would like to thank the residents of Brook Park for the allowing me the honor and privilege to serve our great community over the past 27 and a half years. I'm incredibly grateful for the opportunity and trust that you have bestowed upon me during my tenure in office.

I always tried to guide our City in a conservative and fiscally responsible manner. My hope is that my successor will apply these same principals.

I believe that our City's overall financial health is better today than when I assumed office on November 1, 1995. There are many financial challenges ahead, but I'm confident that the City is well positioned to meet these challenges in the near term.

There are many individuals to thank for my accomplishments here in our City. From the Mayors (Mayor Coyne, Mayor Elliott, Mayor Gammella and Mayor Orcutt), to my assistants (William Horvath, Jennifer Demmerle, Martin Healy and Mary Maykut), to my loyal staff (Claudia Kuharik, Jennifer Oberg, Madeline Krueger, Kelley Wolters, Brian Thunberg, Andrea Thur, John Jamison, and Rebecca Paros) and to all the elected officials, directors and employees that I have had the pleasure to serve and work with over the past 27 and a half years, THANK YOU, THANK YOU, THANK YOU. My success would have NEVER been possible without your hard work and support.

I wish the City of Brook Park all the best, and I look forward to keeping in touch in the future.

Sincerely,



Gregory M. Cingle

'23 APR 3 PM 1:27

6161 Engle Road • Brook Park, Ohio 44142
216/433-1300 • Fax 216/433-0822



Memo

To: Council, Mayor and Finance/Tax Director

From: Law Director Carol Horvath

Date: 3/28/2023

Re: Requested Opinion-Vacancy in the Finance/Tax Director Position

The office of Director of Finance will become vacant more than one hundred twenty (120) days prior to a primary election due to the anticipated resignation of the Director on or about May 1, 2023. Therefore, advice has been requested concerning the vacancy of the office of Brook Park Finance Director, a public elective office, prior to the expiration of the current term. Two issues are presented for discussion as follows: 1. How should this vacancy be filled, and 2. Can an interim Director of Finance be appointed before the unexpired term is filled.

1. FILLING THE VACANCY OF AN UNEXPIRED TERM

In reviewing this matter, Ohio Revised Code Section 733.31-Filling Vacancies in Appointive or Elective Offices, and Ohio Revised Code Section 731.43-Vacancy in Legislative Authority were considered, however both provisions failed to provide any guidance in this matter. The Supreme Court of Ohio has determined that when a conflict exists between a city charter and statutory provisions governing the filling of a legislative vacancy, the charter takes precedence and must be followed to fill any legislative vacancy. Further, The Supreme Court of Ohio, in *State ex rel. Devince v. Hoermle*, 168 Ohio St. 461, 156 N.E.2d 131 (1959) stated that:

“The adoption of provisions in a city’s charter, relative to appointments to

fill vacancies in the legislative body of such city, is authorized by the provisions of Sections 3 and 7 of Article XVIII of the Ohio Constitution granting authority to exercise all powers of local self-government. Where such charter provisions specify who shall make such appointments, statutory provisions authorizing an appointment by someone else cannot apply in the absence of their adoption by other provisions of the charter. *Id.* at 462, citing *State, ex rel. Bindas v. Andrish*, 165 Ohio St. 441, 136 N.E.2d 43 (1956).”

Ohio Constitution Section 3, Article XVIII, Home Rule, gives municipalities sovereignty over matters of local government. In such matters, if a provision of a municipal charter conflicts with state law, the charter provisions will prevail. A municipality may exercise thereunder all powers of local self-government. Therefore, the foregoing Ohio Revised Code Sections are in applicable in this matter.

Brook Park City Charter Section 15.03 states that when the office of Director of Finance becomes Vacant and the vacancy occurs more than one hundred twenty (120) days prior to a Primary Election date for the election of Municipal Offices and the unexpired portion of the term exceeds one (1) year, then the Vacancy shall be filled by a Special Election to fill such vacancy for the balance of the unexpired term.

Accordingly, this provision of our Charter controls the filling of this vacancy in elective office, and **a Special Election must be held to fill this vacancy.**

2. THE APPOINTMENT OF AN INTERIM FINANCE DIRECTOR.

The question then becomes whether an Interim Director can be appointed, and further what method can be used to appoint.

BP Charter Section 7.03, *inter alia*, states that the Assistant Director of Finance shall perform the duties of the Director in his absence. This provision was amended on November 6, 2007.

However, an absence is not a vacancy, and our Charter is quite clear to mention different methods of filling vacancies throughout its’ terms. Therefore, this provision applies to absence only.

Previously, in November, 1995 City Council dealt with a similar situation wherein both the Auditor and Assistant Auditor resigned. At that time, it was determined that pursuant to Section 15.03 of the City Charter that the City Council should fill the vacancy by a majority vote of City Council. The lack of any requirement rules allowed Council to determine its' method of appointment. A copy of the minutes of November 1, 1995 is attached.

Today the same Charter provision is in effect. Due to the lack of any rules or regulations controlling its' method of appointment, Council may determine the best method for the appointment of an interim Finance Director. **It may not appoint until the vacancy occurs (May 1, 2023.)** Further, as long as Council does not violate any Federal or State laws, the majority of members of Council may decide the best method for making the interim appointment.

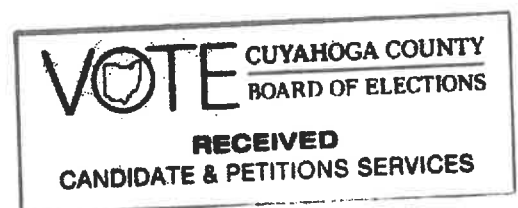
3. CONCLUSION.

Therefore, it is my opinion that due to 15.03 of our Charter, this vacancy must be filled by Special Election. Further, Council may appoint an interim Finance Director using methods approved by the majority of Council. For example, there is no requirement to advertise, but Council may do so if it deems appropriate. Council may not fill the vacancy prior to the date the vacancy occurs.



Carol Dillon Horvath

Law Director



'23 APR 3 PM1:27



Village of Highland Hills

Village Council

April 3, 2023

Cassandra Pride
President of Council
Village of Highland Hills
3700 Northfield Road
Highland Hills, Ohio 44122

Dear President Pride,

Please accept this letter as formal notice of my resignation from the Highland Hills Village Council, effective immediately. I appreciate the opportunity to have served our Village residents during my tenure and cherish the relationships I have made.

Sincerely,

Cynthia D. Beard

Cynthia D. Beard

cc: Margaret Sikon, Clerk of Council
Members of Council
Michael L. Booker, Mayor
Thomas P. O'Donnell, Law Director



'23 APR 18 AM 8:45

RE: Resignation of Councilwoman Cynthia Beard

todonnell@todlaw.com <todonnell@todlaw.com>

Thu 4/13/2023 2:31 PM

To: Brent Lawler <blawler@cuyahogacounty.gov>; 'Margaret Sikon' <psikon@vhhohio.org>; Cory Milne <cmilne@cuyahogacounty.gov>

Brent:

You are correct. There is no need for the BOE to create an unexpired term contest since Ms. Beard's term expires this year (less than one year – see below text of Charter) and will be filled by a general election for that seat this November. Article II, Section 4 of the Village Charter states:

SECTION 4. VACANCY.

Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by a majority vote of the remaining members of the Council. If such vacancy is not filled by Council within thirty (30) days after the vacancy has been declared by a vote of the Council, the Mayor shall fill it by appointment.

If the unexpired term is for more than one (1) year or if the next municipal election of officers will occur more than one (1) year after the vacancy, such office shall be filled by a vote of the people at an election for that purpose. Whenever possible, such election will be held on a date set aside for regular elections as defined by state law.

If the office of Council President shall become vacant, the President Pro Tem shall assume the office and the President Pro Tem's seat shall be declared vacant. Council shall elect another President Pro Tem for the remainder of the term.

Let me know if there are any other questions.

Tom

Thomas P. O'Donnell, Esq.

Law Director

Village of Highland Hills, Ohio

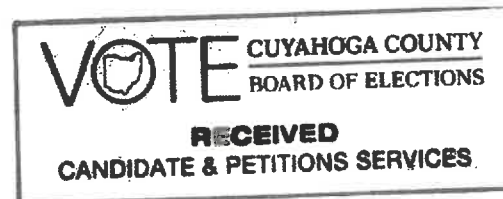
3700 Northfield Rd., Suite 11

Highland Hills, Ohio 44122

Direct Dial/vmail: (216) 409-1989

Fax: (216) 502-2971

Email: todonnell@todlaw.com



'23 APR 18 AM 8:52

CONFIDENTIAL COMMUNICATION

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom it is addressed. This communication may contain material protected by lawyer-client privilege. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail and any file attachments is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at 1-216-409-1989 or by reply e-mail to the sender. You must destroy the original transmission and its contents. You will be reimbursed for reasonable costs incurred in notifying us.

From: Brent Lawler <blawler@cuyahogacounty.gov>

Sent: Thursday, April 13, 2023 1:42 PM

To: Margaret Sikon <psikon@vhhohio.org>; Cory Milne <cmilne@cuyahogacounty.gov>
Cc: Thomas P. O'Donnell <todonnell@todlaw.com>; Brent Lawler <blawler@cuyahogacounty.gov>
Subject: Re: Resignation of Councilwoman Cynthia Beard

Thank you Margaret for the information.

- Please confirm that the Board of Elections DOES NOT need to create an unexpired term contest for November being that Ms. Beard's term expires at the end of the year and the contest will be voted on in November.
-
- Our Board passed a policy on how appointments should be submitted to the BOE at our Board meeting last week.
-
- Please find attached both the policy and the form we would like completed once the vacancy is filled.

Let us know if you have any questions.

tc
Brent

Brent E. Lawler, Manager

Candidate & Petition Services

Cuyahoga County Board of Elections

2925 Euclid Avenue

Cleveland, OH 44115-2497

Phone: 216.443.6509

Fax: 216.443.6466

Email: blawler@cuyahogacounty.gov

From: Margaret Sikon <psikon@vhhohio.org>

Sent: Thursday, April 13, 2023 1:33 PM

To: Brent Lawler <blawler@cuyahogacounty.gov>; Cory Milne <cmilne@cuyahogacounty.gov>

Subject: Resignation of Councilwoman Cynthia Beard

Good afternoon,

Please be advised that Councilwoman Cynthia D. Beard resigned from Council on April 3, 2023 and her resignation was officially accepted at the Council meeting on April 12, 2023.

Ms. Beard's resignation letter is attached for your records.

We will let you know once a replacement has been appointed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Peg Sikon

Clerk of Council

Village of Highland Hills

Council Office

3700 Northfield Road

Highland Hills, Ohio 44122

216-283-3000 ext. 2241

psikon@vhhohio.org



Village of Moreland Hills

4350 S.O.M. Center Road • Moreland Hills, Ohio 44022

Phone: 440-248-1188 • Fax: 440-498-9588

E-mail: villagehall@morelandhills.com

March 16, 2023

Moreland Hills Village Council
4350 SOM Center Road
Moreland Hills, Ohio 44022

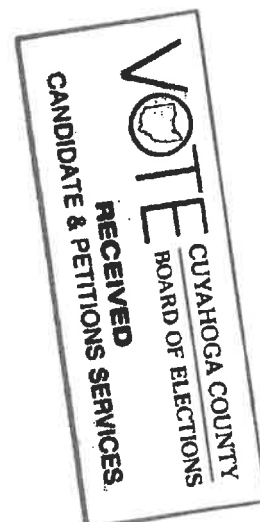
Dear Village Council Members,

This letter shall serve as my formal resignation from my position as Council Member of the Village of Moreland Hills, Ohio, effective today. My resignation is due to the Charter provision elevating the Council President to the position of the Mayor, upon the vacancy in the office of Mayor.

Respectfully,



Ethan Spencer,
Mayor, Village of Moreland Hills



23 APR 11 AM 8:50

Ethan Spencer's March 16, 2023 Resignation Letter from Moreland Hills Village Council

Hanna, William <WHanna@ralaw.com>

Mon 4/10/2023 7:41 PM

To: Cory Milne <cmilne@cuyahogacounty.us>; Brent Lawler <blawler@cuyahogacounty.gov>

Cc: Sherri Arrietta <villagehall@morelandhills.com>

 1 attachments (30 KB)

SKM_C360i23041012520.pdf;

Gentlemen –

Attached is the resignation letter of former Moreland Hills Council President Ethan Spencer, dated March 16, 2023. As Cory and I discussed this morning, it is my legal opinion that upon the occurrence of a vacancy in the office of Mayor, the Council President at that moment becomes Mayor, and the Council President's seat on Council becomes vacant, by operation of Article IV, Section 6 of the Village Charter (reproduced below, emphases added) and without the requirement of a resignation.

Nevertheless, a resignation letter was provided at the time Mr. Spencer left Council and became Mayor. Again, that letter is attached.

Please let us know if there is anything else you need in this regard at this time. As discussed, when a new member of Council is appointed to fill the vacancy created by Mr. Spencer becoming Mayor, we will provide the form requested with the necessary information.

Best regards,

Bill

Sec. 6. PRESIDENT OF COUNCIL.

During any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his or her duties, the President of Council shall be the Acting Mayor and shall also continue as a Councilmember with all the powers and duties of a Councilmember. In case the office of Mayor shall become vacant, the President of Council shall thereupon become Mayor and that Council office shall become vacant, and the President of Council shall serve as Mayor for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided.

The Council representative to the Planning Commission who is the Chair thereof shall succeed the President of Council as Acting Mayor or Mayor in the events set forth above, when the Mayor and the President of Council are absent, inaccessible, or unable for any cause to perform the duties, or the office has become vacant.

(Amended 11-4-08; 11-8-22)

'23 APR 11 AM 8:50

RE: Councilman Gould resignation

Kelly Thomas <kthomas@universityheights.com>

Thu 4/20/2023 10:05 AM

To: Brent Lawler <blawler@cuyahogacounty.gov>; Luke McConville <lmconville@universityheights.com>

Cc: Cory Milne <cmilne@cuyahogacounty.gov>; Luke McConville Foward <mconville@nicola.com>

3 attachments (423 KB)

Justin Gould ltr of Resignation April 17 2023.pdf; Council Vacancy Press Release April 18 2023.pdf; CITY CHARTER ARTICLE 3 CHAPTER 3 Council Vacancy.docx;

This message was sent from the City of University Heights.

Good Morning Brent:

Per your email, please find the attached documents in regards to Justin Gould's resignation for University Heights City Council. Also per the University Heights City Charter (attached and listed below) the BOE does not need to hold an unexpired term election.

SECTION 3. Vacancy. Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified.

A successor shall be elected at the next general municipal election if:

1. More than two (2) years remain in the unexpired term when the vacancy occurs; and if
2. The vacancy occurs more than seventy-five (75) days prior to such election.

At such election each candidate for Council, in his declaration of candidacy and nominating petition, shall designate the term of office to which he seeks election by stating therein, if a full term, the date of commencement of said term as follows: "Full term commencing (DATE)" or by stating therein, if an unexpired term, the date on which it will end, as follows: "Unexpired term ending (DATE)". The term of no councilman shall be lengthened by his resignation and subsequent appointment, but an appointee may be a candidate for subsequent election.
(11-6-1979)

Kelly M. Thomas MMC | Clerk of Council

City of University Heights

(216) 932-7800 ext. 223 Phone | (216) 932-8531 Fax

kthomas@universityheights.com



'23 APR 20 PM12:50

From: Brent Lawler <blawler@cuyahogacounty.gov>

Sent: Thursday, April 20, 2023 8:59 AM

To: Kelly Thomas <kthomas@universityheights.com>

Cc: Cory Milne <cmilne@cuyahogacounty.gov>; Brent Lawler <blawler@cuyahogacounty.gov>

Subject: Councilman Gould resignation

Good morning Kelly

We read in the paper that Justin Gould has resigned.

Please forward to me a certified copy of his resignation letter for our Board to acknowledge.

Also, can you and the Law Director confirm that the BOE does not need to hold an unexpired term election since Mr. Gould's term ends at the end of the year.

Regards,
Brent

Brent E. Lawler, Manager

Candidate & Petition Services





UNIVERSITY HEIGHTS

April 17, 2023

Kelly M. Thomas
Clerk of Council
2300 Warrensville Center Road
University Heights, Ohio 44118

RE: Council at Large Resignation

Dear Ms. Thomas:

As noted in my remarks at this evening's council meeting, the most joyous of personal commitments compel me to move to North Carolina. Accordingly, with gratitude for the opportunity to serve, and pride in the work we have accomplished, by this letter I resign my position as Councilperson At-Large for the city of University Heights with immediate effect.

Please record this letter and forward a copy of the same to Mr. McConville.

Sincerely,

CERTIFICATION

I Kelly M. Thomas, Clerk Of Council
of the City of University Heights, Ohio, do hereby
certify that the foregoing is a true and correct copy
of Ordinance-Resolution No. Presented, passed
by the Council of said City at its meeting held on
April 17, 2023.

Justin Gould

IN WITNESS WHEREOF I have hereunto set my hand
and affixed the seal of said City this 20th day
of April, 2023

Kelly M. Thomas
Clerk of Council
City of University Heights



'23 APR 20 PM 12:42



PRESS RELEASE

Contact: Kelly M. Thomas
Tel.: 216-932-7800 ext. 223
Fax: 216-932-8531
kthomas@universityheights.com

FOR IMMEDIATE RELEASE

April 18, 2023

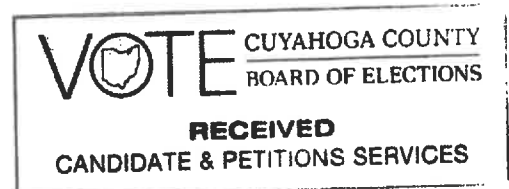
**UNIVERSITY HEIGHTS INVITES APPLICATIONS
FOR VACANT COUNCIL POSITION**

On Wednesday April 19, 2023, University Heights City Council will begin accepting letters of interest and resumes to fill an April 18th Council vacancy. Vice Mayor Michele Weiss has announced that residents of University Heights who wish to be considered for appointment to the open position are invited to send letters of interest and resumes to City Hall, c/o Clerk of Council Kelly M. Thomas, 2300 Warrensville Center Road, University Heights, Ohio 44118 or email to: kthomas@universityheights.com. Letters of interest and resumes will be accepted until 4:30 PM on Friday, April 28, 2023.

The City Charter gives Council 30 days to fill the vacancy after April 18, 2023, otherwise the Mayor is responsible for the appointment. City Council will accept letters of interest and resumes between April 19th and April 28th. The City Council will acknowledge each application and provide an opportunity for interviews with certain selected candidates, in Council's sole discretion. The appointment will be made on or before May 15th for an abbreviated term of approximately seven (7) months until the next Council elections in November 2023. The appointee, if interested in continuing, will have to run for election on November 2023.

(For more information, please contact Clerk of Council Kelly M. Thomas at (216) 932-7800 ext. 223 or by e-mail at kthomas@universityheights.com.)

#



CITY CHARTER – ARTICLE 3; SECTION 3

SECTION 3. Vacancy. Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified.

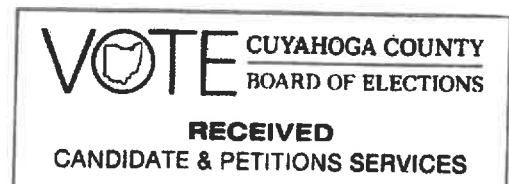
A successor shall be elected at the next general municipal election if:

1. More than two (2) years remain in the unexpired term when the vacancy occurs; and if
2. The vacancy occurs more than seventy-five (75) days prior to such election.

At such election each candidate for Council, in his declaration of candidacy and nominating petition, shall designate the term of office to which he seeks election by stating therein, if a full term, the date of commencement of said term as follows: "Full term commencing (DATE)" or by stating therein, if an unexpired term, the date on which it will end, as follows: "Unexpired term ending (DATE)". The term of no councilman shall be lengthened by his resignation and subsequent appointment, but an appointee may be a candidate for subsequent election.

(11-6-1979)

'23 APR 20 PM12:44



Certification to Fill Vacancy in Elected Office

04/10/2023

(MM/DD/YYYY)

BROOKLYN HTS. VILLAGE

Ohio

(City/Village/Township)

To the Board of Elections of Cuyahoga County

The undersigned respectfully certifies that a vacancy in the office of COUNCIL in the

VILLAGE OF BROOKLYN HTS.

(City/Village/Township/School)

has occurred on

12/19/2021

(MM/DD/YYYY)

due to the

RESIGNATION

of

JOE BUNDOS

(Death, Resignation, Etc.)

(Print name of office holder)

The

COUNCIL

has appointed

SHANE DOMMER

(Council/Mayor/School Board etc.)

(Print name of appointee)

under the authority of

ORDINANCE 01-2023

(cite the ORC/Charter/Ordinance sections granting the appointing authority)

who is a qualified elector residing at

5771 W. 5th, Brooklyn HTS. 44131

(State full street address, city, and zip code)

216-407-0167

SHANE.DOMMER@BROOKLYNHTS.ORG

(State phone number and email)

to hold the office and to perform the duties thereof until a successor is elected and qualified as provided by law.

Through my signature below, represent and warrant that I have full and complete authority to issue this certification and that the Cuyahoga County Board of Elections may rely upon the information disclosed herein. I further declare that the foregoing covenants of authority and the described appointment are valid, true and accurate based on my own personal knowledge.

Signed by appointing authority or
authorized representative (i.e., Clerk of Council,
School Treasurer, Mayor, etc.)

(Title)

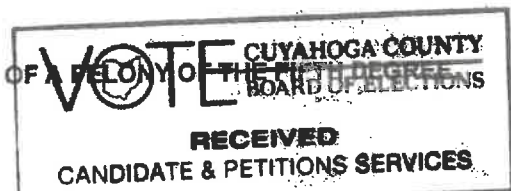
CLARK METER

(Date)

4/10/23

- Provide the Board of Elections with the Appointees executed Oath of Office
- If the appointment requires action at a public meeting, list the meeting date 4/17/23 and provide a copy of the agenda or meeting minutes.
- Attach a copy of the ORC / Charter / Ordinance sections listed above.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIRST DEGREE



23 APR 20 PM 3:25

ORDINANCE RECORD
COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

Ordinance No. 02-2023

By Al

**AN EMERGENCY ORDINANCE APPOINTING SHANE L. TOMMER AS A
MEMBER OF COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS**

WHEREAS, a Council position became vacant on December 21, 2022.

WHEREAS, the Village Charter provides for the remaining members of Council the authority to fill the vacancy by a majority vote.

THE VILLAGE OF BROOKLYN HEIGHTS HEREBY ORDAINS THAT:

Section 1. The Council of the Village of Brooklyn Heights hereby appoints Shane L. Tommer to fill the vacancy on Council for the remainder of the vacant term, effective immediately upon being properly sworn into office.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Brooklyn Heights. The reason for this emergency is so this contract may be effective January 17, 2023. Therefore, this Ordinance shall become immediately effective upon receiving the affirmative vote of three (3) members elected to Council and approval of the Mayor and/or Clerk/Treasurer otherwise from and after the earliest period allowed by law.

PASSED: 4-0 1/17/23

ATTEST: 

Aaron D. Frank,
Clerk/Treasurer

APPROVED: 

Michael S. Procuk,
Mayor

OATH OF OFFICE

Rev. Code, Secs. 3.22, .23; 733.68

The State of Ohio, Cuyahoga County, ss.

I, SHANK L. Tommer

swear, that I will support the Constitution of the United States and the Co:
State of Ohio, and will faithfully, honestly and impartially discharge the duties

Counsellor
of Brooklyn Hight in Cuyahoga

Sworn to before me, and signed in my presence, this Seventeenth

January

2023

Mayor Michael S. Packer



'23 APR 20 PM3:25



~~KWB \$300,000, 1/5/23, 1/5/23~~
~~STAN TOWER~~
~~NAME PLATE~~
~~*FIX RITA (CMT 15) FORMER~~

345 Tuxedo Avenue Brooklyn Heights, Ohio 44131 ♦ Office: (216) 749-4300 ♦ Fax: (216) 741-3753

January 13, 2023

Notice

The following meetings will be held in the Council Chambers of the Municipal Center, 345 Tuxedo Ave., Brooklyn Heights, Ohio 44131 on Tuesday, January 17, 2023:

ORDINANCE 02-2023- AN EMERGENCY ORDINANCE APPOINTING SHANE L. TOWER AS A MEMBER OF COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

ORDINANCE 03-2023- AN EMERGENCY ORDINANCE TO PAY SCANWORKS FOR NECESSARY SCANNING OF BUILDING DEPARTMENT DOCUMENTS

ORDINANCE 04-2023- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH TECHTRONIC OFFICE PRODUCTS SALES & SERVICE (TOPSS) FOR SOFTWARE AND NETWORK SERVICES FOR THE VILLAGE OF BROOKLYN HEIGHTS FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023

ORDINANCE 05-2023- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH SPECIALIZED CONSTRUCTION TO REPAIR PAVEMENT ON EASTVIEW DRIVE

ORDINANCE 06-2023- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH CUYAHOGA SOIL & WATER CONSERVATION DISTRICT FOR IMPLEMENTATION OF THE PUBLIC INVOLVEMENT/PUBLIC EDUCATION (PIPE) PROGRAM

ORDINANCE 07-2023- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO APPROVE THE CHANGE ORDER WITH OHIO PAVING & CONSTRUCTION CO., INC. FOR ADDITIONAL WORK FOR THE VILLAGE HALL DRAINAGE IMPROVEMENTS

ORDINANCE 08-2023- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO APPROVE THE CHANGE ORDER WITH COOK PAVING & CONSTRUCTION CO., INC. FOR ADDITIONAL WORK FOR SEWER REPAIR ON SPRING ROAD

ORDINANCE 09-2023- AN EMERGENCY ORDINANCE AUTHORIZING THE EMPLOYMENT OF DAWN MARIE PULEO AS THE CLERICAL ADMINISTRATIVE ASSISTANT IN THE VILLAGE OF BROOKLYN HEIGHTS COMMUNITY SERVICES DEPARTMENT

RESOLUTION 02-2023- AN EMERGENCY RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE VILLAGE OF BROOKLYN HEIGHTS ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS CAPITAL FUND FOR THE CT03Y / CT04Y, SPRING ROAD RECONSTRUCTION WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO

RESOLUTION 03-2023- AN EMERGENCY RESOLUTION AUTHORIZING THE VILLAGE OF BROOKLYN HEIGHTS TO SUBMIT AN APPLICATION TO THE OFFICE OF NATIONAL DRUG CONTROL POLICY (ONDCP) FOR THE 2023 HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) GRANT

RESOLUTION 04-2023- AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO AN MOU WITH DAWN MARIE PULEO

This notice is in accordance with Section 30 of the Codified Ordinances of the Village of Brooklyn Heights.

Aaron D. Frank
Clerk/Treasurer

The agendas will be posted in 5 locations: Municipal Center door, Tuxedo Avenue at West 6th Street, Schaaf Lane at Van Epps, E. Schaaf Road midway down, and Dorset Drive at Mural Drive

The Regular Meeting of Council will be held at 7:30pm.
There will be a Wage and Salary Committee meeting held at 7:15pm to discuss Community Service staffing.

*** MASKS ARE NOT REQUIRED BUT ENCOURAGED AT THE MEETINGS ***

23 APR 10 PM 3:25

RE: Resignations and Appointment to elected office

Aaron Frank <Aaron.Frank@brooklynhts.org>

Thu 4/20/2023 3:35 PM

To: Cory Milne <cmilne@cuyahogacounty.gov>; Brent Lawler <blawler@cuyahogacounty.gov>

That's correct Cory,

A special election was NOT necessary relative to this position.

From: Cory Milne [mailto:cmilne@cuyahogacounty.gov]
Sent: Thursday, April 20, 2023 3:30 PM
To: Brent Lawler; Aaron Frank
Subject: Re: Resignations and Appointment to elected office

Hi Aaron,

Could you also please confirm that no special election relative to this position is not necessary?

Thank you,

Cory C. Milne, Assistant Manager

Candidate & Petition Services Dept.

Phone: 216-443-3230 | www.443vote.us



From: Brent Lawler <blawler@cuyahogacounty.gov>
Sent: Thursday, April 20, 2023 3:23 PM
To: Aaron Frank <Aaron.Frank@brooklynhts.org>
Cc: Cory Milne <cmilne@cuyahogacounty.gov>
Subject: Re: Resignations and Appointment to elected office

Thank you, but could you put your certification of each of these please and resend.

tc
bel

Brent E. Lawler, Manager
Candidate & Petition Services
Cuyahoga County Board of Elections
2925 Euclid Avenue
Cleveland, OH 44115-2497
Phone: 216.443.6509
Fax: 216.443.6466
Email: blawler@cuyahogacounty.gov

Village of Moreland Hills

4350 S.O.M. Center Road • Moreland Hills, Ohio 44022

Phone: 440-248-1188 • Fax: 440-498-9588

E-mail: villagehall@morelandhills.com

Re: The Occurrence and Filling of a Vacancy in the Office of Mayor in the Village of Moreland Hills, Cuyahoga County, Ohio


To the Board of Elections of Cuyahoga County, Ohio:

The undersigned respectfully certifies that a vacancy in the office of Mayor of the Village of Moreland Hills occurred on March 16, 2023, due to the death of Mayor Daniel T. Fritz.

Pursuant to Article IV, Section 6 of the Charter of the Village of Moreland Hills, then-Council President Ethan Spencer became Mayor on March 16, 2023 and took the oath of office on that date, without requirement for any appointment. A copy of Mayor Spencer's oath of office is attached, along with a copy of Article IV, Section 6 of the Village Charter. Under the referenced section of the Village Charter, Mr. Spencer will serve as Mayor until a successor is elected at the regular municipal election of November 2023.

Mayor Ethan Spencer is a qualified elector residing at 35070 Jackson Road, Moreland Hills, OH 44022. His telephone number is 440-248-1188. His e-mail address is ESpencer@morelandhills.com.

I certify that the foregoing is true and accurate:

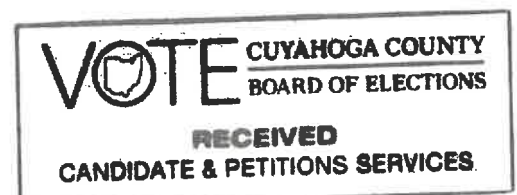
 410-23

Sherri Arrietta

Date

Clerk of Council, Village of Moreland Hills

'23 APR 10 AM 10:10



***VILLAGE OF MORELAND HILLS, OHIO
OATH OF OFFICE***

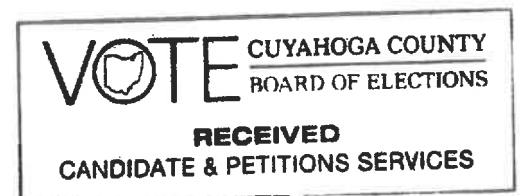
State of Ohio
County of Cuyahoga

I, Ethan Spencer, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio and the Charter and Ordinances of the Village of Moreland Hills, and that I will faithfully, honestly and impartially discharge the duties of Mayor of the Village of Moreland Hills, State of Ohio, during my continuance in said office, so help me God.


Ethan Spencer

Sworn to before me and subscribed in my presence this 16th day of March, 2023.


William Hanna, Law Director



'23 APR 10 AM 10:10

The Mayor shall have the power to discipline, suspend, reduce in rank, and/or discharge from employment any officer or employee of the Municipality, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given them by the proper authority, or for any other reasonable or just cause. Any suspension, reduction in rank, or removal from employment of any employee who is appointed exclusively by the Council or who is appointed by the Mayor subject to the confirmation of the Council may be appealed to the Council.

Except as otherwise provided in this Charter, any suspension, reduction in rank, or removal from employment may be appealed to the Employee Discipline Appeal Board as provided by this Charter.

The Mayor shall also be responsible for the preparation and submission of the annual estimate of receipts and expenditures, and of appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the Municipality. The Mayor shall see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed.

The Mayor shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party. The Mayor shall have the custody of the seal of the Municipality and may affix it to all the above-mentioned instruments, but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the Government of the Municipality by the Governor for military purposes, and by the courts for the purpose of serving civil processes.

(Amended 11-3-98; 11-8-22)

SECTION 6. PRESIDENT OF COUNCIL.

During any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his or her duties, the President of Council shall be the Acting Mayor and shall also continue as a Councilmember with all the powers and duties of a Councilmember. In case the office of Mayor shall become vacant, the President of Council shall thereupon become Mayor and that Council office shall become vacant, and the President of Council shall serve as Mayor for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided.

The Council representative to the Planning Commission who is the Chair thereof shall succeed the President of Council as Acting Mayor or Mayor in the events set forth above, when the Mayor and the President of Council are absent, inaccessible, or unable for any cause to perform the duties, or the office has become vacant.

(Amended 11-4-08; 11-8-22)

SECTION 7. ELECTION OF SUCCESSOR IN CASE OF VACANCY.

In case the office of Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular Municipal election, provided that (a) such election shall occur more than two years prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than one hundred twenty days prior to such election. A President of Council, or successor, who has become Mayor pursuant to Section 6 above, may be a candidate to succeed him or her self.

(Amended 11-3-98)