



CLEVELAND HEIGHTS

**Council Committee of the Whole
January 25, 2025
9:00 AM
City Hall – Executive Conference Room**

Agenda

- 1) Call to Order/Roll Call**
- 2) Continued Discussion of CRC Recommendations**
 - a. Proposed Amendment #1 (Bucket 1) Cont.
 - b. Proposed Amendment #3 (Bucket 3)
 - c. Proposed Amendment #4 (Bucket 4)
- 3) Other**
- 4) Adjourn**

Key Areas Reviewed

1. Language Revisions

- Ensure clear, concise, and gender-neutral language throughout the document.
- Reorganize and rephrase certain sections for better readability and alignment with modern legal standards.

2. Conflicting Opinions

- Areas such as director appointments, removals, and Council oversight sparked debate, showcasing differing views on maintaining checks and balances versus granting the Mayor broader executive authority.

3. Consistency with Ordinances and State Law

- Amendments were reviewed in light of existing ordinances and relevant Ohio Revised Code (ORC) provisions to avoid conflicts or redundancy.
- Specific attention was given to sections on public utilities, subpoenas, and emergency measures to ensure alignment with state and federal standards.

4. Clarity in Roles and Responsibilities

- Sections on Council interactions with administration, department directors, and the Mayor's authority were revisited to eliminate ambiguity and promote accountability.

Next Steps

- Continue discussions Proposed Amendment #1 on unresolved topics, particularly Section 5.3 and other areas that require further Council consensus.
- Begin discussions on Proposed Amendments #2-5
- Finalize the redlined document(s) for public review and eventual voter approval, incorporating feedback from workshops and legal review.

NOTES from previous workshop(s)

Section 2: Qualifications

- Extend the residency requirement from six months to one year.
- Retain language about employment restrictions with the City or school districts to address potential conflicts of interest.

Section 3: Vacancies

- Refine language in 3(a) to clarify successor appointments and the number of votes required.

Section 3.6: Meetings

- Clearly define "virtual meetings," particularly regarding quorum and voting requirements.

Section 3.8: Council's Subpoena Power

- Reassess jurisdiction and penalties for noncompliance with subpoenas.
- Transfer the authority to administer oaths and affirmations from the Council President to the Director of Law.

Section 3.9: Emergency Measures

- Revisit language, referencing the Ohio Revised Code (ORC) and Supreme Court definitions for clarity.

Section 3.10: Public Utilities and Franchises

- Reevaluate the section broadly, focusing on the specific issues it seeks to address.

Section 3.11: President and Vice President of Council

- Retain "at least four members" language in 3(a).
- Revisit and clarify wording regarding the President Pro Tem, including whether four members should be specified.

Section 3.12: Council Interactions with City Administration

- Narrow the term "personnel" to avoid conflicts with Article Four, limiting it to directors or designees.

- Clarify who can be requested to attend Council discussions (e.g., Mayor, City Administrator, or City Administrative Officer).
- Revise phrasing to relate to "the official powers and duties" at the section's conclusion.

Section 4.4: City Administrator

- Modify qualifications to include experience and training in municipal or other governmental operations.
- Retain existing reporting language but incorporate a September 1 reporting date tied to the budget process or Council-determined timelines.

Section 4.5: Legislative Powers

- Adopt gender-neutral language in the second paragraph.
- Have the law department review this section for clarity on line-item language.

Section 5.1: Departments

- Review prior language before the transition to a Mayor-led government, ensuring consistency with establishing ordinances for departments not explicitly listed (e.g., IT, HR, Housing Preservation).
- Reorganize phrasing by moving “except as otherwise provided in this Charter” to the end of the sentence for clarity.

Section 5.2: Directors

- Debate on whether all directors should be subject to Council approval:
 - Cobb, Cuda, and Larson support limiting Council approval to key roles (Law, Finance, Planning, and Public Works).
- Mixed opinions on the Mayor's authority to remove directors:
 - Cuda and Petras support the Mayor’s removal authority, excluding the Director of Law.
 - Cobb and Larson disagree; Russell suggests Council should have its own legal representation if it lacks authority over the Director of Law’s removal.
- Clarify phrasing: “Directors shall be appointed by and responsible to...”

Next Discussion: Section 5.3 - Mayor as Head of Departments

Proposed Amendment #1

THE CHARTER OF THE CITY OF CLEVELAND HEIGHTS, OHIO

PREAMBLE

We, the people of the City of Cleveland Heights, in the County of Cuyahoga and the State of Ohio, ~~in order to secure for ourselves~~ exercising the ~~benefits~~ powers of ~~local self-home rule and desiring~~ 1) to establish a responsive, effective, and accountable government ~~under that maintains~~ the ~~Constitution~~ highest level of the State integrity, and through which all voices in our diverse society can be heard, and 2) to establish fair representation and distribution of ~~Ohio~~ government resources and a safe, harmonious, and sustainable environment based on principles of justice, liberty, and equality, do ~~ordain and establish~~ enact this First Amended Charter (the “Charter”) for the government of the City of Cleveland Heights.

ARTICLE ~~I~~ ONE. NAME AND BOUNDARIES

The municipal corporation now existing and known as the City of Cleveland Heights shall continue to be a ~~body politic and corporate~~ municipal corporation organized under the Constitution and laws of Ohio under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous ~~thereto to its existing boundaries~~ in the manner authorized by the general laws of the State of Ohio; ~~but no territory shall be detached therefrom nor shall the City be annexed to any other municipality, without the consent of the Council and of a majority of its electors voting on such question.~~

ARTICLE ~~II~~ TWO. FORM OF GOVERNMENT AND POWERS

2.1. FORM OF GOVERNMENT

The municipal government provided by this Charter shall, as reflected more specifically in other provisions of the Charter, and be known as a Mayor-Council form of government.

2.2. POWERS

~~—~~ The City ~~of Cleveland Heights~~ shall have all powers of local self-government now or hereafter granted to municipalities by the Constitution and laws of Ohio, and such further powers as may now or hereafter be granted by the Constitution and laws of Ohio; ~~and all such. The~~ powers ~~of the City~~ shall be exercised ~~in the manner as~~ prescribed by ~~this the~~ Charter or ~~by Council’s~~ ordinances ~~of the Council created hereby,~~ resolutions, or motions that do not conflict with the Charter. Where the Charter and Council’s ordinances, resolutions, and motions do not prescribe the manner of their exercise, the powers of the City shall be exercised as prescribed by the general laws of Ohio.

ARTICLE ~~III~~ THREE. THE COUNCIL

~~SECTION 3.1.~~ 1. POWERS, NUMBER AND TERM:

~~— The~~ Except as otherwise provided by this Charter, the legislative power of the City, ~~except as limited by this Charter,~~ and such additional powers as may be expressly granted by ~~this the~~ Charter, or by

Proposed Amendment #1

codified ordinance shall be vested in a ~~Council~~council of seven ~~(7)~~ members elected at large. ~~Other than as called for under Section 3.4 of the Charter to address a vacancy, three (3) members shall be elected in the regular municipal election held in the year immediately preceding that in which a United States presidential general election is held, and four (4) members shall be elected in the regular municipal election held in the year immediately following that in which a United States presidential general election is held.~~ The terms of ~~the Council~~ members ~~of the Council~~ shall begin the first day of January ~~next~~immediately following their election, ~~and they shall serve for a.~~ The term of each member of Council shall be four (4) years or until ~~their successors are~~that member's respective successor is chosen and qualified, ~~except that the three members elected at the first election by the lowest votes shall serve for two years only.~~

~~SECTION 3.2. QUALIFICATIONS.~~

~~– To serve as a member of the Council, a person shall be a resident~~have resided and been an elector of the City ~~of Cleveland Heights at the time for submitting his or her~~at least six (6) months immediately preceding submittal of a nominating petition to the election authorities as required under the terms of this Charter, and shall continue to ~~reside therein during his or her term~~be a resident and elector of office the City while serving on Council. No person ~~shall be a member of~~serving on Council ~~who holds~~may hold any employment with the City ~~of Cleveland Heights, the Cleveland Heights/University Heights School District, or the East Cleveland School District, or who holds~~or any elected public office other than that of precinct committee person or State central committee person. The Council shall be the judge of the election and qualifications of its own members.

* * *

~~SECTION 4.3. VACANCIES.~~

~~– Any vacancy in the Council, shall be filled in the first instance~~ by the appointment, by a majority of the remaining members of the Council, of an individual qualified under this Charter to serve as a member of Council. In the event Council fails to fill any vacancy within ~~forty-five (45)~~sixty (60) days ~~of after~~ the occurrence of such vacancy, then the Mayor shall fill such vacancy within ten (10) days. The individual appointed to fill the vacancy shall serve until ~~a successor is elected and qualified at an election as provided herein; provided, however, that if the vacancy in Council occurs in the year that the regular election for that office is already scheduled, then the person appointed shall hold office through December 31 of that year~~the first to occur of either (i) the expiration of the term of the member who vacated the office, or (ii) a successor is elected and qualified.

~~– For any-~~ A successor shall be elected for the unexpired term at the next regular municipal election if (a) such election occurs more than two (2) years prior to the expiration of the unexpired term and (b) the vacancy occurs more than ninety (90) days prior to such election; otherwise, the individual appointed shall serve the expiration of the term of the member who vacated the office. Successor(s) to fill the unexpired term of any member(s) who vacated their seat(s) shall be elected in the same election as Council not occurring in the members elected for full four-year terms. In municipal elections that the regular election for include the election of any successor(s) to fill the unexpired term of any member(s) who vacated their seat(s), the number of seats to be filled in that office is scheduled, an election for the unexpired term shall be held at the next general election occurring more than one hundred and twenty (120) days election shall increase by the number of successors to elect, and the number of votes needed

Proposed Amendment #1

to win a seat shall change accordingly. Candidates shall be elected for full four-year terms as specified by the Council in its ordinances until all seats for full four-year terms are filled. Candidate(s) elected after the date of the vacancy all seats for full four-year terms are filled shall be designated as elected to fill the unexpired term(s) of the member(s) who vacated their seat(s). The term of a person elected to fill the vacancy at such election shall begin at the first regularly scheduled meeting of Council following the certification of ~~electoral~~ the official election results of such election and shall extend for the remainder of the unexpired term.

~~– Subject to the provisions of this Section III-4, persons desiring to become candidates for the office in which the vacancy arose shall file nominating petitions, with the election authorities prescribed by general law, not later than 4:00 p.m. on the ninetieth (90th) day before such election. Such petitions shall not be signed by any electors more than one hundred eighty (180) days prior to such election. Other than with regard to the time limits in this section applicable to the filing and signature of petitions, such nominating petitions shall be subject to the requirements of Article VII, Section 3 of the Charter, including the number of required signatures.~~

* * *

3.4. SALARIES & OTHER COMPENSATION

In each year preceding the year in which a presidential election is held, Council shall, following receipt and consideration of the report of the Civil Service Commission prescribed by Section 11.3(d) of this Charter, by ordinance passed in such year, fix the salary and other compensation of the Mayor and all members of the Council for the four-year period beginning on January 1 of the first year of the term next following the year in which the ordinance is adopted. Any ordinance fixing salary and other compensation shall be null and void unless adopted at least sixty (60) days prior to the filing date for filing nominating petitions by candidates for Mayor or Council for the regular municipal election to be held in the year following the year in which the ordinance is adopted. No change in salary and other compensation for a Council member or the Mayor shall take effect during the current term of that person. Salary and other compensation for the six (6) members of Council other than the President of Council shall be identical. The salary and other compensation for the President of Council shall be larger by twenty-five percent (25%) than the salary and other compensation for other members. The salary and other compensation for Council members shall reflect the part-time duties of Council members, the economic condition of the City, comparable salary and other compensation of Council members in cities of similar size and budget, and the need to attract qualified candidates. The salary and other compensation for Mayor shall reflect the full-time nature of the position, the economic condition of the City, comparable salaries and other compensations of mayors in cities of similar size and budget, and the need to attract qualified candidates.

3.5. APPOINTMENTS

(a) Council shall appoint a Clerk of Council, who shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council.

~~– (b) –~~ Council may appoint, employ, hire, or engage any other employees, consultants, independent contractors, or other persons as it deems necessary for the proper discharge of its duties. The Clerk of Council and any other person so appointed and employed, hired, or engaged by the Council shall serve

Proposed Amendment #1

at the pleasure of the Council and shall report to the President of Council, or the designee of the President of Council, as their supervisor.

~~-(c)-~~ Neither the Council nor any of its members or committees ~~shall~~may dictate the appointment of any person to office or employment by the Mayor, ~~nor~~or in any manner interfere with ~~or prevent~~ the Mayor or the City Administrator from exercising their judgment in the appointment of officers and employees in the administrative service. ~~Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Mayor or the City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor or the City Administrator.~~

~~-~~ ~~In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the Mayor shall submit a report to the Council for review concerning the carrying out of this policy. Council shall make this report public.~~

~~SECTION 73.6. MEETINGS.~~

~~-~~ The Council shall meet for the purpose of organization on the first Monday in January following each regular municipal election. In the event ~~such~~the first Monday is a legal holiday, Council shall meet the following day. Thereafter, the Council shall meet at such times and at such public places within the City ~~of Cleveland Heights~~ as may be prescribed by ordinance or resolution. Notwithstanding the requirement for meetings to be held in public places within the City, Council may provide by ordinance or resolution for virtual meetings. A majority of members shall constitute a quorum.

~~SECTION 83.7. GENERAL PROVISIONS.~~

~~-~~ The Council shall determine its own rules and order of business, provide for special meetings and keep a journal record of its proceedings. The Council may by ~~general~~ ordinance provide: for: legislative procedure; the form and method of enactment of ordinances; a simplified procedure for levying assessments; the method and manner of giving public notice of passage of ordinances or resolutions of a general or permanent nature; the advertisement and sale of bonds and notes; ~~and~~ the advertisement and awarding of public contracts. Such general ordinances; and interpretation of principles of open government for the City, as well as the methods and manners of applying those principles. Ordinances of the type listed immediately above, when once adopted, shall may not be repealed or amended except by an affirmative vote of at least five (5) members of the Council members or by the people. initiative under this Charter.

~~SECTION 3.8. COUNCIL'S SUBPOENA POWER~~

The Council shall have the power to make investigations concerning the affairs of the City, and in the course of any such investigation, the Council shall have the power to subpoena and require the attendance and testimony of witnesses, and the power to require the production by subpoena of any books, papers, public records, or other documentary evidence pertinent to such investigation, inquiries, or hearing. The Council President shall have the power to administer oaths and affirmations and to take testimony relative to any such investigation or hearing.

3.9. EMERGENCY MEASURES

Proposed Amendment #1

An emergency ordinance, resolution, or other measure is one that is necessary for the immediate preservation of the public peace, health or safety in the City. No action of Council can qualify as an emergency ordinance, resolution, or other measure unless it receives the affirmative vote of at least five Council members, and the specific reason or reasons for the need to declare the emergency shall be separately set forth in a section of the ordinance, resolution, or other measure.

3.10. PUBLIC UTILITIES AND FRANCHISES:

~~– No measure making a grant, renewal or extension of a franchise or other special privilege, or regulating a rate to be charged for its service by any public utility, shall ever be passed as an emergency measure.~~

SECTION 10. INTEREST IN CONTRACTS:

~~– No member of the Council, shall be directly or indirectly interested in any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City; and any contract with the City in which any officer or employee is or becomes interested may be declared void by the Council.~~

~~– This section shall become effective January 1, 2022.~~

~~SECTION~~ The Council may by ordinance grant permission to any person to construct and operate a public utility or other franchise on, across, under or above any public street or ground within the City. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rates to be charged for the service or product, and any other terms considered by Council conducive to the public interest. The grant may be amended or renewed in the manner and subject to the provisions established for original grants. The grant, amendment or renewal shall be for a period of time determined by Council and shall be made subject to Council's continuing right to provide reasonable regulations for the operation of the utility or other franchise. No ordinance making, amending or renewing a public utility or other franchise may be passed as an emergency measure.

3.11. PRESIDENT OF COUNCIL AND VICE PRESIDENT OF COUNCIL:

~~– (a)~~ The Council shall, at the time of organizing, and every two years thereafter following each regular municipal election, elect one of its members as President of Council. The Council shall elect another member as Vice President of Council. In the event of a vacancy in either the office of President or Vice President, or in the event if the Council shall determinedetermines by at least four of its membersan affirmative vote that either the President or the Vice President is unable to fulfill the duties of theirthe respective office, the Council shall immediately proceed to elect one of its members to serve in suchthat office.

~~– (b)~~ The President of Council, or in the President's absence the Vice President, shall preside at allprepare the agenda for meetings of the Council. In the absence of both the President and Vice President, the Clerk of Council shall prepare the agenda for meetings of Council. The President of Council, or in the President's absence the Vice President, or in the absence of both the President and the Vice President, the President Pro Tem, shall preside at meetings of the Council, and shall have a voice and vote in its proceedings; but no veto. A President Pro Tem shall be elected by the affirmative vote of a majority of the Council members present at the meeting.

Proposed Amendment #1

~~– The President or Vice President of Council may become acting Mayor in accordance with Article IV-10.~~

~~– This section shall become effective January 1, 2021.~~

3.12. COUNCIL INTERACTIONS WITH CITY ADMINISTRATION

Council and the Mayor shall collaborate, in good faith for the best interests of the City, to ensure both that the administration of the government be conducted without unreasonable impediment, and that members of Council be permitted to exchange information with and receive information from City administrative officers and employees in order to support Council’s legislative and constituent services functions. When appropriate, members of Council may serve the residents of the City as advocates through whom residents can seek the services of the City and any redress of grievances.

The Mayor, City Administrator, and City administrative officers and employees shall respond to inquiries from Council members in a timely manner. Without limiting the preceding sentence, the Council President or a Council committee chair may request a person attend specified meetings of Council or of such committee, respectively. When the Council President or a committee chair has made such request, the official, director, or personnel requested to be in attendance shall attend the meeting and answer questions asked by any member of Council related to their powers and duties.

ARTICLE ~~IV~~FOUR. THE MAYOR

~~(Previously City Manager)~~

~~SECTION 4.1. TERM-~~

~~– The term of the Mayor shall begin the first day of January next following the election of the Mayor. The Mayor shall serve for a term of four years, unless removed from, recalled from, or disqualified for the office of Mayor, at which time the Mayor’s successor is chosen and qualified. The initial election of the Mayor shall occur at the regular municipal election occurring in the year 2021.~~

~~– This section shall become effective January 1, 2021.~~

~~SECTION 4.2. QUALIFICATIONS-~~

~~– To serve as Mayor a person ~~must~~ shall have resided and been an elector of the City of Cleveland Heights for at least eighteen months immediately preceding that election, and ~~must~~ shall continue to be a resident and elector of the City while holding office. The Mayor shall serve the City on a full-time basis. No person shall be the Mayor who holds any employment with the City of Cleveland Heights, the Cleveland Heights-University Heights School District, or the East Cleveland School District, or who holds any other elected public office other than that of precinct committee person or State Central committee person. While the Mayor’s primary responsibility, time and attention ~~is~~are to be directed to the business of the City, holding the office of Mayor does not necessarily preclude limited outside employment or other outside work by the person holding the office, provided that outside employment~~

Proposed Amendment #1

or work does not conflict or interfere with carrying out the duties assigned by this Charter, by ordinance, or general law, or otherwise violate any provision of this Charter, any ordinance, or general law.

~~– This section shall become effective January 1, 2021.~~

~~SECTION 4.3. EXECUTIVE POWERS: AND DUTIES~~

~~–~~ The Mayor shall be the chief executive officer of the City, and shall maintain an office at the Cleveland Heights City Hall. The Mayor, together with a full-time qualified City Administrator, shall supervise the administration of the City's affairs, and, except as otherwise provided in this Charter, shall exercise control over all departments and divisions. The Mayor shall appoint, promote, transfer, reduce or remove all officers and employees of the City, except members of Council, judges, and any other persons whose terms of office are fixed by this Charter or law:the general laws of Ohio. The Mayor shall be the chief conservator of the peace within the City, shall serve as Director of Public Safety, and shall see that all laws and ordinances are enforced ~~therein~~. The Mayor shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. The Mayor shall recommend to the Council such measures as the Mayor deems necessary or expedient. The Mayor shall prepare and submit any reports required by Council. The Mayor, in a timely manner, shall exercise powers and perform duties conferred upon or required of the Mayor by this Charter, by ordinance or by general laws. The Mayor shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which the City is a party are faithfully kept and performed. The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party. The Mayor shall have custody of the seal of the City ~~and shall affix to it all of the above mentioned documents, but the absence of the seal shall not affect the validity of any such document.~~ The Mayor shall be recognized as the official and ceremonial head of the City government by all civil and governmental entities, and by the courts for the purpose of serving civil process.

~~– This section shall become effective January 1, 2022.~~

~~SECTION 4.4. CITY ADMINISTRATOR:~~

~~–~~ The City Administrator shall be appointed by the Mayor on the basis of executive and administrative training and experience, subject to confirmation by a majority of members of Council, and shall serve at the pleasure of the Mayor.

~~–~~ The City Administrator shall assist the Mayor in the operation of the Mayor's office and, subject to the Mayor's supervision and control, ~~be responsible for the preparation of the annual budget for presentation to the Council, and~~ supervise the administration of personnel policies and practices in all departments. The City Administrator shall render advise~~advice~~ to the Mayor regarding appointment, promotion, transfer, reduction and removal of all City personnel. The City Administrator shall, subject to the supervision and control of the Mayor, establish reporting procedures, require the submission and review of progress reports and operating goals, and generally assist in the coordination of activities of all departments, division, boards, commissions, officers and employees of the City, except for the professional activities and responsibilities of the Law Department.

Proposed Amendment #1

- ~~– The City Administrator shall make periodic an annual written reports report to the Mayor and Council, not less often later than semiannually, with such recommendations as the Mayor deems appropriate September 1, concerning the administration of all departments, divisions, boards and commissions of the City, and their needs and requirements for the future.~~
- ~~– The City Administrator may serve as the Director director of a department, and shall perform such other duties as may be required by the Mayor.~~
- ~~– This section shall become effective January 1, 2022.~~

~~SECTION 4.5. LEGISLATIVE POWERS.~~

- ~~– The Mayor may introduce ordinances and resolutions in the Council and may participate in all meetings of the Council, including executive sessions on the invitation of the Council, but shall have no vote therein.~~
- ~~– Every ordinance or resolution of the Council shall be signed by the Clerk of Council or two members of the Council and presented within five days of passage by the Council to the Mayor for consideration before it goes into effect. The Mayor may approve or disapprove the whole or any line item of an ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance, item, or resolution. If the Mayor approves such ordinance, line item, or resolution, the Mayor shall sign and file it with the Clerk of Council. If the Mayor disapproves such ordinance, line item, or resolution, the Mayor shall return it to the Clerk of Council together with a written statement of the Mayor's objections. Unless an ordinance, line item, or resolution is filed with the Clerk of Council, by the Mayor, with written notice of disapproval within ten days after its passage by the Council, it shall take effect as though the Mayor had signed it. When the Mayor has disapproved an ordinance, line item, or a resolution, as herein provided, the Council may, at its next regular meeting reconsider the ordinance, line item, or resolution. If upon such reconsideration the ordinance, line item, or resolution is approved by the votes of five or more of the members of the Council, it shall take effect notwithstanding the disapproval of the Mayor. No ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the measure in the City shall be subject to disapproval by the Mayor.~~
- ~~– This section shall become effective January 1, 2022.~~

~~SECTION 4.6. JUDICIAL POWERS.~~

- ~~– The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.~~
- ~~– This section shall become effective January 1, 2022.~~

~~SECTION 7. SALARY.~~

- ~~– Council shall set the salary of the Mayor for the two-year period commencing on January 1 of the second year following the year that this section shall become effective; provided that any such ordinance must be adopted at least sixty days prior to the filing date for the regular municipal election to be held in the year of adoption; and provided further that Council may, in the year in which this section shall~~

Proposed Amendment #1

~~become effective, pass an ordinance fixing the salary of the Mayor for the two-year period commencing on January 1 of the first year following the year in which this section shall become effective. The Mayor's salary shall be comparable with the salaries of mayors of other cities of similar size and market conditions.~~

~~- This section shall become effective January 1, 2021.~~

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SECTION 10.4.6. ABSENCE AND VACANCY

~~- When the Mayor is absent and inaccessible, or is unable for any reason to perform the duties of Mayor, (in any case, "Mayor's inability to perform duties") the President of Council shall act as the Acting Mayor with the same powers and duties as the Mayor, but shall not thereby cease to be a member of Council. If the President of Council is unable or unwilling to assume the duties of Acting Mayor, the person designated by ordinance or resolution of Council shall be the Acting Mayor.~~

~~- If the absence Mayor's inability to perform duties is deemed temporary, the Acting Mayor will continue to serve as Acting Mayor pending the return to duty of the Mayor. If the absence Mayor's inability to perform duties continues for more than sixty (60) consecutive days, or in case of the death, disqualification, resignation or removal of the Mayor, the Council shall declare the office of the Mayor vacant, and the President of Council shall become Mayor, and shall cease to be a member of Council. If the President of Council is unable to assume the duties of Mayor, the Vice President of Council shall become Mayor, and shall cease to be a member of Council. If the President and Vice President are unable to assume the duties of Mayor, Council shall elect from its members a Mayor, who will cease to be a member of Council. If none of the members of Council are able to assume the duties of Mayor, the Council shall appoint a Mayor. then the Acting Mayor shall continue to serve until the first to occur of either the expiration of the Mayor's term or a substitute Mayor is determined through these steps:~~

~~- (a) Within seventy (70) days after the Mayor's inability to perform duties commenced, or within ten (10) days after the death, disqualification, resignation or removal of the Mayor, as applicable, the Council shall declare the office of the Mayor vacant.~~

~~(b) If a vacancy the President of Council is declared, unable or unwilling to assume the duties of Mayor as the primary responsibility of such officer, as required by Section 4.2, the President shall so advise Council within (5) days after the declaration and the absence commenced 180 days or less before the next regularly scheduled November election for Mayor, the Council shall appoint a Mayor within forty-five (45) days after the declaration. Pending the appointment of a Mayor, the Acting Mayor shall continue to serve and shall continue to be a member of Council. If a member of Council is appointed, that person shall be deemed to have vacated office.~~

~~(c) In any case, the individual who takes the role of Mayor by filling the vacancy shall serve until the first to occur of either (i) the expiration of the term of the Mayor who vacated the office or (ii) a successor is elected and qualified.~~

~~A successor Mayor shall be elected for the unexpired term at the next regular municipal election if a vacancy is declared, and such election occurs more than two (2) years prior to the expiration of the unexpired term and (ii) the declaration of the vacancy occurs more than one hundred and eighty (180)~~

Proposed Amendment #1

~~days before such election; otherwise, the individual appointed shall serve until the~~ end of the unexpired term of the former Mayor. ~~Otherwise, if a vacancy is declared, the~~ The term of the person filling ~~elect~~ to fill the vacancy at such election shall ~~serve only until begin at~~ the ~~Mayor's successor is elected at first~~ regularly scheduled meeting of Council following the ~~next November election, occurring more than 180~~ days after certification of the ~~absence commenced,~~ official electoral results of such ~~November election~~ occurring in any calendar year. The successor Mayor and shall ~~serve~~ extend for the remainder of the unexpired term ~~of the former Mayor.~~

~~– This section shall become effective January 1, 2022.~~

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ARTICLE ~~FIVE~~. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

~~SECTION 5.1. DEPARTMENTS.~~

~~– (a)~~ The following administrative departments are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning ~~&and~~ Development; (4) Department of Public Safety; (5) Department of Public Works; (6) Department of Community Services; and (7) Department of Parks and Recreation.

~~– The Mayor~~ (b) By ordinance, Council shall determine and prescribe the functions and duties of each department, and may create new departments, as it may deem necessary, and may combine or abolish ~~existing departments, except as otherwise provided in this Charter, any department,~~ and establish temporary departments for special work. Notwithstanding the foregoing sentence, Council may not abolish any of the departments listed in this Section 5.1.

~~– (c)~~ The Mayor shall serve as Director of the Department of Public Safety without additional compensation.

~~– This section shall become effective January 1, 2022.~~

~~SECTION 5.2. DIRECTORS.~~

~~– (a)~~ There shall be a director of each department ~~who~~. Each director shall have the supervisionsuch powers and duties as shall be prescribed by this Charter and by Council. The director shall supervise and control thereofthe department, and who shall be appointed by, and shall beis responsible to, the Mayor for the department's administration ~~of each respective department.~~ The Mayor's appointment of ~~the~~ Director of Law, Director of Finance and Director of Planning shall be ~~each director is subject to and~~ effective only upon the approvalaffirmative vote of a majority of ~~the~~ Council members ~~of Council.~~ The Mayor may remove the director of any department without ~~the approval of Council~~ Council approval. Nothing in this Charter shall be construed as preventing the same person from being director of more than one department.

~~– (b)~~ The Director of Law shall be an attorney at law duly admitted to practice in the State of Ohio, ~~and.~~ The Director of Law shall serve as chief legal adviser to Council, the Mayor, all boards and commissions, and all City departments, and officers; subject to the direction of the Mayor, shall have been engaged in active practice of represent the City in all legal proceedings; and shall perform any other

Proposed Amendment #1

~~duties prescribed by this Charter, ordinance, resolution or general law continuously for a period of five years next preceding his appointment, except as general law may be limited by Council.~~

~~(c) The Director of Finance shall also have the title of City Auditor. Nothing herein shall be construed as preventing the same person from being director of more than one department.~~

~~— This section shall become effective January 1, 2022.~~

~~SECTION 5.3. MAYOR AS HEAD OF DEPARTMENTS.~~

~~— Excepting the ~~Department~~departments of Law, Finance, and Planning and Development, the Mayor or City Administrator as directed by the Mayor may ~~beserve as~~ the director of each and every department of the City government.~~

~~— This section shall become effective January 1, 2022.~~

~~SECTION 5.4. SALARIES AND BONDS.~~

~~— The Council shall fix by ordinance the salary, rate, or other amount of compensation of all officers and employees of the City, except as otherwise provided in this Charter. The Council may require any officer or employee to give a bond for the faithful performance of ~~his~~that officer or employee's duties, in such an amount as it may determine, and it may provide that the premium ~~therefor for the bond~~ shall be paid by the City.~~

ARTICLE ~~V~~SIX. MUNICIPAL COURT

~~SECTION 6.1. ESTABLISHMENT.~~

~~— The Cleveland Heights Municipal Court (Court) has been created and is in existence pursuant to the laws of the State of Ohio.~~

~~SECTION 6.2. NOMINATION AND ELECTION.~~

~~— The provisions of Article ~~VH~~Seven of this Charter shall govern the nomination and election of the Judge of the ~~Cleveland Heights Municipal~~ Court.~~

~~SECTION 6.3. GENERAL PROVISIONS.~~

~~— Except as otherwise specifically provided ~~herein the Cleveland Heights Municipal~~in this Charter, the Court shall be governed by the laws, rules and regulations of the State of Ohio.~~

ARTICLE ~~SEVEN~~VII. NOMINATIONS, ~~AND~~ ELECTIONS, ~~AND REMOVAL~~

~~SECTION 7.1. TIME OF HOLDING ELECTIONS.~~

~~— The ~~regular~~Regular municipal ~~election~~elections shall be held on the first Tuesday after the first Monday in November in ~~the~~odd numbered years. Any matter ~~which~~that, by the terms of this Charter, may be submitted to the electors of the City at ~~any~~a special election, may also be submitted at the time of a ~~primary election or of a~~ general election.~~

Proposed Amendment #1

When there exists a vacancy in the Council, an election for the unexpired term shall be held as provided in Section 3.3.

~~– When there exists a vacancy in the office of the Mayor, an election for Mayor shall be held on the first Tuesday after the first Monday in November, occurring in any calendar year, and in accordance with the requirements specified in Article IV, Section 10.~~

~~– In the event there are three or more certified candidates for the office of Mayor, a non-partisan primary election unexpired term shall be held for that office in accordance to the laws of the State of Ohio on the second Tuesday after the first Monday in September, in the year that an election is held for the office of Mayor. The names of the two candidates for Mayor receiving the highest number of votes in the non-partisan primary election shall appear at the subsequent November election as provided in Section 4.6.~~

~~– This section shall become effective January 1, 2021.~~

~~SECTION 7.2.~~ BALLOTS

The ballots used in all elections provided for in this Charter shall be paper ballots or mechanical or other devices for voting not inconsistent with the general election laws of the State of Ohio.

The ballots used in all elections provided for in this Charter shall be without party marks or designations. The names of all candidates for any office shall be placed upon the same ballot and the names shall be rotated in the manner provided by the laws of the State of Ohio.

The full names of all candidates shall be printed on the ballots. If two or more candidates for the same office have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

Write-in votes for Mayor in elections shall be permitted only if a duly nominated candidate cannot participate due to death or other disqualification, or if a candidate does not have an opponent, or if no candidate has been nominated.

Declarations of candidacy for write-in candidates shall be made on standard forms provided by the county board of elections and submitted within a period of time prescribed by the general law of the State.

~~– This section shall become effective January 1, 2021.~~

~~SECTION 7.3.~~ PETITION FOR PLACES ON BALLOTS

The name of any elector of the City shall be printed upon the ballot if there is filed with the election authorities prescribed by general law a petition in accordance with the following requirements:

(a) Such petition shall state the name and place of residence of the person whose name is presented for a place upon the ballot and the name of the office for which he is a candidate. The nomination of each candidate shall be made by separate petition.

Proposed Amendment #1

(b) Such petition shall be signed by electors of the Municipality equal in number to not less than two percent of the total number of voters voting at the last regular election of municipal officers.

(c) Each elector signing a petition shall add to his signature his place of residence, with street and number and date of signing. No elector shall sign more nominating petitions for different candidates for a particular office than there are positions to be filled for that office at the election for which the petition is signed. If he does so, his signatures on all petitions which postdate his signing the permissible number of petitions shall be invalid. All signatures shall be made with ink.

(d) The signature of all petitioners need not be appended to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, made under penalty of election falsification, stating the number of signers thereto, that each person signed in the circulator's presence on the date mentioned, and that the signature is that of the person whose name it appears to be.

(e) Such petition shall not be signed by any electors more than one hundred eighty (180) days prior to the date established in Section VII-1 for the primary election that is required to be held when there are three or more candidates certified for the office of Mayor, and such petitions shall be filed with the election authorities prescribed by general law not later than 4:00 p.m. on the ninetieth (90th) day prior to the date set for that primary election, regardless of whether or not a primary is actually required to be held for a Mayoral election.

~~This section shall become effective January 1, 2021.~~

~~SECTION 7.4. ACCEPTANCE~~

Any person whose name has been submitted for candidacy by any such petition shall file an acceptance of such candidacy with the election authorities not later than eighty-five (85) days previous to the date established in Section VII-1 for the primary election that is required to be held when there are three or more candidates certified for the office of Mayor, regardless of whether or not a primary is actually required to be held for a Mayoral election; otherwise, the name of that person shall not appear on the ballot. The signature of a candidate upon a declaration of candidacy contained as part of petitions filed with the election authorities, in accordance with law, shall constitute compliance with the requirements of this section.

~~This section shall become effective January 1, 2021.~~

~~SECTION 7.5. WHO ELECTED~~

The voter may write the name of any candidate who has properly filed a declaration as a write in candidate with the election authorities on or before the seventy-second (72nd) day before the date established in Section VII-1 for the primary election that is required to be held when there are three or more candidates certified for the office of Mayor, regardless of whether or not a primary is actually required to be held for a Mayoral election. Such declaration shall state the name of the candidate, his or her place of residence, and the office for which he or she desires to run. A write in candidate shall be an elector of the City at the time his or her declaration as such a candidate is filed with the election authorities.

~~This section shall become effective January 1, 2021.~~

Proposed Amendment #1

~~SECTION 7.6. CONDUCT OF ELECTIONS AND CANVASS OF VOTES.~~

~~– All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by the general election laws of the State of Ohio, and all other election matters relating to elections not herein for which no specific provision is made in this Charter or by ordinance of the Council specifically provided for shall also be determined by the general election laws of the State of Ohio.~~

~~SECTION 7. VOTING BY A MEMBER OF THE ARMED FORCES AND HIS FAMILY.~~

~~– A member of the Armed Forces of the United States or a member of his family shall be entitled to vote in accordance with and pursuant to the procedures of the general election laws of the State of Ohio.~~

* * *

ARTICLE ~~IX~~NINE. FINANCES

~~SECTION 9.1. BUDGET GENERAL~~

~~– The finances laws of the State of Ohio relating to budgets, appropriations, taxation, debt, bonds and notes, assessments and other fiscal matters of the City shall always be conducted upon the be applicable to the City, except as otherwise provided by this Charter or by codified ordinance. The fiscal year of the City is the calendar year.~~

9.2. COMPLIANCE WITH LAWS AND PROVISION OF INFORMATION TO COUNCIL REGARDING THE ANNUAL BUDGET

Council shall adopt and the City will subsequently submit to governing authorities an annual tax budget system in compliance with the general laws of the State of Ohio. The Mayor shall provide to Council an estimated annual tax budget by the time of the first Council meeting by the end of June of each fiscal year or at such time as may be required by Council. Prior to December 31 of each fiscal year, the City shall adopt a revised budget. The revised budget serves as the basis for the annual appropriation measure. The Mayor shall provide an itemized estimate of the expenditures and revenues of the City departments for the ensuing year on or before November 15 of each fiscal year.

9.3. PREPARATION AND ADOPTION OF FULL CITY BUDGET

– The Mayor, with the assistance of staff including the Director of Finance, shall furnish to the Council at such time prior to the first Monday in June of each year (or such other date as may prepare and submit to Council an annual budget document. The content of the annual budget document shall include the following:

(a) A budget message from time to time be fixed by general law for the certifying Mayor and Director of the budget of the Municipality, to the Budget Commissioners of the County Finance either jointly or other similar officials having charge of taxation matters), as may be required by Council, an separately.

(b) An annual revenue budget. The annual revenue budget setting forth in shall include an itemized form an estimate stating the of the anticipated revenue from each source during the ensuing fiscal year,

Proposed Amendment #1

with a comparative statement of the amount of money needed for the various departments in the Municipality for the succeeding calendar year, which shall be the fiscal year of the Municipality, and for each month thereof received from such source during the two (2) preceding fiscal years and the current fiscal year plus an estimate of such amounts for the remainder of the current fiscal year. Revenue sources include property tax revenues and all other sources of revenue to the City. Assumptions made shall be noted, and explanations of significant changes shall be provided. The itemized estimate shall be provided to Council by the November 15 of each fiscal year.

~~– Such annual budget shall set forth specifically such items as may be required by general law or by ordinance of the Council and the Council shall thereupon and within such time as may be prescribed by general law approve or revise such budget and submit the same to the County Budget Commissioners or similar officials. On or before the fifteenth day of November of each year, the Mayor shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from the detailed information obtained from the several departments, on uniform blanks to be furnished by the Mayor and approved by the Council; and the Director of Finance shall assist the Mayor in the preparation of such information. Such information shall be furnished in detail for each department, and in such form as the City Council may from time to time require; and shall contain the recommendations of the Mayor as to the amounts to be appropriated, with the reasons therefor, in such detail as the Council may require.~~

~~– This section shall be effective January 1, 2022.~~

– SECTION 2 (c) An annual appropriation budget. The annual appropriation budget shall include the following: (i) an itemized estimate of the expense of conducting each department and activity of the City for the ensuing fiscal year, together with comparative statements as provided in subsection (b) and with like treatment of assumptions and explanations; (ii) the amount of the total debt of the City, together with a schedule of amounts due on all outstanding bonds and notes; (iii) a statement of the projected unencumbered balance in each fund at the end of the current fiscal year and the actual unencumbered balance at the end of the prior fiscal year; (iv) a statement of the City's debt rating assessed by a recognized municipal debt rating agency for the two most recent fiscal years for which it is available; and (v) any other information as may be required by Council. The Mayor shall also make available to Council the most recent debt rating report on the City from a recognized municipal debt rating agency. The Mayor shall provide to Council the itemized estimate by the November 15 of each fiscal year.

(d) Annual capital budget. The capital budget shall include the following: (i) any departmental capital spending requests and how those spending requests relate to achieving departmental goals; (ii) itemized cost estimates and the anticipated method of financing upon which each capital expenditure is to be reliant; (iii) the itemized estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired; (iv) a commentary on how the capital budget addresses the environmental, social, and governance sustainability of the community and region; and (v) any other information as may be required by Council.

(e) Council and the Mayor shall collaborate to ensure Council and the public have the opportunity to understand and offer comment on the budget by publishing and holding hearings on the budget. "Publishing" means to make available to the Council and the public in the contemporary means of information sharing. Council shall adopt a budget. Council shall subsequently act to implement the budget.

Proposed Amendment #1

Council shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

9.4. APPROPRIATION ~~ORDINANCE~~ AND ADDITIONAL ORDINANCES

~~Upon receipt of such estimate, At or before the first meeting of the year in which the annual budget is to become effective, Council shall at once prepare and adopt an appropriation ordinance, in such manner as may be provided by general. Appropriations in the ordinance or resolution, using the Mayor's estimate as a basis, and such appropriations shall may not exceed the estimated revenues of the Municipality. City for that year. Such ordinance may provide for an interim appropriation, but in such event an annual appropriation ordinance shall be adopted such that the City complies with the general laws of Ohio. Such appropriation may be amended as necessary from time to time by ordinance.~~

~~This section shall be effective January 1, 2022.~~

SECTION 3. TRANSFER OF FUNDS.

~~Upon request of the Mayor, the Council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year shall take other actions as proved insufficient, or may authorize a transfer of money to be made between items appropriated to the same office or department.~~

~~This section shall be effective January 1, 2022.~~

SECTION 4. UNENCUMBERED BALANCES.

~~At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated, and shall be subject to future appropriation. Any accumulated revenue not appropriated as hereinbefore provided, and any balances at any time remaining after necessary to achieve the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Council to such uses as will not conflict with any uses for which such revenues specifically accrue. No money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council budget.~~

SECTION 5. PAYMENT OF CLAIMS.

~~No warrant for the payment of any claim shall be issued by the Director of Finance until such claim shall have been approved by the director for the department for which the indebtedness was incurred, and the Mayor. Such officers and their sureties shall be liable to the Municipality for any loss or damage sustained by the Municipality by reason of the corrupt approval of any such claim against the Municipality. Whenever any claim shall be presented to the Director of Finance, he shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance; and for that purpose he may summon before him any officer, agent or employee of any department of the Municipality, or any other person, and examine him upon oath or affirmation relative thereto.~~

~~This section shall be effective January 1, 2022.~~

Proposed Amendment #1

~~SECTION 6. CERTIFICATION OF FUNDS.~~

~~– No contract, agreement, or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be issued by the Council or be authorized by any officer of the City unless the Director of Finance shall have first certified in writing to the Council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement, or obligation; but the provisions of this section shall not be construed as prohibiting the making of contracts for the furnishing of services or public utilities for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter or by general law.~~

~~SECTION 7. MONEY IN THE FUNDS.~~

~~– All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes, assessments, or license fees, or from sales of services, products, or by products of any City undertaking, and moneys to be derived from lawfully authorized bonds, sold and in process of delivery, shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.~~

~~SECTION 8. 9.5. BOND ISSUES.~~

~~– Except as may be authorized specifically by the laws of the State of Ohio, no bonds or notes of the City shall may at any time be issued for current operating expenses or for acquisition of any property, asset or improvement of the whose estimated life or usefulness of is less than five (5) years, but this prohibition shall not be construed as applying to money borrowed in anticipation of the collection of special assessments, or for defraying the expenses of an extraordinary epidemic of disease, or emergency expenses made necessary by sudden casualty which that could not reasonably have been foreseen, or for paying final judgments upon non-contractual obligations.~~

~~SECTION 9. 9.6. MATURITIES OF BONDS.~~

~~– All bonds shall be serial bonds; and the The maturities thereof shall of bonds may not extend beyond the estimated life of the related property, asset, or improvement, as certified to the Council by the Director of Finance, which certificate shall be on file with the Council prior to before the passage of any bond ordinance.~~

~~SECTION 10. TEMPORARY LOANS.~~

~~– In anticipation of the collections of current revenues in any fiscal year, the City may borrow money and issue certificates of indebtedness therefor, signed as municipal bonds are signed, but no such loans shall be made to exceed the amount estimated to be actually received from taxes or other current revenues, for such fiscal year, after deducting all advances. The sum so anticipated shall be deemed appropriated for the payment of such certificates at maturity. The certificates shall not run for a longer~~

Proposed Amendment #1

~~period than six months nor bear a greater rate of interest than is permitted under the laws of the State of Ohio, and shall not be sold for less than the par value thereof with accrued interest.~~

~~SECTION 11. LIMITATION~~9.7. LIMITATIONS ON ~~RATE~~RATES OF TAXATION ~~FOR CURRENT~~ ~~OPERATING EXPENSES.~~

~~– (a) The power of the Council without any not, in the absence of a favorable vote of the people to, levy taxes in excess of eight (8) mills per one dollar (\$1.00) of assessed valuation on property in the City that is assessed and listed for taxation according to value and that is required or lawfully permitted to be included in the general levy for the general fund of the City for the purpose of paying the current operating expenses including the purpose of police and fire pensions, which is required to be, or may lawfully be, included in the general levy for the general fund of the City, shall not exceed 8 mills per one dollar (\$1.00) of assessed valuation.~~

~~SECTION 11(A). LIMITATION ON RATE OF TAXATION FOR IMPROVEMENT AND MAINTENANCE OF CITY OWNED PARKS, RECREATION AND CULTURAL FACILITIES.~~

~~–~~

~~(b) Notwithstanding the eight (8) mill limitation on taxation for current operating expenses contained in Section 11 of this article, and in addition thereto to it, Council may levy annually, commencing with a levy on the 2004 tax duplicate for collection in calendar year 2005, a tax not to exceed seven-tenths (.7) of one mill per one dollar (\$1.00) of all property in the City that is assessed and listed for taxation according to value, to be used for the acquisition, construction, reconstruction, rehabilitation, renovation, improvement, equipping and maintenance of land, facilities, buildings and structures belonging to or operated by the City and used for parks, playgrounds, play fields, rights of way, swimming pools, indoor recreation and community centers, municipal amphitheaters and cultural facilities, and the related equipment therefor, and for the debt charges on general obligation bonds and bond anticipation notes issued to pay the cost of the improvements and/or maintenance specified herein in this Section.~~

~~SECTION 12~~9.8. AUDITING FINANCES.

~~– There shall be a financial audit of all of the affairs and accounts of the City each calendar year. This audit shall be conducted by the State of Ohio or by an independent certified public accountant or accounting firm authorized by the State of Ohio to conduct required audits of cities. Council may, in addition, at any other time, engage the services of a private an independent certified public accountant or accounting firm for the purpose of auditing all or a portion of the City's finances. Said contractual arrangements shall be for covering a period deemed proper by Council. This section shall become effective January 1, 1983 deems advisable.~~

* * *

ARTICLE ELEVEN. BOARDS AND COMMISSIONS

SECTION 11.1. GENERAL PROVISIONS

A City Planning Commission and Civil Service Commission are established by this Charter. Council may establish, by ordinance, any other boards and commissions as it may deem necessary. Council may

Proposed Amendment #1

combine or abolish any board or commission except the City Planning Commission and the Civil Service Commission.

A member of any board or commission established by the Charter or by Council shall be deemed an officer of the City within the meaning of this Charter.

11.2. CITY PLANNING COMMISSION

SECTION 1. ESTABLISHMENT.

– (a) Establishment. The Council shall establish a City Planning Commission of seven (7) voting members, all of whom shall be residents of the City ~~of Cleveland Heights~~ appointed by the Council and not employed by the City ~~of Cleveland Heights~~. A vacancy occurring during the term of any voting member ~~of the Commission~~ shall be filled for the unexpired term in the manner authorized for an original appointment. ~~There shall be the~~ The following shall be nonvoting members of the Commission: The Chairman of the City Planning and Development Committee of the Council; the Mayor; the Director of the Department of Planning and Development, who shall serve as ex officio secretary of the Commission; and such other persons as the Council shall from time to time appoint by ordinance. The voting members shall serve for a term of six (6) years ~~except, provided that, of the members first appointed, two of the Commission in office at the time this Charter becomes effective shall be appointed for a term~~ continue in office until the expiration of two years, and two shall be appointed for a term of four years, and two shall be appointed for a term of six years, beginning January 1, 1955; their then-existing terms.

– This section shall be effective January 1, 2022.

SECTION 2. POWERS.

– The City Planning (b) Powers. The Commission may make recommendations to the Council and the Mayor on all matters affecting the physical development of the City, including but not limited to such factors as economic, environmental and social sustainability. In addition the Commission shall perform all other duties and responsibilities provided by codified ordinance.

– This section shall be effective January 1, 2022.

ARTICLE XII 11.3. CIVIL SERVICE COMMISSION

SECTION 1. ESTABLISHMENT.

– (a) Establishment. The Civil Service Commission shall consist of three (3) electors of the City not holding other ~~municipal~~ City office or employment, to be appointed by the Mayor, which appointment ~~shall be confirmed by~~ is subject to and effective upon the approval of a majority of the members of Council. Each ~~Civil Service~~ Commissioner shall serve for a term of six (6) years ~~and~~ until ~~his~~ his successor ~~shall have~~ has been appointed and qualified. ~~Any vacancies approved by Council, provided that the members of the Commission in office at the time this Charter becomes effective shall continue in office until the expiration of their then-existing terms. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.~~

Proposed Amendment #1

~~– This section shall be effective January 1, 2022.~~

~~SECTION 2. OFFICERS AND EMPLOYEES.~~

~~– (b) President and Secretary.~~ The Civil Service Commission shall elect one of its members as President. The Mayor shall appoint a City employee to serve as secretary of ~~such~~the Commission.

~~– This section shall be effective January 1, 2022.~~

~~SECTION 3. POWERS AND PROCEDURES.~~

~~– The (c) Powers and Procedures.~~ ~~Except as otherwise specifically set forth in this Charter,~~ Council shall provide by codified ordinance the powers, duties and jurisdiction of the ~~Civil Service~~ Commission, the determination of the positions of employment ~~which that~~ shall ~~comprise~~be included in the classified and unclassified service of the City, the method and procedure for determining merit and fitness for employment and promotion in the classified service, and such other matters relating to classified employment service as the Council may ~~be determine~~are necessary and proper and are consistent with the laws of the State of Ohio.

(d) Council and Mayor Salary and Other Compensation Review. In each year preceding the year in which a presidential election is held, the Commission shall conduct a review of salary and other compensation for members of Council and for the Mayor and, on or before May 1 of that year, shall file with the Clerk of Council a written report to Council based on that review setting forth the Commission's recommendations for salary and other compensation for members of Council and the Mayor for the four (4) year period beginning on January 1 of the first year of the term next following the year in which the ordinance is adopted. Council shall provide by ordinance appropriate budget and support to enable the Commission to conduct the salary and other compensation review and prepare recommendations. The recommendations shall take into account the standards for salary and other compensation set forth in Section 3.4.

* * *

ARTICLE ~~XIV~~FOURTEEN. CHARTER REVIEW

The Council shall, at least once during every ten (10) year period, by ordinance or resolution, appoint a Commission to review the entire Charter. The first ten (10) year period shall commence on January 1, 2025. At no greater interval than every five (5) years commencing on January 1, 2025, Council shall consider and determine whether to appoint a Commission to review the entire Charter.

ARTICLE FIFTEEN. SAVING CLAUSES

~~SECTION 15.1.~~ LAWS CONTINUED IN FORCE.

~~– All general laws of the State which of Ohio that~~ are not in conflict with the provisions of this Charter or with any ordinance or resolution enacted ~~thereunder~~under it shall apply to the government of the City ~~of Cleveland Heights; and all.~~ All ordinances, ~~by laws,~~ and resolutions that are in force at the time ~~of the taking~~Charter takes effect ~~of this Charter, and are~~ not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Proposed Amendment #1

~~SECTION 15.2. PARTIAL INVALIDITY.~~

~~– The determination by a court of competent jurisdiction that any section or part of a section of this Charter is invalid shall notneither invalidate, nor impair the force or effect, of, any other section or part of a section, except to the extent that suchthe other section or part of a section is dependent for its operation upon the section or part of a section ~~so~~ declared invalid.~~

~~SECTION 15.3. CONTINUANCE OF PRESENT OFFICIALS.~~

~~– All persons holding office at the time this Charter takes effect shall continue in office, and in the performance of their duties unless and until provision shall have beenis otherwise made in accordance with thisthe Charter for the performance or discontinuance of the duties of any suehthat office. When sueh If a provision shall have beenof that kind is made, the term of any suehthe officer affected shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board, ~~or~~ department, or other body of the City under the laws of the State of Ohio, or under any City ordinance or contract, agreement, or memorandum of understanding in force at the time of the takingthis Charter takes effect ~~of this Charter~~ shall, if suehthe office, commission, board, ~~or~~ department, or body is abolished by thisthe Charter, be ~~thereafter~~ exercised and discharged by the officer, commission, board, ~~or~~ department, body upon whom are imposed corresponding functions, powers, and duties are imposed by thisthe Charter or by any ordinance or resolution of the Council ~~thereafter~~ subsequently enacted.~~

~~SECTION 15.4. CONTINUANCE~~CONTINUATION OF CONTRACTS AND VESTED RIGHTS.

~~– All vested rights of the City shall continue to be vested in the City and shall not in any manner be affected by the adoption of this Charter; nor shall any right or liability, or pending suit or prosecution, either in behalf of or against the City, be in any manner affected by the adoption of thisthe Charter, unless herein otherwise expressly provided to the contrary: in the Charter. All contracts, agreements, and memoranda of understanding entered into by thisthe City or for its benefit prior tobefore the taking effect of this Charter becomes effective shall continue in full force and effect. All public work begun prior to the taking effect of thisthe Charter shall be continued and perfected thereunderunder it. Public improvements for which legislative stepssteps shall have been taken under laws in force at the time thisthe Charter takes effect may be carried to completion in accordance with the provisions of suehthose laws.~~

ARTICLE ~~XV~~SIXTEEN. EFFECTIVE DATE OF CHARTER ~~REVIEW~~

~~– Council shall, at least once during each ten-year period, by ordinance or resolution, determine whether to appoint a Charter Review Commission to review the entire Charter. The first ten-year period shall end December 31, 1982. Thereafter each successive ten-year period shall commence on the date of Council's ordinance or resolution making such determination.~~

~~ARTICLE XVI. WHEN CHARTER TAKES EFFECT~~

Proposed Amendment #1

~~– For the purpose of electing officers and holding and conducting municipal elections, this This Charter shall take effect from the time of its approval by the electors of the City; and for all other purposes it shall take effect on the first day of on January in 1, [insert the year nineteen hundred and twenty-two.~~

~~– We, immediately following the undersigned members of the Charter Commission of the City of Cleveland Heights, Ohio, elected at the general election held on the second day of November in the year nineteen hundred and twenty, in which voters have framed and hereby propose for adoption, at a special election hereby called and to be held on the ninth day of August, nineteen hundred and twenty-one, the foregoing as a Charter for the City of Cleveland Heights, Ohio, approved the Charter].~~

~~– Done in the City of Cleveland Heights, Ohio, this fifteenth day of June, in the year nineteen hundred and twenty-one.~~

~~THE CHARTER COMMISSION:~~

~~– Frank C. Cain, Chairman~~

~~– Charles E. Adams~~

~~– Clarence L. Berkey~~

~~– Alva Bradley~~

~~– Robert F. Denison~~

~~– G. H. Gardner~~

~~– Samuel Gross~~

~~– G. E. Hartshorn~~

~~– Mertice G. Laffer (Mrs. W. B.)~~

~~– Charles A. Niman~~

~~– John L. Severance~~

~~– George W. Staiger~~

~~– Walter G. Stephan~~

~~– A. H. Throckmorton, Secretary~~

Proposed Amendment #3

THE CHARTER OF THE CITY OF CLEVELAND HEIGHTS, OHIO

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ARTICLE ~~III~~THREE. THE COUNCIL

* * *

~~SECTION 10. INTEREST IN CONTRACTS~~

~~No member of the Council, shall be directly or indirectly interested in any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City; and any contract with the City in which any officer or employee is or becomes interested may be declared void by the Council.~~

~~This section shall become effective January 1, 2022.~~

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ARTICLE ~~IV~~FOUR. THE MAYOR

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~~SECTION 8. INTEREST IN CONTRACTS~~

~~The Mayor, or the City Administrator, or any other officer or employee of the City shall not be directly or indirectly interested in or have any financial gain from any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City. Any contract with the City in which any officer or employee is or becomes interested may be declared void by the Council.~~

~~This section shall become effective January 1, 2022.~~

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ARTICLE TEN. ETHICS

10.1. GENERAL EXPECTATIONS

The citizens of Cleveland Heights rightfully expect their government of elected and appointed officials, and their employees, to behave legally and ethically. All officials are expected to treat each other with respect and work together for the good of the City and its residents to make the City a desirable place to live. The citizens also rightfully expect honesty, respect and fair treatment by all involved in governance. City officials have a responsibility to educate, monitor, and support all employees and City representatives in this mission.

10.2. OATH OF OFFICE

Proposed Amendment #3

The Mayor, City Administrator, all members of Council, and all other officers of the City shall be made by the Council to, before entering upon the duties of the respective office or position, take and sign an oath or affirmation that conforms to applicable laws of the State of Ohio.

10.3. PUBLIC ETHICS

(a) City officials and employees shall comply with the general laws of the State of Ohio governing the ethical conduct of public officials and employees, including, but not limited to, prohibitions against conflicts of interest, accepting anything of value and unlawful interests in public contracts. No provision of this Article Ten shall be construed as limiting the applicability of the terms of the general laws of the State of Ohio governing the ethical conduct of public officials and employees, including, but not limited to, the prohibitions listed above, or the disqualification of or removal of public officials or employees from office or employment.

(b) The Mayor shall be responsible for having copies of the relevant ethics laws delivered to each City official and employee. Each City official and employee shall attend training (in person or online) periodically from the Ohio Ethics Commission concerning the relevant ethics laws. If the Ohio Ethics Commission no longer provides that training, Council shall authorize the engagement of another provider for that training. The provider shall have expertise in the subject of laws governing the ethical conduct of public officials and employees in Ohio and shall be independent of the City.

10.4. ROLE OF COUNCIL

Nothing in this Article shall be construed to prohibit Council from providing by ordinance additional rules and policies concerning the ethical conduct of elected and appointed City officials and employees that are not duplicative of or in conflict with the general laws of the State of Ohio.

10.5 TRAINING FOR COUNCIL AND MAYOR

The City is committed to the best practices of municipal governance, innovation and administration, including those related to ethics, finances, budgeting, safety forces, infrastructure, human resources, planning and development, and current issues facing Cleveland Heights. To achieve these goals, Council members and the Mayor shall complete training pertinent to their respective positions on the best practices of municipal governance and administration. This training may include but not be limited to, parliamentary procedure, training on the roles and responsibilities of the Mayor, Council members, and Directors, Council's subpoena power and introduction and preparation of laws, resolutions and ordinances. Training sessions are to be provided for by the City, as determined by Council, within three (3) months of a person's election or appointment to the position of Council or Mayor.

Training shall consist of eight (8) hours of instruction for new Council members and sixteen (16) hours of instruction for new Mayor. Council members who have previously served on Council and any Mayor who has previously held the office of Mayor of the City are exempt from the requirements of this section, but have the option of taking the opportunity for the training provided by the City.

When training is completed, the Clerk of Council shall provide each officer with a certificate of completion. The certificate shall be signed by the person designated by Council to verify the completion of the training. The signed certificate shall be filed with the Clerk of Council prior to the expiration of the three (3) -month period of time for the completion of training.

Proposed Amendment #4

THE CHARTER OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

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ARTICLE ~~III~~ THREE. THE COUNCIL

* * *

3.5. APPOINTMENTS

(a) Council shall appoint a Clerk of Council, who shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council.

~~-(b)-~~ Council may appoint, employ, hire, or engage any other employees, consultants, independent contractors, or other persons as it deems necessary for the proper discharge of its duties. The Clerk of Council and any other person so appointed and employed, hired, or engaged by the Council shall serve at the pleasure of the Council and shall report to the President of Council, or the designee of the President of Council, as their supervisor.

~~-(c)-~~ Neither the Council nor any of its members or committees ~~shall~~may dictate the appointment of any person to office or employment by the Mayor, ~~nor~~or in any manner interfere with ~~or prevent~~ the Mayor or the City Administrator from exercising their judgment in the appointment of officers and employees in the administrative service. ~~Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Mayor or the City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor or the City Administrator.~~

~~- In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the Mayor shall submit a report to the Council for review concerning the carrying out of this policy. Council shall make this report public.~~

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ARTICLE ~~XIII~~ TWELVE. NONDISCRIMINATION

No act, policy, or practice of the City shall deny equal access to City services or equal opportunity in employment or promotion, or the benefits thereof on the basis of race, color, national origin, religion, age, disability, marital or partnership status, sex, sexual orientation, gender identity, gender expression, genetic information, pregnancy, citizenship status, caste, tribal affiliation, military/veteran status, source of income, status with regard to public assistance, union membership, or any other classification protected by applicable federal, state, or local law, except policies and practices establishing bona fide limitations or occupational qualifications that are reasonably necessary to personal safety and normal operations and have a substantial relationship to public safety and welfare, job functions and responsibilities. The Council shall adopt such legislation as is necessary to implement this provision, including to ensure the City may enforce these objectives in its award and supervision of contracts and grants. At least once each year, not later than May 31, the Mayor shall submit a report to the Council regarding the City as an equal opportunity employer.