



CLEVELAND HEIGHTS

**Council Committee of the Whole
February 22, 2025
10:00 AM
City Hall – Executive Conference Room**

Agenda

- 1) Call to Order/Roll Call**
- 2) Overview of Previous Work on Proposed Amendments 1 and 3**
 - a. Notes from previous workshops
- 3) Continued Discussion of CRC Recommendations**
 - a. Proposed Amendment #2 (Bucket 2)
 - b. Proposed Amendment #4 (Bucket 4)
 - c. Proposed Amendment #5 (Bucket 5)
- 4) Other**
- 5) 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)

Proposed Amendment #1 (Bucket 1)

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

NOTES from 01.25.2025 Workshop

Section 7.1 – Time of Holding Elections

- No changes proposed, but the law department will review.

Article Nine – Finances

Section 9.2 – Compliance with Laws & Budget Information to Council

- The law department will review whether the November 15 deadline can be modified.

Section 9.3 – Preparation & Adoption of Full City Budget

- **(b) and (d):** Update wording to “**on or before November 15.**”
- **(e):** Suggested revision:
“Council and the Mayor shall collaborate to ensure both Council and the public have an opportunity to understand and comment on the budget. This shall be done by publishing it on the City of Cleveland Heights website, or as otherwise provided by Ordinance, and by holding public hearings.”

Section 9.4 – Appropriation & Additional Ordinances

- Ensure alignment with the **December 31 deadline** mentioned elsewhere. The Law Director will review for consistency.
- Consider adding details on the use of **reserves to supplement revenue** and clarify the definition of a **balanced budget**.

Section 9.7 – Limitations on Taxation Rates

- Consider reverting to the **original language** to avoid confusion for voters (remove non-substantive changes).
- **(a):** The law department will compile information on relevant **State Law** provisions.

Article Eleven – Boards and Commissions

- Add the term “**Committee**” for clarity.
- The Law Director will review and ensure **flexibility** in the language.

Article Fourteen – Charter Review

- **Debate Overview:**
 - **Cuda:** Prefers stricter **Council control** over CRC appointments.
 - **Cobb:** Opposes tying this provision to the **2023 CRC events**.
- The Law Director suggests Council draft a **more specific** process to avoid ongoing disputes over appointments.
- Additional legal review is required before revisiting.

Article Sixteen – Effective Date of Charter

- Update effective date to **January 1, 2026**.

Proposed Amendment #3 (Bucket 3)

Article Ten – Ethics

Section 10.5 Training for Council and Mayor

- **Sunshine Law Training:** Posch recommended mandatory yearly Sunshine Law training to be conducted at a **Committee of the Whole** meeting.

Proposed Amendment #2

THE CHARTER OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

* * *

ARTICLE ~~THREE~~III. THE COUNCIL

* * *

~~SECTION 3. REMOVAL~~

~~The Council shall be the judge of the election and qualifications of its own members. It may expel any member for gross misconduct, or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude while in office, or violation of its charter, or persistent failure to abide by the rules of the Council; provided, however, that such expulsion shall not take place without the concurrence of five members nor until the accused member shall have been given a written copy of the charges against him and an opportunity to be heard, with not less than ten days' notice of the time and place of hearing.~~

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ARTICLE ~~IV~~FOUR. THE MAYOR

* * *

~~SECTION 9. REMOVAL~~

~~If, at any time the Mayor shall cease to be qualified for the office, or shall be convicted of a felony, or shall be declared legally incompetent, the Mayor shall immediately forfeit office.~~

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

* * *

~~SECTION 11. RECALL.~~

~~(a) The people reserve onto themselves the right to recall and remove the Mayor from office. The procedure to affect such recall or removal shall be as follows:~~

~~A petition demanding that the question of removal of the Mayor be submitted to the electors shall contain a concise statement setting forth the basis for the recall and shall be signed by at least twenty-five percent of the electors of the City that voted in the most recent mayoral election.~~

~~When such a petition signed by the aforesaid required number of electors has been filed, the Clerk shall certify the same to the Council at the next regular meeting and shall furnish a copy thereof to the Mayor. The Council shall call an election upon the question of the removal of the Mayor unless within five days after the Mayor has been furnished a copy of such certification the Mayor tenders a written resignation to the Clerk.~~

Proposed Amendment #2

~~–(b) If a majority of the votes cast at such election on the question of removal of the Mayor are affirmative, the Mayor shall thereupon be deemed removed from office upon the certification of the official canvass of that election to the Council, and the vacancy of the office shall be filed according to the provisions of this Article.~~

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

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ARTICLE ~~VH~~SEVEN. 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.

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 electionas provided in Section 4.6.

~~–~~This section shall become effective January 1, 2021.20[XX].

~~SECTION 7.~~2. BALLOTS:

~~– The (a) Except as provided in this section, 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~~consistent with the election laws of the State of Ohio.

~~– (b) The ballots used in all elections provided for in this~~the 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.~~

Proposed Amendment #2

~~– 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. PETITIONNOMINATING PETITIONS FOR PLACES ON BALLOTS.

~~– The name of any elector of the~~ a candidate who meets the qualifications for holding City office shall be printed upon the ballot as a candidate if there is a nominating petition filed with the election authorities prescribed by ~~general law a petition the election laws of the State of Ohio~~ in accordance with the following requirements:

~~– (a) – Such~~The 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~~the person is a candidate. The nomination of each candidate shall be made by separate petition.

~~– (b) – Such~~The petition for a candidate for Mayor shall be signed by three hundred (300) 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 City and the~~ 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 for~~ a particular office than there are positions to be filled for that office at the election~~candidate~~ 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~~Council shall be signed by anyone hundred and fifty (150) electors of the City.

(c) No petition may be signed more than one hundred eighty (180) days ~~prior to the date established in Seciton VII-1 for the primary election that is required to be held when there are three or more candidates certified for the office of Mayorbefore the date of the applicable election~~, 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 tobefore~~ the date set for ~~that primarythe applicable~~ 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.~~

Proposed Amendment #2

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 at least 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 Mayor at before the date of the applicable 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 a petition filed with the election authorities, in accordance with law, the election laws of the State of Ohio shall constitute compliance with the requirements of this section. This section shall become effective January 1, 2021.~~

SECTION ~~7.5.~~ WHO ELECTED WRITE-IN CANDIDATES

~~– The voter may A person seeking election as a write the name of any in candidate who has properly filed shall file a declaration as a write in candidate of intent with the election authorities on or before the at least seventy-second (72nd) day two (72) days 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 Mayor at the applicable election. Such The declaration shall state the person's name of the candidate, his or her and place of residence, and the office for which he or she desires the person intends to run. A write in candidate shall be an elector A voter may write on the ballot the name of any person who has properly and timely filed a declaration of intent to run as a write-in candidate, and that vote shall be counted.~~

~~Declarations of candidacy for write-in candidates shall be made on standard forms provided by the City at the election authorities prescribed by the general laws of the State of Ohio and submitted within a period of time his or her declaration as such a candidate is filed with prescribed by the general laws of the election authorities. This section shall become effective January 1, 2021 State of Ohio.~~

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7.8. REMOVAL

Any official of this City shall be subject to removal in such manner as is now or may hereafter be provided by the general laws of Ohio, or by this Charter.

In addition, Council may remove any elected official of the City for failing or ceasing to possess any qualification established by this Charter for that office or who has violated the general laws of the State of Ohio governing the ethical conduct of public officials and employees. However, that expulsion may take place only upon Council acting by affirmative vote of at least five (5) of its members, and only after the accused official has been given an opportunity to be heard. At least ten (10) days before the hearing, the accused official shall be given both written notice of the time and place of the hearing and a written statement of the charges advanced as the basis for the expulsion.

ARTICLE ~~VIII~~ EIGHT. INITIATIVE, REFERENDUM AND RECALL

SECTION ~~8.1.~~ INITIATIVE:

Proposed Amendment #2

~~– (a) The people reserve unto~~ themselves the right ~~to propose~~, by initiative petition, ~~any legislative measure to propose any ordinance or resolution~~, including the repeal of ~~any~~ ordinances ~~or resolutions~~ adopted by the Council, approved by referendum vote or initiated by the people. ~~Such A legislative initiative petition must contain the signatures of not less than ten percent of the~~ shall be signed by electors of the City ~~equal to at least ten percent (10%) of the total vote cast at the last preceding general municipal election.~~

~~– (b) When there shall have been filed a petition signed by the aforesated required number of electors proposing an ordinance or other measure, has been signed by the required number of persons and duly filed with the Clerk of Council, the Clerk shall, at the next regular Council meeting, certify the same petition to the Council at the next regular. At that meeting, and the Council shall at once read the petition and refer the same to an appropriate committee of Council, which may be the committee of the whole; provision may be made. The committee of Council to which the petition is referred shall provide for public hearings upon meetings, with opportunity for public comments, on the proposed legislation before the committee to which it is referred; thereafter. Not later than the second regular meeting of the Council following the meeting at which the proposed measure was certified to the Council by the Clerk, the committee shall of Council shall report the proposed measure to the Council along with its recommendations thereon not later than the second regular meeting of the Council following that at which the proposed measure was submitted to the Council.~~

~~– Upon receiving the proposed measure from the committee, the Council shall at once~~ (c) The Council shall then proceed to consider ~~the same~~ it and shall take final action ~~thereon within on the proposed measure not later than~~ thirty (30) days ~~from following~~ the date of ~~such committee's~~ the committee of Council's report, ~~and recommendations to Council.~~ If the Council rejects the proposed measure, ~~fails to act on it within the time prescribed,~~ or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors ~~of the City~~ in its original form, ~~or. Alternatively, the committee of petitioners may require that it the proposed measure be submitted to a vote of the electors of the City with any proposed change, addition or amendment which was that had been presented in writing, either at a public hearing before the committee of Council to which such the proposed measure was had been referred, or during the consideration thereof by the Council, and of the proposed measure by the Council. If the committee of petitioners intends to require a submission of the measure for a vote, it shall certify such fact that intent to the Clerk within in writing no later than ten (10) days after the final action on such the proposed measure by the Council, who or after the expiration of the prescribed time without Council having acted, whichever is applicable. The Clerk shall forthwith promptly certify the same committee of petitioners' intent to the Council, which shall call an election provide for submitting it to a vote of the people.~~

~~– (d) No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so materially amended by it as to destroy the effectiveness thereof Council, within two (2) years after it takes effect.~~

~~SECTION 8.2. REFERENDUM.~~

~~– Any ordinance or~~ (a) The people reserve to themselves the right, by petition, to subject to referendum any ordinance, resolution, or other measure passed by the Council ~~shall be subject to referendum~~, except as ~~hereinafter otherwise~~ provided. ~~No in this Section. Except as otherwise provided in this Section, no ordinance or other measure shall go into effect become effective until thirty (30) days after it shall~~

Proposed Amendment #2

~~have~~has been passed by the Council, ~~except as hereinafter provided; but, however, that~~ nothing ~~herein~~ contained in this Section shall prevent the City, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any tender or publication required by ~~such a~~the measure, by this Charter, by ~~general law~~the laws of the State of Ohio, or by ~~general~~ ordinance or resolution.

~~– When there shall have been filed a~~ (b) A petition ~~signed by not less than fifteen percent of the electors of the City within thirty days after any ordinance or other measure shall have been passed by the Council, ordering~~demanding that ~~such an~~ ordinance or other measure be submitted to the ~~electors of the City~~people for their approval or rejection; ~~shall be signed by electors of the City equal to at least fifteen percent (15%) of the total vote cast at the last preceding general municipal election and shall be filed with the Clerk of Council no later than thirty (30) days after the ordinance or other measure has been passed by the Council. When a referendum petition has been signed by the required number of electors and duly filed, the Clerk of Council shall, at the next regular Council meeting of the Council, certify such the petition to the Council. The~~Upon receipt of the certified petition, the Council shall ~~thereupon immediately~~ proceed to reconsider ~~such the~~ ordinance or other measure. If upon ~~such~~ reconsideration, the ordinance or other measure ~~be~~is not entirely repealed within thirty (30) days of Council's receipt of the petition, the Council shall provide for submitting it to a vote of the electors as herein elsewhere provided. No such ordinance or measure shall of the City, and it shall not go into effect unless and until approved by a majority of those voting on ~~the same~~it.

~~– (c) Whenever the Council is by law or provisions of general ordinances required by the laws of the State of Ohio or by ordinance~~ to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the provisions of this ~~section~~Section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating ~~theretoto the first ordinance or measure~~.

~~– (d) Whenever the electors shall have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of such the bonds shall not be subject to the provisions of this section~~Section.

~~– (e) Ordinances or other measures providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of a majority of the feet front feet of the property benefited and to be specially assessed for the cost thereof of the improvements, as provided by general law or general ordinance, and emergency ordinances or other measures necessary for the immediate preservation of the public peace, health or safety of the City, shall go into immediate effect and shall are not be~~ subject to the provisions of this ~~section~~Section.

~~– Such emergency ordinances or measures must upon an aye or nay vote receive the vote of five members of the Council, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure.~~

SECTION 3. RECALL.

8.3. RECALL

~~– (a) The people reserve unto themselves the right to recall and remove~~ from office any elected officer of the City.

Proposed Amendment #2

~~– (b) A petition demanding that the question for recall of removal of such an elected officer be submitted shall contain the name of the person sought to the electors shall contain be recalled and a concise statement setting forth the basis for the recall and recall and shall be signed by electors of the City equal to at least twenty-five percent (25%) of the total number of electors who voted in the most recent regular municipal election. No petition shall be signed by at least twenty-five percent fewer than one hundred eighty (180) days following the commencement of the electors of the City most recent term of office of the elected officers whose recall is sought, and any signature affixed before that date shall not be counted. No petition may relate to the recall of more than one elected officer.~~

~~– (c) When there shall have been filed a question petition for recall has been signed by the aforesaid required number of electors, and duly filed with the Clerk of Council, the Clerk shall certify the same to the Council, at the next regular Council meeting, certify the petition to the Council and shall at the same time furnish a copy thereof of the petition to the person member of the Council whose removal is so sought, and the Council shall call an election upon the question of such removal as herein elsewhere provided, unless within five days after such certification. Unless the person whose removal is sought member of the Council shall have tendered his tenders a written resignation to the Clerk, within no more than five (5) days after certification of the petition to Council, the Council shall provide for submitting the question of removal to a vote of electors~~

~~– (b (d)) If a majority of the votes cast at such the election on the question of removal of any member of Council recall are affirmative in favor of recall, the person whose removal recall is sought shall thereupon be deemed removed from office upon the certification of the official canvass of that election results to the Council, and a~~

~~(e) A vacancy caused by such the recall of a member of Council shall be filled by the remainder of the Council according to the provisions of Article III 3.4 of this Charter. A vacancy caused by the recall of the Mayor shall be filled according to the provision of Section 4.6. No person recalled is eligible for appointment to fill the vacancy caused by the recall.~~

~~If, however, an election is held for the recall of more than three members of the Council, candidates to succeed them for their unexpired terms shall be voted upon at the same election and shall be nominated by petitions dated and verified in the manner required for petitions presenting names of candidates for regular municipal elections and similar in form to such petitions and filed with the election authorities at least ninety (90) days prior to such recall election, but no such nominating petition shall be signed or circulated until such recall petition has been certified to the Council, and any signatures ante-dating such time shall not be counted.~~

~~– (f) If a majority of the votes cast at the election on the question of removal of any member of the Council recall are in the negative opposed to recall, the person whose removal is recall has been sought shall be allowed by the Council his reasonable expenses incident to such the election. This section shall become effective January 1, 2017.~~

~~SECTION 8.4. GENERAL PROVISIONS.~~

~~– (a) Any initiative or, referendum petition, or one for a recall, petition may be presented in separate parts. Each part of anyan initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each. Each part of anya referendum petition shall contain the number and the full and correct copy of the title of the ordinance or other measure sought to be~~

Proposed Amendment #2

referred, but need not contain the full text of ~~such~~the ordinance or other measure. Each part of a recall petition shall contain the name of the member of Council sought to be removed and the statement of basis for removal.

~~– (b) Each signer of person signing a petition shall be a registered voter of the City and shall sign his name in ink and shall place on the petition his name and place of residence by also provide that person's street and number.~~ of residence and date of signing. All signatures shall be made with ink. Each part of any such petition shall contain a circulator statement as required by the affidavit~~general laws of the State of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of signers of such part of such petition and shall state that to the best of the affiant's knowledge and belief each of the signatures contained on such part is the genuine signature of the person whose name it purports to be, and that he believes such persons are registered electors of the City, and that they signed such petition with the knowledge of the contents thereof.~~Ohio. Each part of ~~such~~a petition shall also have printed ~~thereon~~on it the names and addresses of at least five ~~registered~~(5) electors of the City, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the ~~purpose herein elsewhere named~~purposes of this Article.

~~– (c) All such~~ petitions shall be filed with the Clerk of the Council and all parts of any ~~such~~ petition shall be assembled by the Clerk as one instrument. ~~Within~~Upon the filing of a petition the Clerk shall examine it and, not later than ten (10) days after the filing ~~of a petition the Clerk shall ascertain, determine~~ whether the ~~same is~~petition has been signed by the required number of qualified electors. Upon the completion of ~~his~~the examination, the Clerk shall endorse upon the petition a certificate of the result ~~thereof.~~

~~– (d) If the Clerk's certificate shows that the petition is~~has an insufficient ~~he shall at once~~number of signatures, the Clerk shall promptly notify each member of the committee of the petitioners ~~herein elsewhere provided for~~, and the petition may be amended at any time within fifteen (15) days from the date of the Clerk's certificate of examination by filing with the Clerk ~~an additional~~a supplement to the petition in one or more parts with additional signatures in the same manner as provided for the original petition. ~~In the event that it shall be determined by judicial proceedings that the~~If, upon challenge, a court determines that a certificate of the Clerk to the effect that the petition is sufficient is erroneous, a similar period of ~~time~~fifteen days (15) after the final judicial determination shall be granted for ~~additional petitions after the final determination of such question~~amending the petition in the same manner.

~~– (e) Upon~~ amendment by the filing of ~~any such additional petitions~~a supplement to the petition, the Clerk shall ~~within, not later than~~ ten (10) days ~~thereafter~~after the filing, examine the petition as ~~thus~~ amended and ~~attach thereto his~~endorse upon it a certificate of the result, ~~and the petition shall thereafter be treated in the same manner as it would have been treated after the original certification of the examination, which shall constitute the final determination. Only one supplement may be filed.~~ The final determination of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

~~– The sufficiency of the number of signers to any~~ (f) An initiative, referendum or recall petition, ~~shall is deemed to be determined on the basis of the number of registered voters at the last general election for municipal officers.~~

Proposed Amendment #2

~~– The filing of an initiative, referendum or recall petition filed~~ by the Clerk with the Council ~~within the times herein elsewhere provided shall be computed from the on the~~ date of the ~~attaching of the Clerk's~~ final certificate ~~of is endorsed on the Clerk to such~~ petition.

~~– (g) Whenever it becomes the duty of the Council is required to call~~ provide for an election by reason of the filing of ~~an initiative or referendum a~~ petition ~~or one for initiative or referendum or recall~~, the Council shall ~~call an election for the submission of such question, or recall~~ set the election, at the next regular ~~primary or~~ general election occurring not less than sixty (60) days ~~nor or~~ more than one hundred twenty (120) days ~~thereafter after the requirement has arisen~~. If no ~~such~~ regular ~~primary or~~ general election is to be held within ~~such time that period~~, the Council shall provide for ~~calling~~ a special election to be held not less than sixty (60) days ~~nor or~~ more than one hundred twenty (120) days ~~thereafter~~. ~~In either event, after the requirement has arisen; provided The~~ Council shall certify ~~its the~~ action to the Director of Elections. ~~Provided, however, that if the recall of more than three (3) members of the Council is sought by petition, the period of sixty (60) days hereinbefore provided shall be changed to one hundred twenty (120) day~~ selection authorities.

~~– When any legislative measure resulting from any initiative or referendum petition is approved by a majority of the electors voting thereon, such legislative measure shall become effective at the time fixed therein and if no time is fixed therein, then such legislative measure shall become effective upon its approval by the electors; provided, however, that in the event that two or more inconsistent legislative measures on the same subject are submitted at the same election, only the one receiving the largest affirmative vote, not less than a majority, shall become effective. This section shall become effective January 1, 2017.~~

~~SECTION 8.5. OFFICIAL PUBLICITY.~~

~~– Not less than thirty (30)~~ (a) At least forty (40) days ~~prior to the before an~~ election at which ~~any Charter amendment, an~~ initiated or referred legislative measure, or recall of ~~any an~~ elective official is to be submitted to the electors, the Clerk of Council shall ~~either:~~

~~– (a) – Print and mail~~ 1) Mail materials to each registered ~~elector an official publicity pamphlet, or voter of the City determined as of the most recent general election; and~~

~~– (b) – Publicize official publicity~~ (2) Publish materials promptly in a newspaper ~~published and~~ generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City. ~~Such The~~ publication shall be made once a week for ~~not less than at least~~ two (2) consecutive weeks with the first publication being at least thirty (30) days ~~prior to such before the~~ election.

~~– Such publicity pamphlet or publication shall~~ (b) The materials required under this section mailed and published shall contain ~~at least the~~ full text of the ~~Charter amendment~~, initiated or referred ordinance, or recall petition, with their respective ballot titles, together with any explanation or argument for or against ~~such the~~ measure or recall ~~which that~~ may have been filed with the Clerk of Council, ~~as hereinafter provided.~~ The validity of ~~any Charter amendment, an~~ initiated or referred legislative measure, approved by the electors, and the result of ~~any a~~ recall election, shall not be questioned because of technical or non-consequential errors or irregularities in ~~such the~~ mailing, ~~distribution~~ or publication.

~~– Not less than~~ 8.6. STATEMENTS IN SUPPORT AND OPPOSITION

Proposed Amendment #2

~~(a) At least~~ fifty (50) days before ~~any such an~~ election, ~~prompted by a petition,~~ the committee ~~of~~ ~~petitioners~~ designated in the petition, ~~as a result of which said election is called, at issue~~ may submit to the Clerk of Council ~~an explanation or argument supporting a statement in support of~~ the ~~position taken by the signers of such petition.~~ ~~If a Charter amendment is proposed by~~

~~(b) In the event of the Council's submission of an initiative or referendum petition,~~ a committee of three ~~(3) members of the Council to be appointed by the Mayor shall prepare such explanation or argument. In the event of an initiated ordinance, which President of Council to act on behalf of Council has failed to pass, or of a referred ordinance, the Mayor shall appoint a committee of three of the Council to prepare by stating Council's position shall prepare~~ an answer to the ~~explanation or argument~~ statement submitted by the committee of ~~the~~ petitioners.

~~(c) In the case event of a recall election~~ ~~election~~, the ~~official person~~ whose recall is sought may prepare an answer to the ~~argument of statement submitted by~~ the committee ~~of petitioners.~~

~~(d) A statement in support of the petitioners. Where a Charter amendment is proposed, any civic body or committee of citizens may prepare and submit an answer to the explanation or argument in favor of such amendment. Any such answer shall be prepared and filed with the Clerk not less than forty (40) days prior to any such election. All explanations or arguments for or against or in opposition to any measure or recall shall be signed by the person or persons authorized to submit the same it. No such explanation or argument shall statement may exceed three five hundred (300500) words in length unless the person or persons submitting the same shall at the same time deposit with the Clerk of Council a sum of money sufficient to cover the proportionate cost of printing such excess. Arguments in favor of or against any. All statements in support of or in opposition to any legislative measure or election, recall and answers, once filed with the Clerk, shall at all times be open to the inspection of anyone interested therein them.~~

~~(e) All answers and statements shall be filed with the Clerk at least forty (40) days before the applicable election.~~

~~(f) In the case of a petition for any initiative, referendum, or recall, any civic body or committee may prepare and submit a statement in support of or in opposition to such petition in the manner and form prescribed in this section.~~

* * *

ARTICLE ~~THIRTEEN-XIII~~. AMENDMENTS

- 13.1. SUBMISSION OF AMENDMENTS

~~(a) Amendments to this Charter may be submitted to a vote of the electors of the City by the Council by an affirmative vote of at least five (5) of its members of the Council, and shall. Amendments shall be submitted to a vote of the electors of the City by the Council when a petition for a charter amendment has been signed by not less than electors of the City equal to at least ten percent (10%) of the total number of electors as shown by those registered vote cast at the last preceding general or municipal election, setting forth any such proposed amendment shall have and has been filed in the manner and form prescribed herein in Sections 8.1 and 8.4 of the Charter for the submission of ordinances by initiative petition. The amendments shall be submitted to the electors of the City at the next regular primary or general election, if one shall occur not less than sixty (60) days, nor or more than one~~

Proposed Amendment #2

~~hundred twenty (120) days after its passage or filing; otherwise the Council shall provide for the the amendment's submission of the amendment by Council. Otherwise the Council shall provide for the submission of the amendments at a special election to be held not less than sixty (60) days or more than one hundred twenty (120) days after the passage or filing.~~

~~(b) At least forty (30) days before an election at which an amendment to this Charter is to be called and held submitted to the electors, the Clerk of Council shall either:~~

~~(1) Mail materials to each elector of the City determined as of the most recent general election; or~~

~~(2) Publish materials promptly in a newspaper generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the time aforesaid City. The publication shall be made once a week for at least two (2) consecutive weeks with the first publication being at least thirty (30) days before the election.~~

~~– If any such proposed-~~ (c) If a Charter amendment is proposed by the Council, a committee of three (3) members of the Council to be appointed by the President of Council to act on behalf of Council by stating Council's position shall prepare a statement in support in the manner and form prescribed in Section 8.6 of the Charter.

~~(d) If a Charter amendment be is proposed either by Council or by initiative, any civic body or committee may prepare and submit a statement in support of or opposition to the amendment in the manner and form prescribed in Section 8.6 of the Charter.~~

13.2. EFFECTIVE DATE

~~When a proposed amendment is approved by a majority of the electors voting thereon, on it, the amendment shall become a part of this the Charter at the time fixed in the amendment; and if. If no time is fixed therein in it, then such the amendment shall become a part of this the Charter upon its approval by the electors; the certification of the official election results, provided, however, that in the event that if two (2) or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving amendment that both receives at least a majority and that receives the largest affirmative vote, not less than a majority, shall become a part of this the Charter.~~

ARTICLE ~~XV~~ 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.~~

Proposed Amendment #4

THE CHARTER OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

* * *

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.~~

* * *

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.

Proposed Amendment #5

THE CHARTER OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

* * *

ARTICLE ~~III~~THREE. THE COUNCIL

* * *

~~SECTION 43.~~ 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) days 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 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 elector at 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.~~

Proposed Amendment #5

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ARTICLE ~~VII~~ SEVEN. NOMINATIONS AND ELECTIONS

~~SECTION 7.~~ 1. TIME OF HOLDING ELECTIONS.

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

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, 2021-20[XX].~~

* * *

~~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.

(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.

Proposed Amendment #5

(e) Such petition shall not be signed by any electors more than one hundred eighty (180) days prior to the date established in Seciton VII-1 for the regular municipal 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 regular municipal 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, 2024~~[XX]~~.

~~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 regular municipal 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, 2024~~[XX]~~.

~~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 regular municipal 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, 2024~~[XX]~~.

~~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 this Charter and by general election laws, and all other matters relating to elections not herein or by ordinance of the Council specifically provided for shall be determined by the general election laws of the State.

Notwithstanding any law to the contrary, the Mayor, Judge of the Cleveland Heights Municipal court, and members of the Council shall be elected by ranked choice voting. Ranked choice voting is a method of casting and counting votes in which voters rank candidates in order of preference and votes are counted in rounds. Ranked choice voting is also known as “instant runoff voting” when electing a single winner or the “single transferable vote” when electing multiple winners in proportion to their support among all voters.

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The Mayor and Judge shall be elected via instant runoff voting. If a candidate receives more than half of the total votes counting for candidates, that candidate is elected and the tabulation of votes is complete. Otherwise, tabulation shall proceed in rounds as follows. The candidate with the fewest votes shall be eliminated and each voter's ballot shall count as one vote for its highest-ranked remaining candidate in each round. When two or fewer candidates remain, the candidate with the greatest number of votes shall be elected.

The Council shall be elected by single transferable vote. Candidates shall be elected or eliminated in each round and each ballot shall count in whole or in part for its highest-ranked remaining candidate in each round. Candidates shall be elected if they receive the number of votes needed to win a seat. The number of votes needed to win a seat shall be determined by dividing the number of votes cast by the sum of the number of seats to be filled and one, plus one additional vote. If a candidate receives more votes than needed to win a seat, a part of each vote received by that candidate instead shall be counted for each ballot's next-highest-ranked remaining candidate. When a candidate is eliminated, votes shall be counted for each ballot's next-highest-ranked remaining candidate.

The Council shall, by ordinance, establish:

(a) the ballot format;

(b) the rules for casting and counting the votes;

(c) a process to release unofficial preliminary round-by-round results starting as soon as a reasonable number of precincts have reported but in no event later than as required by law and continuing at regular intervals until the counting of ballots is complete, unofficial preliminary ballot-level ranking data on a contest-by-contest basis no later than the counting of ballots is complete, and official final round-by-round results and ballot-level ranking data on a contest-by-contest basis upon certification of the results.

This section shall become effective January 1, 20[XX].

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ARTICLE ~~VIII~~EIGHT. INITIATIVE, REFERENDUM AND RECALL

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~~SECTION 8.~~4. GENERAL PROVISIONS

Any initiative or referendum petition, or one for a recall, may be presented in separate parts. Each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each part of any referendum petition shall contain the number and the full and correct copy of the title of the ordinance or other measure sought to be referred, but need not contain the full text of such ordinance or other measure.

Each signer of a petition shall be a registered voter of the City and shall sign his name in ink and shall place on the petition his name and place of residence by street and number. Each part of any such petition shall contain the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of signers of such part of such petition and shall state that to the best of the affiant's knowledge and belief each of the signatures contained on such part is the genuine

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signature of the person whose name it purports to be, and that he believes such persons are registered electors of the City, and that they signed such petition with the knowledge of the contents thereof. Each part of such petition shall also have printed thereon the names and addresses of at least five registered electors, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose herein elsewhere named.

All such petitions shall be filed with the Clerk of the Council and all parts of any such petition shall be assembled by the Clerk as one instrument.

Within ten days after the filing of a petition the Clerk shall ascertain whether the same is signed by the required number of qualified electors. Upon the completion of his examination the Clerk shall endorse upon the petition a certificate of the result thereof.

If the Clerk's certificate shows that the petition is insufficient he shall at once notify each member of the committee of the petitioners herein elsewhere provided for, and the petition may be amended at any time within fifteen days from the date of the Clerk's certificate of examination by filing with the Clerk an additional petition in one or more parts in the same manner as provided for the original petition. In the event that it shall be determined by judicial proceedings that the certificate of the Clerk to the effect that the petition is sufficient is erroneous, a similar period of time shall be granted for additional petitions after the final determination of such question.

Upon the filing of any such additional petitions, the Clerk shall within ten days thereafter examine the petition as thus amended and attach thereto his certificate of the result, and the petition shall thereafter be treated in the same manner as it would have been treated after the original certification. The final determination of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

The sufficiency of the number of signers to any initiative, referendum or recall petition, shall be determined on the basis of the number of registered voters at the last general election for municipal officers.

The filing of an initiative, referendum or recall petition by the Clerk with the Council within the times herein elsewhere provided shall be computed from the date of the attaching of the final certificate of the Clerk to such petition.

Whenever it becomes the duty of the Council to call an election by reason of the filing of an initiative or referendum petition or one for recall, the Council shall call an election for the submission of such question, or recall, at the next regular ~~primary or~~ general election occurring not less than sixty (60) days nor more than one hundred twenty (120) days thereafter. If no such regular ~~primary or~~ general election is to be held within such time, the Council shall provide for calling a special election not less than sixty (60) days nor more than one hundred twenty (120) days thereafter. In either event, the Council shall certify its action to the Director of Elections. Provided, however, that if the recall of more than three (3) members of the Council is sought by petition, the period of sixty (60) days hereinbefore provided shall be changed to one hundred twenty (120) days.

When any legislative measure resulting from any initiative or referendum petition is approved by a majority of the electors voting thereon, such legislative measure shall become effective at the time fixed therein and if no time is fixed therein, then such legislative measure shall become effective upon its

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approval by the electors; provided, however, that in the event that two or more inconsistent legislative measures on the same subject are submitted at the same election, only the one receiving the largest affirmative vote, not less than a majority, shall become effective.

This section shall become effective January 1, 2017~~17~~[XX].

ARTICLE THIRTEEN. AMENDMENTS

Amendments to this Charter may be submitted to the electors of the City by a vote of five members of the Council, and shall be submitted by the Council when a petition signed by not less than ten percent of the total number of electors as shown by those registered at the last general or municipal election, setting forth any such proposed amendment shall have been filed in the manner and form prescribed herein for the submission of ordinances by initiative petition. The amendment shall be submitted to the electors at the next regular ~~primary or~~ general election, if one shall occur not less than sixty (60) days, nor more than one hundred twenty (120) days after its passage or filing; otherwise the Council shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.

If any such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of this Charter at the time fixed in the amendment; and if no time is fixed therein, then such amendment shall become a part of this Charter upon its approval by the electors; provided, however, that in the event that two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.