August 25, 2025
Special Meeting
6:00 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir
Cleveland Heights, Ohio

AGENDA - CLEVELAND HEIGHTS CITY COUNCIL MEETING

1) Meeting called to order by Council President

2) Roll Call of Council Members

3) Excuse absent members

4) Public Hearing - Charter Amendments
Note: Persons wishing to speak must complete a public comment request form. A 3-minute time limit applies. Council President reserves the right to reduce the time limit based on the volume of business on the agenda.

a. Working Draft - First Amended Charter v. Current Charter (Redline)

5) Wrap-up Discussion of Charter Amendments

6) Legislative Review/Caucus

7) Public Comment - Legislative Agenda Items only
Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda.

8) LEGISLATION
Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 97-2022 for a list of Council Committee subject matter areas.

a. First Readings - Consideration of Adoption Requested

RESOLUTION NO. 170-2025(MSES): *First Reading.* A Resolution authorizing the Mayor to apply for a grant under Ohio's Urban Forestry Grant Program through the Ohio Department of Natural Resources; to accept funding if awarded; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

b. First Readings Only

ORDINANCE NO. 169-2025(COTW): *First Reading.* An Ordinance providing for the submission to the electors of the City of Cleveland Heights a proposed First Amended Charter of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Cuda

c. Second Readings

RESOLUTION NO. 166-2025(PSH): *Second Reading.* A Resolution authorizing and directing the Mayor to execute an agreement with ETC Institute to design and administer a survey to gauge the overall satisfaction of the residents of the City of Cleveland Heights, Ohio.

Introduced by Councilmember Posch
Move for Adoption

9) Old Business

10) New Business

11) Council Member Comments
(**Note:** Council comments should directly relate to the business of the City of Cleveland Heights, rather than personal reflection or commentary. A maximum 3-minute time limit applies, but the Council President may reduce time limit based on the volume of business on the agenda, the time of evening, or other similar factors.)

12) Council President's Report

13) Adjournment

NEXT MEETING OF COUNCIL: SEPTEMBER 2, 2025

THE FIRST AMENDED 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 the benefits of ~~local self-government~~municipal home rule under the Constitution of the State of Ohio and to exercise all powers of local self-government, and desiring to provide for a responsive, effective and accountable government maintaining the highest level of integrity for all members of our diverse community, do ~~ordain~~frame and ~~establish~~adopt this First Amended Charter for the government of the City of Cleveland Heights.

ARTICLE I 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 under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws 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 FORM OF GOVERNMENT AND POWERS

SECTION 1. FORM OF GOVERNMENT

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

SECTION 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 all such further powers as may now or hereafter be granted by the Constitution or laws of Ohio; and all such powers shall be exercised in the manner prescribed by this Charter or, if not prescribed by ~~ordinances~~Charter, by ordinance or resolution of the City Council ~~created hereby~~.

ARTICLE III THE COUNCIL

SECTION 1. POWERS, NUMBER AND TERM.

The legislative power of the City, except as ~~limited~~otherwise provided by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of seven ~~members elected at large.~~(7) members elected at large. Except when an election may be required as the result of a vacancy in the Council, three (3) members of the Council 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 year in which a United States presidential general election is held. The terms of the members of the Council shall begin the first day of January next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified~~, except that the three members elected at the first election by the lowest votes shall serve for two years only~~.

SECTION 2. QUALIFICATIONS.

To serve as a member of the Council, a person shall ~~be~~have been a resident and elector of the City of Cleveland Heights ~~at~~continuously for the twelve (12) months immediately preceding the time for submitting his or her nominating petition to the election authorities as required under the terms of this Charter, and shall continue to ~~reside therein~~be a resident and elector of the City during his or her term of office. No person shall be a member of Council 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 elected public office other than that of precinct committee person or State central committee person.

~~(Amended 5-6-86.)~~

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, misfeasance or nonfeasance in or disqualification for office, or for conviction of a felony or a crime involving moral turpitude while in office~~,~~ or ~~violation of its charter~~while a Councilmember-elect, or persistent failure to abide by the rules of the Council, or violation of the oath of office; provided, however, that such expulsion shall not take place without the concurrence of ~~five~~three-fourths (3/4) of the remaining members or Council nor until the accused member shall have been given a written copy of the charges against ~~him~~the member and an opportunity to be heard, present evidence, and examine,

under oath, all witnesses appearing in support of such charge or charges, with not less than ten days' notice of the time and place of hearing. The accused member shall not vote on the question of removal.

~~(Amended 11-7-72.)~~

SECTION 4. 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 the occurrence of such vacancy, then the Mayor shall fill ~~such vacancy~~it by appointment within the next ten (10) days. The ~~individual~~Council member so appointed to fill the vacancy shall serve ~~until~~ for the balance of the unexpired term or until the beginning of the term of a successor ~~is~~ elected ~~and qualified at an election as~~ for the unexpired term as hereafter 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.~~

~~For any vacancy in Council not occurring in the year that the regular election for that office is scheduled, an election~~. A successor shall be elected for the unexpired term ~~shall be held~~ at the next ~~general election occurring~~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 shall have occurred more than one hundred ~~and~~ twenty (120) days ~~after the date of the vacancy.~~prior to such election. 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 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.~~

~~(Amended 11-7-72; 5-3-22.)~~

SECTION 5. SALARIES AND OTHER COMPENSATION.

~~Council may~~ In each year preceding the year in which a presidential election is held Council shall, by ordinance ~~passed biennially in odd numbered years~~, fix the ~~salaries of~~ salary and other compensation of the Mayor and all members of the Council ~~for the two-year period commencing on~~, with the salary and compensation prescribed by such ordinance applying to new terms of office beginning on or after January 1 of the ~~second year following the~~ presidential election year ~~that this section shall become effective; provided that any such~~. Any ordinance fixing salary and other compensation, to be effective, must be adopted at least sixty (60) days prior to the filing date for the filing of nominating petitions by candidates for Mayor or Council for the regular municipal election to be held in the year ~~of adoption; and provided further that Council may, in the year in~~ in which ~~this section shall become effective, pass an ordinance fixing, but not increasing, the salaries of all~~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 office of that person.

Salary and other compensation for the six (6) members of Council ~~for the two-year period commencing on January 1~~ other than the President of Council shall be identical, subject to the requirement that no salary or compensation shall change during a Council member's term of office. The salary and other compensation for the President of Council shall be larger by twenty-five percent (25%) than that of the ~~first year following the year in which this section~~other members of Council. The salary and other compensation for Council members shall ~~become effective.~~reflect the Council's consideration of any report of the Civil Service Commission provided pursuant to Article XI Section 2 of this Charter, 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 annual budget, and the need to attract qualified candidates for Council.

~~This section shall become effective January 1, 1983.~~

~~(Amended 11-2-82; 11-5-19)~~

The salary and other compensation for the Mayor shall reflect the Council's consideration of any report of the Civil Service Commission provided pursuant to Article XI Section 2 of this Charter, the full-time nature of the position, the economic conditions of the City, comparable salaries and other compensation of mayors in cities of similar size and budget, and the need to attract qualified candidates for the office of Mayor.

SECTION 6. APPOINTEES.

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.

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. The President of Council, rather than the Mayor, shall have the authority to execute any contract authorized by Council pursuant to this Section.

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, except as may be otherwise provided in this Charter, 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.~~

~~(Amended 11-2-82; 5-3-22.)~~

SECTION 7. 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 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. Four members shall constitute a quorum for a meeting of the Council or Council's Committee of the Whole.

~~(Amended 11-7-72.)~~

Unless otherwise provided in this Charter, if authorized by ordinance, and subject to such regulations as Council may impose by ordinance consistent with this Section, any meeting of the Council or public hearing of Council may be held in-person or by means of teleconference, video conference or other similar electronic communications technology (which meetings or hearings may be referred to as "virtual"), or any combination of in-person attendance and attendance by use of such electronic technology. A Council member attending such a meeting by use of electronic communications technology as described herein may vote, participate, deliberate and take other official action in such meeting, and

shall be counted as present including for purposes of establishing quorum, the same as if the member were physically present, provided that all applicable notice and procedural requirements are met and the public is able to hear and observe the discussions and deliberations of all of the members present including those participating by use of electronic communications technology. In the event that a member attending any meeting or hearing by use of electronic technology is disconnected and such disconnection results in less than a quorum being present at the meeting or hearing, then all discussions and deliberations shall be discontinued until that member is reconnected or appears in person.

The Council shall by ordinance provide for notice of its meetings, including identification of the method to access, hear and observe any such meeting in which electronic technology or videoconferencing will be utilized as provided herein. Other public bodies of the City may meet in-person or as otherwise described in this Section as authorized by ordinance of Council.

SECTION 8. 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, when once adopted, shall not be repealed or amended except by vote of five members of the Council or by the people.

SECTION 9. ~~FRANCHISES.~~ COUNCIL'S SUBPOENA POWER

The Council shall have the power to make inquiries or investigations concerning the affairs of the City, and in the course of any such inquiry or investigation, the Council shall have the power to subpoena and compel 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 Director of Law or a notary public, designated by either the Director of Law or the Council President, shall have the power to administer oaths and affirmations in connection with the taking of testimony relative to any such investigation or hearing.

SECTION 10. EMERGENCY MEASURES

An emergency ordinance or resolution is one that is necessary for the immediate preservation of the public peace, health, safety or welfare of the City. No ordinance or resolution of Council shall be adopted as an emergency unless it receives the affirmative vote of at least two-thirds (2/3) of the members elected or appointed to Council, with the reason for the need to

declare the emergency being separately set forth in a section of the ordinance or resolution. 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.~~

~~(Amended 11-5-19)~~

SECTION 11. PRESIDENT OF COUNCIL AND VICE PRESIDENT OF COUNCIL.

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~~.~~, who shall perform the duties of the President of Council in the absence of the President. The President shall, with the Clerk of Council, prepare the agenda for meetings of the Council. In the absence of both the President and Vice President, the Clerk of Council shall prepare such agenda. The President of Council shall preside at all meetings of the Council and shall have a voice and vote in its proceedings, but no veto. In the absence of both the President and Vice President, a President Pro Tem shall be elected from the members of Council in attendance by the affirmative vote of a majority of the members present at a Council meeting.

In the event of a vacancy in either the office of President or Vice President, or in the event the Council shall determine by at least four of its members that either the President or Vice President is unable to fulfill the duties of their respective office, the Council shall immediately proceed to elect one of its members to serve in such office.

~~The President, or in the President's absence the Vice President, shall preside at all meetings of the Council and shall have a voice and vote in its proceedings, but no veto.~~

~~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.~~

~~(Amended 11-7-72; 11-5-19)~~

SECTION 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, Directors and Chiefs 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, or the Directors or Chiefs or their designees shall respond to inquiries from Council members in a complete, accurate and timely manner, in such fashion as Council may determine by ordinance or resolution. Without limiting the preceding sentence, the Council President or a Council Committee chair may request that a Director or Chief or their designee attend specified meetings of Council or of such Committee, respectively. When the Council President or a Council Committee chair has made such request, the Director or Chief requested to be in attendance, or their designee, shall attend the meeting and shall answer or respond in good faith to questions asked by any Council member or Council Committee member, respectively, related to the powers and duties of the Director, Chief or designee. Council may, by ordinance or resolution, require that all Directors and Chiefs, or their designees, attend all Council meetings and/or Council Committee of the Whole meetings.

ARTICLE IV THE MAYOR

~~(Previously City Manager)~~

SECTION 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~~a successor ~~is~~shall be chosen ~~and qualified.~~in accordance with the provisions of this Charter. 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.~~

~~(Amended 11-5-19.)~~

SECTION 2. QUALIFICATIONS.

To serve as Mayor a person must have resided and been an elector of the City of Cleveland Heights for at least eighteen (18) months immediately preceding that election, and must 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 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 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 or work does not conflict or interfere with carrying out the duties assigned by this Charter ~~or~~, by Council ordinance not in conflict with this Charter, or by general law, or otherwise violate any provision of this Charter, applicable ordinance or general law.

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

~~(Amended 11-5-19.)~~

SECTION 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 through the directors thereof; provided, however, that the Mayor shall have no authority to exercise control over the Council or its employees. 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 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.~~by the appropriate law enforcement officials through appropriate legal process. 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~~ and, with and through the Director of Finance, 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, in a timely manner, exercise powers and perform duties conferred upon or required of the Mayor by this Charter, by ordinance consistent with this Charter, 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~~.~~, except where this Charter authorizes another City official to execute a contract. 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.~~

~~(Amended 11-5-19.)~~

SECTION 4. CITY ADMINISTRATOR.

The City Administrator shall be appointed by the Mayor on the basis of executive and administrative training and experience related to municipal and/or other governmental operations, 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~~assist in 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 advi~~s~~ce 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 of Law.

The City Administrator shall make periodic written reports to the Mayor and Council, not less often than semiannually~~, with such recommendations as the Mayor deems appropriate~~ or otherwise as may be required by ordinance of Council, concerning the administration of all departments, divisions, boards and commissions of the City, and their needs and requirements for the future and shall, unless Council provides otherwise, attend all meetings of the Council and Committee of the Whole as well as, upon request of the Council President or Committee Chair, other Council Committee meetings.

The City Administrator may serve as the Director of ~~a~~any department~~,~~ except the Departments of Law, Finance or Planning and Development (whether on a temporary or permanent basis) and shall perform such other duties, not inconsistent with this Charter, as may be required by the Mayor.

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

~~(Amended 11-5-19.)~~

SECTION 5. LEGISLATIVE POWERS.

The Mayor may introduce ordinances and resolutions in the Council, which introduction shall not be unreasonably refused or delayed, and may participate in all meetings of the Council, including executive sessions on the invitation of the Council President subject to the majority of Council determining otherwise by motion, but shall have no vote ~~therein~~in any Council meeting. When attending Council meetings, including committee meetings, the Mayor shall be subject to such rules as the Council President or the Council shall prescribe applicable to such meetings with regard to parliamentary procedure, speaking opportunities, and time limits.

Every ordinance or resolution of the Council shall be signed by the Clerk of Council ~~or two members of the~~and Council President 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~~the 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, 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~~not later than its ~~next~~second regular meeting following the disapproval, reconsider the ordinance, line item, or resolution. If upon such reconsideration the ordinance, 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.~~two-thirds (2/3) of the members elected or appointed to Council, it shall take effect notwithstanding the disapproval of the Mayor. For the avoidance of doubt, the following measures are not subject to disapproval by the Mayor: (a) an ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the measure in the City; (b) an ordinance or other measure submitting to a vote of the people a question resulting from the initiative, referendum or recall petition processes provided in Article VIII of this Charter; (c) an ordinance or resolution submitting to the electors any proposed Charter amendment; or (d) an ordinance or resolution adopted by the Council pursuant to its authority to appoint a Clerk or to appoint, employ, hire, or engage other employees, consultants, independent contractors or other persons under Article III, Section 6.

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

~~(Amended 11-5-19.)~~

SECTION 6. ~~JUDICIAL POWERS.~~ REMOVAL

~~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.~~

~~(Amended 11-5-19.)~~

~~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 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.~~

~~(Amended 11-5-19.)~~

~~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.~~

~~(Amended 11-5-19.)~~

~~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.~~

~~(Amended 11-5-19.)~~

~~SECTION 10.~~ The Council may remove the Mayor for gross misconduct, or malfeasance, misfeasance or nonfeasance in or disqualification for office, or for the conviction, while in office or while a Mayor-elect, of a felony or of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the oath of office; provided, however, that such removal shall not take place without the affirmative vote of three-fourths (3/4) of the members elected or appointed to Council, nor until the Mayor shall have been notified in writing of such charge at least ten (10) days in advance of a public hearing upon such charge, and the Mayor or the Mayor's counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of the charge.

SECTION 7. ABSENCE AND VACANCY.

When the Mayor is absent and inaccessible, or is unable for any reason to perform the duties of Mayor, in either case as determined in writing by the Director of Law (or another attorney selected by Council if the Director of Law indicates a conflict of interest) pursuant to the written request for such determination from the Council President or any two (2) members of Council with such determination confirmed by the vote of the majority of the members elected or appointed to Council (in any case, "Mayor's inability to perform duties"), then 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 to assume the duties of Acting Mayor, ~~the person designated by ordinance or resolution of Council shall be the Acting Mayor.~~Council shall designate a person meeting the qualifications of Article IV, Section 2 to be the Acting Mayor. The person who becomes Acting Mayor in accordance with this Section shall serve in that capacity until the Mayor returns to duty or, as provided below, the President of Council becomes Mayor or another person is appointed Mayor by City Council, whichever occurs first.

If the ~~absence is deemed temporary, the Acting Mayor will continue~~Mayor's inability to ~~serve as Acting Mayor pending the return to duty of the Mayor. If the absence~~ 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, forthwith and in no event later than 65 days after the commencement of the Mayor's inability to perform duties or 10 days after the Mayor's death, disqualification, resignation or removal, declare the office of the Mayor vacant, ~~and~~at which time the President of Council shall become Mayor~~,~~ and shall cease to be a member of Council. If the President of Council is unable or unwilling to assume the duties of Mayor, the ~~Vice~~ President of Council shall ~~become Mayor,~~ inform Council of the same within 5 days of the declaration of vacancy and the Council shall thereafter appoint a Mayor meeting the qualifications of Article IV, Section 2 within 45 days of the declaration; provided, however, that if the person appointed by Council is a member of Council, that person shall cease to be a member of Council~~. If the President~~ upon appointment as Mayor.

The person who becomes Mayor because of a vacancy in such office shall serve for the balance of the unexpired term or until the beginning of the term of a successor elected for that unexpired term as hereinafter provided. 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 ~~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.~~(b) the vacancy shall have occurred more than 180 days prior to such election. The term of the person elected to fill the vacancy at such election shall begin at the first regularly scheduled meeting of Council following the certification of the official electoral results of such election and shall extend for the remainder of the unexpired term.

~~If a vacancy is declared, and the absence commenced 180 days or less before the next regularly scheduled November election for Mayor, the person filling the vacancy shall serve until the end of the unexpired term of the former Mayor. Otherwise, if a vacancy is declared, the person filling the vacancy shall serve only until the Mayor's successor is elected at the next November election, occurring more than 180 days after the absence commenced, such November election occurring in any calendar year. The successor Mayor shall serve for the unexpired term of the former Mayor.~~

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

~~(Amended 11-5-19.)~~

~~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.~~

~~(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.~~

~~(Amended 11-5-19.)~~

ARTICLE V ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 1. DEPARTMENTS.

The following administrative departments are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning & Development; (4) Department of Public Safety; (5) Department of Public Works; (6) Department of Community Services; ~~and~~ (7) Department of Parks and Recreation~~.~~; and (8) Department of Human Resources.

The ~~Mayor~~Council shall by ordinance determine and prescribe the functions and duties of each department~~,~~ and may create new positions or departments~~,~~. The Council may by ordinance combine or abolish ~~existing~~ departments other than those established by this Charter and may establish temporary positions or departments for special work.

The Mayor shall serve as Director of the Department of Public Safety without additional compensation.

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

~~(Amended 11-5-19.)~~

SECTION 2. DIRECTORS.

There shall be a director of each department who shall have the principal and primary supervision and control thereof~~, and who shall be appointed by,~~ and shall be responsible to the Mayor for the administration of each respective department. The ~~Mayor's~~Mayor shall appoint the director of each department except that the appointment of the Director of Law, Director of Finance, Director of Human Resources, Director of Planning and Director of ~~Planning~~Public Works shall be effective only upon the approval of a majority of the members of Council. The Mayor may remove the director of any department ~~without~~subject to the approval of a majority of the members elected or appointed to Council.

The Director of Law shall be an attorney at law duly admitted to practice in the State of Ohio~~,~~ and shall have been engaged in the active practice of law ~~continuously~~ for ~~a period of~~at least five years ~~next~~including the year immediately preceding the~~i~~r appointment. The Director of Law shall serve as chief legal advisor, attorney and counselor for the City, as well as the Mayor, the Council and all other officers and departments thereof in matters relating to their official duties; shall prepare or approve all contracts, bonds and other instruments in writing with which the City is concerned; and shall endorse on each an approval as to the form and

correctness thereof when satisfied as to the same; shall attend all meetings of Council personally or through a designee, and shall perform other duties in accordance with City ordinance or as imposed by applicable law.

The Director of Finance shall be the head of the Department of Finance and the fiscal officer of the City, and shall serve and advise both the Mayor and the Council concerning the financial condition of the City, and keep an accurate account of all taxes and assessments, of all the property and debts of the City, of all receipts and disbursements of the City, and of all appropriations made by the Council. The Finance Director shall examine and approve, if in proper form, and if an appropriation has been duly made therefor, payrolls, bills and other claims, and prepare and sign all warrants. He or she shall be responsible for the preparation of all appropriation and other financial legislation and shall assist both the Mayor and the Council in the preparation of estimates, budgets, and other financial matters. He or she or their designee shall, unless Council determines otherwise, attend all meetings of the Council and Committee of the Whole, shall also have the title of City Auditor~~.~~, and shall perform such other duties in fiscal matters as Council by ordinance may prescribe.

Nothing herein shall be construed as preventing the same person from being director of more than one department~~.~~ if the person is qualified to be director of each such department.

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

~~(Amended 11-5-19.)~~

SECTION 3. MAYOR AS HEAD OF DEPARTMENTS.

Excepting the Departments of Law, Finance, and Planning and Development, the Mayor or City Administrator as directed by the Mayor may be the director of each and every department of the City government.

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

~~(Amended 11-5-19.)~~

SECTION 4. SALARIES AND BONDS.

The Council shall fix by ordinance the salary, rate, or 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~~the duties of such officer or employee, in such an amount as it may determine, and it may provide that the premium therefor shall be paid by the City.

ARTICLE VI MUNICIPAL COURT

SECTION 1. ESTABLISHMENT.

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

(Amended 11-7-72.)

SECTION 2. NOMINATION AND ELECTION.

The provisions of Article VII of this Charter shall govern the nomination and election of the Judge of the Cleveland Heights Municipal Court.

(Amended 11-7-72.)

SECTION 3. GENERAL PROVISIONS.

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

(Amended 11-7-72.)

ARTICLE VII NOMINATIONS AND ELECTIONS

SECTION 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 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.

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

~~(Amended 11-5-19.)~~

When there has been a vacancy in the Council, an election for the unexpired term shall be held as provided in Article III, Section 4, if applicable. When there has been a vacancy in the office of the Mayor, an election for Mayor shall be held as provided in Article IV, Section 6, if applicable.

SECTION 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~~consistent with the general election laws of the State of Ohio, except as otherwise provided in this Charter.

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.~~

~~(Amended 11-7-72.)~~

~~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.~~

~~(Amended 11-5-19.)~~

SECTION 3. ~~PETITION~~NOMINATING PETITIONS 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~~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 not less than three hundred (300) electors of the ~~Municipality equal in number to~~ City and the petition for a candidate for Council shall be signed by not less than two ~~percent~~ hundred twenty-five (225) electors of the ~~total number of voters voting at the last regular election of municipal officers.~~

~~(c)~~ City. Each elector signing a petition shall add to the~~i~~s~~r~~ signature the~~i~~s~~r~~ 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~~ No petition ~~shall not~~may be signed by any electors 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 Mayor~~before 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 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~~election.

~~(Amended 11-8-16; 11-3-20)~~

SECTION 4. ACCEPTANCE.

~~Any~~ A 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~~before the date ~~established in Section VII-1 for~~ of 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~~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 filed with the election authorities, in accordance with general law, shall constitute compliance with the requirements of this section. ~~This section shall become effective January 1, 2021.~~

~~(Amended 11-8-16; 11-3-20.)~~

SECTION 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 Mayoral~~the applicable election. Such declaration shall state the name of the person seeking election as a write-in candidate, ~~his or her~~that person's place of residence, and the office for which ~~he or she~~the person desires to run. A write-in candidate ~~shall~~must 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~~ Declarations of candidacy for write-in candidates shall ~~become effective January 1, 2021. (Amended 11-8-16; 11-3-20.)~~be made on standard forms provided by the county board of elections. 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.

SECTION 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 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.

~~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.~~

~~(Amended 11-7-72.)~~

ARTICLE VIII INITIATIVE, REFERENDUM AND RECALL

SECTION 1. INITIATIVE.

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

When there shall have been filed with the Clerk of Council a petition signed by the aforestated required number of electors proposing an ordinance or other measure, the Clerk shall certify the same to the Council at the next regular meeting, and the Council shall at once read and refer the same to an appropriate Council committee which may be the committee of the whole; provision ~~may~~shall be made for public hearings upon the proposed legislation before the committee to which it is referred, with opportunity for public comments at such hearings; thereafter the committee shall report the proposed measure to the Council 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 proceed to consider the same and shall take final action thereon within thirty days from the date of such committee's report. If the Council rejects the proposed measure, ~~or~~ passes it in a form different from that set forth in the petition, or fails to take final action upon it within the time prescribed, then the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment which was presented in writing, either at a public hearing before the committee to which such proposed measure was referred, or during the consideration thereof by the Council, and shall certify such fact to the Clerk within ten (10) days after the final action on such proposed measure by the Council, ~~who~~and the Clerk shall thereafter forthwith certify the ~~same~~intent of the committee of petitioners to the Council, which shall call an election.

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

SECTION 2. REFERENDUM.

Any ordinance or other measure passed by the Council shall be subject to referendum, except as hereinafter provided. No ordinance or other measure shall go into effect until thirty (30) days after it shall have been passed by the Council, except as hereinafter provided; but nothing herein contained 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 measure, by this Charter, by general law or by general ordinance.

When there shall have been filed with the Clerk of Council a petition signed by not less than fifteen percent (15%) of the electors of the City (meaning signatures equal in number to at least fifteen percent (15%) of the total votes cast at the last preceding general municipal election) within thirty (30) days after any ordinance or other measure shall have been passed by the Council, ordering that such ordinance or other measure be submitted to the electors of the City for their approval or rejection, the Clerk shall, at the next regular meeting of the Council, certify such petition to the Council. The Council shall thereupon proceed to reconsider such ordinance or other measure. If upon such reconsideration the ordinance or other measure be not entirely repealed, the Council shall provide for submitting it to a vote of the electors as herein elsewhere provided. No such ordinance or measure shall go into effect until approved by a majority of those voting on the same.

Whenever the Council is by law or provisions of general ordinances required 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 shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.

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

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 of the property benefited and to be specially assessed for the cost thereof, as provided by general law or general ordinance, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health ~~or,~~ safety or welfare of the City, shall go into immediate effect and shall not be subject to the provisions of this 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.

~~(a)~~ The people reserve unto themselves the right to recall and remove from office any member of the Council~~.~~ or the Mayor (each hereafter an "elected official" or an "official"). The procedure to effect such recall or removal shall be as follows:

A petition demanding that the question of removal of such ~~officer~~public official be submitted to the electors shall contain a con~~s~~cise statement setting forth the basis for the recall and shall be signed by at least ~~twenty-five~~fifteen percent (15%) of the electors of the City~~.~~, which shall mean signatures equal in number to at least fifteen percent (15%) of the total votes cast at the last preceding general municipal election. No recall petition shall be signed fewer than one hundred eighty (180) days following the commencement of the most recent term of office of the elected official whose recall is sought, and any signature affixed to such a petition earlier than that date shall be invalid. No petition may relate to the recall of more than one ~~officer~~elected official.

When there shall have been filed ~~a question~~with the Clerk of Council a recall petition signed by the aforesaid required number of electors, the Clerk shall certify the same to the Council at the next regular meeting and shall forthwith furnish a copy thereof to the ~~member of the Council~~elected official 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 (5) days after such certification the ~~member of the Council~~ official shall have tendered ~~his~~a written resignation to the Clerk. The date of certification of the petition to the Council by the Clerk shall be considered the date upon which the duty of the Council to call an election on the question of the removal of an elected official has arisen.

~~(b)~~ If a majority of the votes cast at such election on the question of removal ~~of any member of Council are~~ is in the affirmative, the ~~person~~elected official whose removal is sought shall thereupon be deemed removed from office upon the certification of the official canvass of that election to the Council~~, and a~~. A vacancy caused by such recall shall be filled ~~by~~, in the ~~remainder~~case of the removal of a member of Council, according to the provisions of Article III of this Charter. In the case of the removal of the Mayor pursuant to a recall election, the vacancy shall be filled according to the provisions of Article IV of this Charter. No elected official who has been recalled is eligible for appointment to fill any vacancy created as a result of such recall, in any elective office.

~~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.~~

~~—~~If a majority of the votes cast on the question of removal of any ~~member of the Council are~~elected official is in the negative, the person whose removal ~~is~~was sought shall be allowed by the Council ~~his~~the reasonable expenses incurred incident to such election. ~~This section shall become effective January 1, 2017.~~

~~(Amended 11-8-16.)~~

SECTION 4. GENERAL PROVISIONS.

Any initiative ~~or,~~ referendum or recall 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 part of any recall petition shall contain the name of the elected official whose removal is sought and the statement of the basis for removal.

Each signer of ~~a~~any petition shall be a registered voter of the City and shall sign the~~is~~r name in ink and shall place on the petition the~~is~~r name and place of residence by street and number. Each part of any ~~such~~ petition shall contain a circulator statement as required by the ~~affidavit~~general laws of the ~~person soliciting the signatures to the same, which affidavit shall contain a statement~~ State 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 the names and addresses of at least five (5) registered 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.

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 (10) 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~~the examination the Clerk shall endorse upon the petition a certificate of the result thereof.

If the Clerk's certificate shows that the petition ~~is~~has an insufficient ~~he~~number of signatures, the Clerk 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 (15) 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~~the same period of ~~time~~fifteen (15) days shall be granted for additional petitions after the final judicial determination of such question.

Upon the filing of any such additional petitions, the Clerk shall within ten (10) days thereafter examine the petition as thus amended and attach thereto ~~his~~a certificate of the result~~, and the petition~~ of such examination, which shall ~~thereafter~~constitute the final

determination. Only one supplemental filing of petitions shall be ~~treated in the same manner as it would have been treated after the original certification.~~permitted. 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 is required to call an election by reason of the filing of an initiative ~~or,~~ referendum or recall petition ~~or one for recall~~, the Council shall call an election for the submission of such ~~question,~~initiative, referendum or recall~~,~~ question at the next regular primary or general election occurring not less than sixty (60) days nor more than one hundred twenty (120) days ~~thereafter.~~after such requirement has arisen. If no such regular primary or general election is to be held within such time, the Council shall ~~provide~~call and set the date for ~~calling~~ a special election to occur not less than sixty (60) days nor more than one hundred twenty (120) days ~~thereafter.~~after the election requirement has arisen. 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~~ with regard to the ~~Council is sought by petition,~~calling of such election to the ~~period of sixty (60) days hereinbefore provided shall be changed to one hundred twenty (120) days.~~election 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.~~

~~(Amended 11-8-16.)~~

SECTION 5. OFFICIAL PUBLICITY.

Not less than thirty (30) days prior to the election at which any ~~Charter amendment,~~ initiated or referred legislative measure, or the recall of any elect~~ive~~ed official is to be submitted to the electors, the Clerk of Council shall either:

(a) Print and mail to each registered elector an official publicity pamphlet, or

(b) Publicize official publicity 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 publication shall be made once a week for not less than two (2) consecutive weeks with the first publication being at least thirty (30) days prior to such election.

Such publicity pamphlet or publication shall contain a 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 measure or recall which may have been filed with the Clerk of Council, as hereinafter provided. The validity of any ~~Charter amendment,~~ initiated or referred legislative measure, approved by the electors, and the result of any recall election, shall not be questioned because of technical or non-consequential errors or irregularities in such mailing, distribution or publication.

Not less than fifty (50) days before any such election, the committee designated in the petition, as a result of which said election is called, may submit to the Clerk of Council an explanation or argument supporting the position taken by the signers of such petition. ~~If a Charter amendment is proposed by the Council a committee of three of the Council to be appointed by the Mayor shall prepare such explanation or argument.~~ In the event of an initiated ordinance, which Council has failed to pass, or of a referred ordinance, the ~~Mayor~~ President of Council shall appoint a committee of three (3) members of the Council to prepare an answer to ~~the~~any explanation or argument submitted by the committee of the petitioners. In the ~~case~~event of a recall election~~s~~, the official whose recall is sought may prepare an answer to ~~the argument of~~any statement submitted by the committee of ~~the~~ petitioners~~. Where a Charter amendment is proposed~~ as provided in this section. Further, in connection with all initiative, referendum or recall petitions, any civic body or committee of ~~citizens~~residents may prepare ~~and submit~~ an answer or response to ~~the~~any explanation or argument ~~in favor~~submitted by the committee of ~~such amendment.~~petitioners. Any such answer or response shall be prepared and filed with the Clerk in writing not less than forty (40) days prior to any such election. All explanations ~~or,~~ arguments or statements for ~~or against~~ any measure or recall, and all answers or responses to the same, shall be signed by the persons authorized to submit the same. No such explanation ~~or,~~ argument, answer or response shall exceed ~~three~~five hundred (~~3~~500) 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 legislative measure or ~~election~~recall, filed with the Clerk pursuant to this section, shall at all times be open to the inspection of anyone interested therein.

~~(Amended 11-7-72.)~~

ARTICLE IX FINANCES

SECTION 1. ~~BUDGET.~~ GENERAL

~~The finances of the City shall always be conducted upon the budget system. The Mayor, with the assistance of 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 from time to time be fixed by general law for the certifying of the budget of the Municipality, to the Budget Commissioners of the County or other similar officials having charge of taxation matters), as may be required by Council, an annual budget setting forth in itemized form an estimate stating 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.~~

~~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.~~

~~(Amended 11-5-19.)~~

~~SECTION 2. APPROPRIATION ORDINANCE.~~

~~Upon receipt of such estimate, the Council shall at once~~ The laws of the State of Ohio relating to budgets, appropriations, taxation, debt, bonds and notes, assessments and other fiscal matters of the City shall be applicable to the City, except as otherwise provided by this Charter or by ordinance or resolution of Council. The fiscal year of the City is the calendar year.

SECTION 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 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.

SECTION 3 PREPARATION AND ADOPTION OF FULL CITY BUDGET

The Mayor, with the assistance of staff including the City Administrator and the Director of Finance, shall prepare and submit to Council an ~~appropriation ordinance, in such manner as may be provided by general ordinance or resolution, using the Mayor's~~annual budget document. The content of the annual budget document shall include the following:

(a) A budget message from the Mayor and Director of Finance either jointly or separately.

(b) An annual revenue budget. The annual revenue budget shall include an itemized estimate of the anticipated revenue from each source during the ensuing fiscal year, with a comparative statement of the amount 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 November 15 of each fiscal year.

(c) An annual appropriation budget. The annual appropriation budget shall include the following: (i) an itemized estimate ~~as a basis, and such appropriations~~ 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 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. "Hearings" means discussion of the budget during meetings of the Council or its Committee of the Whole, identified as such on the agendas of such meetings. Council shall adopt a budget. Council shall subsequently act to implement the budget.

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

SECTION 4. APPROPRIATION AND ADDITIONAL ORDINANCES

At or before the first meeting of the year in which the annual budget is to become effective, Council shall adopt an appropriation ordinance. Appropriations in the ordinance may not exceed the estimated revenues of the ~~Municipality~~City for that year. Such ordinance may provide for a temporary or 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. Council shall take other actions as necessary to achieve the purposes of the budget.

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

~~(Amended 11-5-19.)~~

SECTION ~~3~~5. 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 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.~~

~~(Amended 11-5-19.)~~

SECTION ~~46~~46. 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 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.

SECTION ~~57~~57. 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.~~

~~(Amended 11-5-19.)~~

SECTION ~~68~~68. 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.~~with the contract, agreement, or obligation. 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~~9. 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.~~10. 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~~with an estimated life or usefulness of 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.

~~(Amended 11-7-72.)~~

SECTION ~~9.~~11. 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 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. (Amended 11-7-72.)~~

~~SECTION 11. LIMITATION~~12. LIMITATIONS ON RATES OF TAXATION ~~FOR CURRENT OPERATING EXPENSES.~~

The ~~power of the~~ Council ~~without a~~may 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. (Amended 11-7-72.)~~.

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

~~—~~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. (Added 11-2-04.)~~in this Section.

SECTION 1~~2~~3. AUDITING FINANCES~~.~~

~~Council may engage the services of a private independent public~~ 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 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. (Adopted 11-2-82.)

ARTICLE X
~~FRANCHISES~~. ETHICS AND NONDISCRIMINATION

SECTION 1. ~~GRANTS LIMITED.~~ GENERAL EXPECTATIONS

~~No grant, or renewal thereof, to construct or operate a public utility on, under, or above the streets of the City shall be made by the Council to any person, persons, association, or corporation in violation of any limitation contained in this Charter.~~

The citizens of Cleveland Heights rightfully expect City officials, both elected and appointed, and City employees, to behave legally and ethically. All officials and employees are expected to treat each other with respect and to 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 from City officials and employees. City officials have a responsibility to educate, monitor, and support all employees and City representatives in this mission.

SECTION 2. ~~PERIOD~~ OATH OF ~~GRANTS.~~OFFICE

~~No such grant shall be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration, unless the Council shall, by a vote of at least five of its members, first declare by ordinance its intention of considering a renewal thereof, which ordinance shall be passed at least thirty days prior to the passage of the ordinance granting such renewal.~~

~~SECTION 3. CONSENTS.~~

~~No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.~~

~~SECTION 4. REGULATIONS.~~

~~The Council shall at all times direct the distribution of space in, over, under, or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Council to pass reasonable regulations for the operation of such utilities, including the right to require such reconstruction, relocation, or discontinuance of the appliances used by the utilities, in the streets or public grounds, as shall, in the opinion of the Council, be necessary in the public interest.~~

~~SECTION 5. GRANTS NOT INCLUDED.~~

~~Revocable permits for laying temporary tracks across or along streets or other public grounds, to connect railroad or railway tracks with any property, shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms or conditions as the Council may by ordinance prescribe.~~

The Mayor, City Administrator, all members of Council, and all other officers of the City shall, 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.

SECTION 3. PUBLIC ETHICS

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.

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.

SECTION 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 and do not conflict with the general laws of the State of Ohio.

SECTION 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.

Following the completion of such training and prior to the expiration of the three (3) month training period, a certificate provided by the Clerk of Council shall be signed by the person designated by the Council to verify completion of the training. The signed certificates shall be kept on file in the office of the Clerk of Council.

SECTION 6. NONDISCRIMINATION AND EQUAL OPPORTUNITY

No officer, employee, or agent of the city shall deny equal access to city services, or equal opportunity in employment and promotion, or the benefits thereof, to any person on the basis of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, or any other status that is protected by federal, state, or local law or ordinance.

In its employment practices, the City is and shall continue to be an equal opportunity employer in furtherance of its nondiscrimination commitment. At least once per year, the Mayor or City Administrator shall prepare, in collaboration with the Director of Human Resources, and submit to the Council a report concerning the City's compliance with and performance with regard to this equal employment opportunity policy.

ARTICLE XI BOARDS AND COMMISSIONS

SECTION 1. CITY PLANNING COMMISSION

~~SECTION 1. 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 following 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~~Voting members shall serve for a term of six (6) years ~~except that, of the members first appointed, two shall be appointed for a term 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~~.

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

~~(Amended 11-5-19.)~~

~~SECTION 2. POWERS.~~

~~—~~The City Planning Commission may make recommendations to the Council and the Mayor on all matters affecting the physical development of the City~~. In addition the Commission~~, taking into account such factors as economic, environmental and social sustainability, and shall perform all other duties and responsibilities provided by ordinance.

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

~~(Amended 11-5-19.)~~

~~ARTICLE XII~~
SECTION 2. CIVIL SERVICE COMMISSION

~~SECTION 1. ESTABLISHMENT.~~

~~The~~ There is hereby established a Civil Service Commission which shall consist of three (3) electors of the City not holding other municipal office or employment, to be appointed by the Mayor~~, which appointment shall be confirmed~~ subject to and effective upon confirmation by the Council. Each Civil Service Commissioner shall serve for a term of six (6) years and until ~~his~~a successor shall have been appointed and qualified. Any vacancies occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

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

~~(Amended 11-5-19.)~~

~~SECTION 2. OFFICERS AND EMPLOYEES.~~

~~—~~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 Commission.

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

~~(Amended 11-5-19.)~~

~~SECTION 3. POWERS AND PROCEDURES.~~

~~—~~The Council shall provide by ordinance the powers, duties and jurisdiction of the Civil Service Commission, the determination of the positions of employment which shall comprise 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 may be necessary and proper.

~~(Amended 11-7-72.)~~

On or before March 1 of each year preceding the year in which a presidential election is held, the Commission shall file with the Clerk of Council a written report following a review by the Commission of the salary and other compensation for members of Council and for the Mayor. The report shall set forth the Commission's recommendations for salary and other compensation for members of Council and the Mayor for new terms of office beginning on or after January 1 of the year 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.

SECTION 3. BOARDS AND COMMISSIONS GENERALLY

Council may establish, by ordinance, any other boards, commissions, special committees or task forces it deems necessary, and may 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. Council may remove any member of a City board or commission for any reason provided herein for the removal of the Mayor or a member of Council, for the failure to attend regular meetings of the board or commission, or as provided under the general laws of Ohio, or for other just cause; provided, that the removal of a member of a City board or commission shall require not less than ten (10) days written notice of the

regular or special Council meeting where such removal shall be considered, and an opportunity for the board or commission member to be heard at such meeting.

ARTICLE ~~XIII~~ XII AMENDMENTS

Amendments to this Charter may be submitted to the electors of the City by a vote of five (5) members of the Council, and shall be submitted to the electors by the Council when a petition, signed by ~~not less than ten~~ electors of the City equal in number to at least ten percent (10%) of the total ~~number of electors as shown by those registered~~votes cast at the last preceding general ~~or~~ municipal election, setting forth any such proposed amendment, shall have been filed in the manner and form prescribed ~~herein~~in Article VIII of this Charter 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~~of the ordinance submitting it to the electors; 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.

~~(Amended 11-7-72.)~~

Not less than thirty (30) days prior to the election at which any Charter amendment is to be submitted to the electors, the Clerk of Council shall either:

(a) Print and mail to each registered elector an official publicity pamphlet, or

(b) Publicize official publicity 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 publication shall be made once a week for not less than two (2) consecutive weeks with the first publication being at least thirty (30) days prior to such election.

Such publicity pamphlet or publication shall contain a full text of the Charter amendment, with its ballot title, together with any explanation or argument for or against such amendment which may have been filed with the Clerk of Council, as hereinafter provided. The validity of any Charter amendment approved by the electors shall not be questioned because of technical or non-consequential errors or irregularities in such mailing, distribution or publication.

Not less than fifty (50) days before an election on an initiated Charter amendment, the committee designated in the petition, as a result of which said election is called, may submit to the Clerk of Council an explanation or argument in support of the proposed amendment. If a Charter amendment has been proposed by the Council, the President of Council shall appoint a committee of three (3) members of the Council to prepare such explanation or argument which shall be submitted to the Clerk not less than fifty (50) days prior to the election on the amendment. Any civic body or committee of residents may prepare an answer or response to any explanation or argument in favor of a Charter amendment, which answer or response must be filed with the Clerk not less than forty (40) days prior to any such election. All explanations or arguments for or against any proposed Charter amendment shall be signed by the persons authorized to submit the same. No explanation or argument related to a proposed Charter amendment shall exceed five hundred (500) words in length and all such explanations and arguments filed with the Clerk in favor of or against any Charter amendment shall at all times be open to the inspection of anyone interested therein.

ARTICLE XIII CHARTER REVIEW

The Council shall, at least once during every ten (10) year period, by ordinance or resolution, appoint a Commission to review the Charter. The first ten (10) year period shall commence on January 1, 2026. Nine (9) electors of the City shall be appointed as members of the Charter Review Commission. Seven (7) members of the Commission shall be appointed by Council. Two (2) members shall be appointed by the Mayor in a writing delivered to the Clerk of Council, with no requirement for Council approval, not later than thirty (30) days after the adoption of an ordinance or resolution appointing the seven (7) members selected by Council. If the Mayor fails to make timely appointments to the Charter Review Commission, the Council shall appoint two (2) additional members to the Commission within 14 days. The Commission shall review the Charter and shall, within seven (7) calendar months after the appointment of Commission members by the Mayor unless a longer period is provided by Council, recommend to Council such amendments, if any, to this Charter, as in its judgment are desirable. Members of the Commission shall not hold any other office or position of employment with the City and shall serve without compensation. The meetings of the Charter Review Commission shall be open to the public. Within a reasonable time from receipt of the recommendations of Charter Review Commission, the Council shall consider them and may, if it determines to do so, submit the recommended Charter amendments to the voters as received from the Commission or as modified by the Council, in accordance with Article XII of this Charter.

ARTICLE XIV FRANCHISES

SECTION 1. GRANTS LIMITED.

No grant, or renewal thereof, to construct or operate a public utility on, under, or above the streets of the City shall be made by the Council to any person, persons, association, or corporation in violation of any limitation contained in this Charter

SECTION 2. PERIOD OF GRANTS.

No such grant shall be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration, unless the Council shall, by a vote of at least five of its members, first declare by ordinance its intention of considering a renewal thereof, which ordinance shall be passed at least thirty days prior to the passage of the ordinance granting such renewal.

SECTION 3. CONSENTS.

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

SECTION 4. REGULATIONS.

The Council shall at all times direct the distribution of space in, over, under, or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Council to pass reasonable regulations for the operation of such utilities, including the right to require such reconstruction, relocation, or discontinuance of the appliances used by the utilities, in the streets or public grounds, as shall, in the opinion of the Council, be necessary in the public interest.

SECTION 5. GRANTS NOT INCLUDED.

Revocable permits for laying temporary tracks across or along streets or other public grounds, to connect railroad or railway tracks with any property, shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms or conditions as the Council may by ordinance prescribe.

ARTICLE XV SAVING CLAUSES

SECTION 1. LAWS CONTINUED IN FORCE.

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

SECTION 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 not invalidate, nor impair the force or effect, of any other section or part of a section, except to the extent that such other section or part of a section is dependent for its operation upon the section or part of a section so declared invalid.

SECTION 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 until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer 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 of the City under the laws of the State, or under any City ordinance or contract in force at the time of the taking effect of this Charter shall, if such office, commission, board, or department is abolished by this Charter, be thereafter exercised and discharged by the officer, commission, board, or department upon whom are imposed corresponding functions, powers, and duties by this Charter or by any ordinance or resolution of the Council thereafter enacted.

SECTION 4. CONTINUANCE 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 this Charter, unless herein otherwise expressly provided to the contrary. All contracts entered into by this City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected thereunder. Public improvements for which legislative st~~o~~eps shall have been taken under laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

~~ARTICLE XV~~
~~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.~~

~~(Amended 11-7-72.)~~

ARTICLE XVI WHEN CHARTER TAKES EFFECT

~~For the purpose of electing officers and holding and conducting municipal elections, this~~This First Amended 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 January~~ in the year ~~nineteen hundred and twenty-two~~2025.

~~We, 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, 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.~~

~~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~~

~~(Amended 11-7-72.)~~

Memorandum

Date: 8/21/25

To: Law Department

From: Andy Boateng

Subject: Ohio Urban Forestry Grant I

Purpose Statement:

To authorizing the Mayor to submit an application to the Ohio Department of Natural Resources or a grant under the Ohio Urban Forestry Grant Program, and to accept funding if awarded

Is this legislation recurring: Yes: ☐ No: ☑

Is emergency language necessary: Yes: ☑ No: ☐

If yes, why?

Emergency language is required to meet the grant application deadline of August 27, 2025.

Is passage on first reading necessary: Yes: ☑ No: ☐

If yes, why?

Passage on first meeting will be required to meet grant application deadline of August 27, 2025.

If funding is required, is it already budgeted for? Yes: ☑ No: ☐

If not already budgeted for, where will funding come from?

Proposed: 08/25/2025

RESLOLUTION NO. 170-2025(MSES), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to apply for a grant under Ohio's Urban Forestry Grant Program through the Ohio Department of Natural Resources; to accept funding if awarded; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Ohio Department of Natural Resources is accepting proposals from local governments for projects intended to substantially invest in the long-term growth and development of local urban and community forestry programs; and

WHEREAS, the City has been recognized as a Tree City USA Community by the Arbor Day Foundation for over 40 years; and

WHEREAS, it would be in the City's best interest to pursue funding that will support the maintenance, expansion, and improvement of these green resources, and;

WHEREAS, there is funding available for such purpose under the Inflation Reduction Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio that:

SECTION 1. The Mayor be, and he is hereby authorized, to apply for a grant under Ohio's Urban Forestry Grant Program through the Ohio Department of Natural Resources, and enter into an agreement and execute any related documents necessary to accept the award.

SECTION 2. It is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet the application deadline of August 27, 2025. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council,

this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

_____
TONY CUDA
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

SUBMISSION INSTRUCTIONS AND TIMELINE

Government agencies and nonprofit organizations are eligible to submit proposals for consideration under this competition. Funds supplied by the USDA Forest Service are intended to substantially invest in the long-term growth and development of local urban and community forestry programs.

This RFP is a follow up grant program to supplement the original grant program in 2024 to build upon executed awards and fund new projects. Existing awardees, unfunded applicants and new partners are all encouraged to apply.

PLEASE SUBMIT APPLICATIONS TO urban.forestry@dnr.ohio.gov NO LATER THAN August 27, 2025. Supporting documents may be included with the application form. Applicants will be notified of funding status by October 15, 2025. Projects must be completed by June 30, 2027.

There will be an on-line mandatory meeting after grants have been awarded. All individuals directly involved in work relating to the grant are required to attend. We also recommend that any individual supporting the grant (i.e. tree commissioners, staff, local officials etc.) also attend the on-line meeting.

ELIGIBILITY

Projects funded through this opportunity must be focused on delivering 100% of the program benefits to the eligible communities and will receive a full match waiver.

Eligible Communities Map available HERE (download size: 141.34 MB).

Eligible Communities Parcel List available HERE (download size: 217.08 KB)

Proposed work in communities outside of eligible census tracts is subject to DOF approval.

GRANT PROGRAM GOALS

- To contract with local governments or non-profits for the purchase and planting of trees for public benefits.
- To restore community tree canopy with large-stature trees and promote species diversity.
- To reduce stormwater runoff, maximize filtration of overland flow, and improve watershed health.
- To enhance the quality of life in participating cities, villages, and townships.
- Promoting urban forestry benefits through the proper planting and care of trees.
- To strengthen and support existing comprehensive community tree care programs.
- To ensure that urban forests provide communities with clean air and water, increased property values, wildlife habitat, and reduced erosion, stormwater runoff, and energy demands.
- To promote Ohio's nursery, arboriculture, and landscape industries through tree purchase and installation contracts.
- To increase the capacity of Ohio communities to effectively manage and grow their urban forest canopy.
- To build sustainable urban forestry programs.
- To mitigate urban heat islands.

GENERAL INFORMATION

ELIGIBLE PROGRAM ACTIVITIES

Professional Staff – Full or part-time staff or contractual staff to implement any program activity noted below. Funds can be for new or existing staff.

Planning – Funding for staff or contractors to complete an urban forest management plan, tree inventory, operations review, tree risk assessment, street tree planting Design, specification development, and tree related ordinance review and development.

Risk Mitigation – Funding to support high-risk tree removal and/or pruning on public property. Must be supported by professionally based tree risk assessment data and/or a risk management plan. Grants funding tree removals must include tree planting at no less than a 1-to-1 ratio.

Proactive Maintenance – Applicants may apply for funds to conduct mature tree pruning, young tree training and care, and tree and soil protection measures.

Site Preparation – Funding category for site preparation prior to tree planting. Eligible activities include soil amendment (the recipe), suspended pavement/soil cell, hardscape removal, and stump grinding.

Training – Funds for staff to attend urban forestry related trainings, or to fund trainings for staff and/or volunteers delivered by contractors, or to develop training programs.

Tree Planting and Establishment – Grant applicants may apply for tree planting and establishment on public property. All tree planting projects will be required to conform to the USDA Forest Service Eastern Region Tree Planting Guidelines. All trees must be selected, planted, and maintained according to the latest version of Ohio's endorsed tree planting specifications, American National Standards Institute (ANSI) Z60.1 Nursery Stock Standards, ANSI A300 Tree Care Standards, and International Society of Arboriculture (ISA) Best Management Practices.

Urban Food Forests – Grant applicants may apply for funding to support creation of urban food forests in disadvantaged communities.

Urban Wood Utilization – Grant applicants may apply for funding to support utilization of urban wood.

Extreme Heat Mitigation – Grant applicants may apply for funding to complete urban forestry projects designed to mitigate urban heat island effects in communities.

GENERAL INFORMATION

INELIGIBLE PROGRAM ACTIVITIES

Any activity not benefiting eligible communities– as defined by ODNR's eligible community map.

Land acquisition or construction – Funds from this grant cannot be directly used to purchase real property or construct buildings.

Utility infrastructure upgrades – The grant can be used to support any defined eligible activity in conjunction with these upgrades, but not utility upgrades or relocations.

Street or sidewalk upgrades – The grant can be used to support any defined eligible activity in conjunction with these upgrades, but not the sidewalk, street maintenance, or similar hard infrastructure upgrades themselves unless specifically designed for tree establishment (e.g. suspended pavement system).

Subawards – Subawards are not allowed unless approved by the Ohio Division of Forestry Urban Forestry Administrator in writing.

Equipment – As defined by federal regulations 2 CFR Part 200, as generally any one-single item with a purchase value of over $5,000 which has a useful life of over 1-year.

TIMELINE

These grants will be scheduled to end by the state biennium, June 30, 2027. Extensions may be offered if requested and mutually agreed.

Communities lacking written urban forest management plans, tree work specifications, or urban forestry policies or have outdated ordinances are encouraged to utilize this grant opportunity to address these needs to further improve local urban forestry programming.

- Grant requests may range from $15,000 to $100,000.
- Federal grant monies awarded under this program will be paid only upon evidence of project completion and approval of eligible expenses.
- All tree plantings must conform to the USDA Forest Service Eastern Region Tree Planting Guidelines.
- All trees must be selected, planted, and maintained according to the latest version of Ohio's endorsed tree planting specifications, ANSI Z60.1 Nursery Stock Standards and ANSI A300 Tree Care Standards, and ISA Best Management Practices.
- Subcontracted firms must have appropriate insurance and Workers Compensation. No service contracts may exceed $30,000 in total without the expressed written approval of the Ohio Division of Forestry's Urban Forestry Administrator.
- Applicants utilizing grant funds for pruning, removal, or any other tree care work must follow all OSHA regulations and the latest versions of ANSI A300 Tree Care Standards and ANSI Z133 Arboricultural Operations Safety Requirements.
- Applicants utilizing grant funds for tree removals must explain the evaluation criteria (e.g., utilize an ISA Tree Risk Assessment Qualified (TRAQ) arborist for evaluation).
- Application approval will be based on evaluation criteria and previous grant performance.
- ODNR reserves the right to suggest modifications to the scope of work and reduce grant awards as necessary.
- At least a portion of the funds must be used for tree planting.
- The U.S. Forest Service will be acknowledged as a funding source for work performed under this grant, including any future signage requirements.
- All awardees are required to attend a mandatory, on-line meeting post award period. The Ohio Division of Forestry will announce the date, time and login information upon grant award.

Applications MUST include:

- A signed statement from a designated community official (Mayor, Manager, Administrator, Service Director, etc.) certifying responsibility for the maintenance for any public tree planting. If this is a multi-community grant, please include this information for each entity.
- An authorizing resolution by council for municipal governments, Board of Directors for non- profit agencies, or equivalent entity. If this is a multi-community grant, please include this information for each entity.
- The community's Unique Entity ID (UEI). If this is a multi-community grant, only the lead applicant information is required.
- The community's State of Ohio Supplier ID Number. If this is a multi-community grant, only the lead applicant information is required.
- Completed application form.

- **Non-profit organizational applications must also include:**
  - A copy of the IRS letter of determination indicating non-profit status.
  - Documented permission from the land-owning authority (e.g., city, village, township) where the project will be performed.

Applicants are encouraged to follow the Tree Commission Academy's Disciplined Investment Strategy when applying for programmatic work. Adhering to the strategy's budget priorities will ensure that over time all trees in a community will be safe, healthy, long-lived, and cost effective. Budget priorities in order from highest to lowest priority include professional staffing, resource assessment and planning, risk mitigation, proactive maintenance, site preparation, and tree planting. Applicants are encouraged to provide documentation of, or apply for, higher priority elements of a sustainable urban forestry program when applying for programmatic elements lower on the priority scale. For example, should an applicant seek to fund high-risk tree removal, they are encouraged to provide documentation of or apply for funding a tree risk assessment to inform them of the work necessary in the lower priority element.

EVALUATION CRITERIA

The DOF will evaluate each submission based on community need, budget proposal, and the proposal's long-term impact on community tree cover. A risk assessment will be completed for each community based on information available to ODNR and past performance on grant agreements.

The DOF may, at its sole discretion, request the applicant modify the application prior to award. In all cases the final application will be incorporated into the grant subaward agreement.

If you have questions regarding the types of planting projects or components that may be considered, please contact your Regional Urban Forester or email Columbus staff at urban.forestry@dnr.ohio.gov.

MONITORING & REIMBURSEMENT PROCESS

All grants are awarded on a reimbursement basis. Reimbursements may be requested no more often than quarterly. Reimbursements must be requested in a manner and form provided by the division, including a narrative report on grant progress and expenditures.

Regional urban foresters, or other designees, will meet with grant recipients at least quarterly to monitor grant progress. Recipients are expected to take programmatic and technical directions from the regional urban forester. All reimbursement requests must be approved by the division's urban forestry administrator.

Two meetings will be held to explain the grant program and requirements on Microsoft Teams. Attendance for applicants is not required.

@ 10:00 AM on Thursday June 5, 2025

OR

@ 1:00 PM Tuesday June 10, 2025

URBAN GRANT PROGRAM
APPLICATION FORM

Grant Applicant: _____

Unique Entity ID# _____ **State of Ohio Supplier ID#** _____

Project Lead: Provide the contact information of the grant administrator for the project.

Name: _____

Email: _____

Phone: _____

Address: _____

_____

_____

Funding Requested (min $15,000, max $100,000): _____ **County:** _____

$ **Population impacted by grant activities:** _____

Census tracts (11 digits) in project:

Utilize the Eligible Communities Map available HERE (download size: 141.34 MB)

OR

Utilize the Eligible Communities Parcel List available HERE (download size: 217.08 KB)

Scope of Work: Provide a detailed narrative that describes your project and the implementation timeline. Be sure to include relevant details on the portion of the project that will support tree planting. Attach additional pages if necessary.

Describe how you have or plan to engage local citizens to gather input, identify interests and needs of the community and bring underrepresented viewpoints into decision making processes. Include information on engagement methods and how information will be used in decision making and implementation.

Budget: Complete the budget table and budget explanation that outlines the proposal request. Include leveraged funds that will be utilized in the project but are not part of the grant request. Leveraged funds can include in-kind services, supplies, or equipment use. Reference the DOF urban subaward grant manual for an explanation of each category. Describe who will work on the grant, what supplies will be purchased, and what portion of the project will be contracted. **THE DIVISION OF FORESTRY OBTAINED A MATCH WAIVER FOR THIS GRANT THAT IS PASSED ALONG TO ALL GRANT RECIPIENTS. NO MATCHING FUNDS ARE REQUIRED.** Leveraged funds are additional funds your community is investing in the work. It may help in explaining overall community commitment to urban forestry.

Budget Items	Funding Request ($)	Leveraged Funds ($)	Budget Detail/ Source of Leverage
Personnel			
Fringe			
Supplies			
Contractual			
Travel			
Volunteer			
Other			
Indirect			
TOTAL			

Budget Explanation:

Checklist for a completed application:

- ☐ Authorizing council resolution (if applicable)
- ☐ State of Ohio Supplier ID Number
- ☐ Unique Entity ID (UEI) with *active* registration status in SAM.gov
- ☐ Signed statement certifying responsibility for maintenance

IF ANY OF THESE ITEMS ARE MISSING YOUR APPLICATION MAY BE EXCLUDED FROM CONSIDERATION.

OPTIONAL ATTACHMENTS

- ☐ Planting Design
- ☐ City urban forest plan
- ☐ Summary of Risk Management / Tree Risk Assessment information
- ☐ i-Tree Landscape analysis summary
- ☐ Budget detail information
- ☐ Organization chart showing key project members
- ☐ Gantt Chart showing project timelines
- ☐ Existing relevant tree ordinance(s)
- ☐ Letter of support from tree commission

NONDISCRIMINATION DISCLOSURE

In accordance with federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means of communication for program information (e.g., braille, large print, audiotape, American Sign Language, etc.) should contact the responsible state or local agency that administers the program or USDA's target center at (202) 720-2600 (voice and TTY) or contact USDA through the federal relay service at (800) 877-8339. Additionally, program information is also available in languages other than English.

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html , or at any USDA office or write a letter addressed to USDA and provided in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250- 9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov . This institution is an equal opportunity provider.

Proposed: 08/25/2025

ORDINANCE NO. 169-2025(COTW), *First Reading*

By President Cuda

An Ordinance providing for the submission to the electors of the City of Cleveland Heights a proposed First Amended Charter of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the 2023-24 Cleveland Heights Charter Review Commission (CRC), after reviewing and researching the Charter of the City of Cleveland Heights, on May 29, 2024 submitted a report to the City Council recommending that the Charter be amended and describing and explaining the work of the CRC and the rationale for its recommendations; and

WHEREAS, the Cleveland Heights City Council has had multiple discussions of the report and recommendations of the CRC, including Committee of the Whole meetings on January 25, 2025; February 22, 2025; April 15, 2025; August 14, 2025; and August 21, 2025; as well as a special Council meeting including a hearing to provide an opportunity for public comments on the Charter amendments resulting from the recommendations of the CRC and Council's and the Law Department's review, consideration and revisions of the same, held on August 25, 2025; and

WHEREAS, based upon the extent of the revisions to the current Charter that Council believes are needed, Council believes that it should authorize and direct the submission to the electors of the City of the proposed First Amended Charter of the City of Cleveland Heights, attached hereto and incorporated herein as "Exhibit A," at the general election to be held on Tuesday, November 4, 2025, which election is not less than 60 nor more than 120 days from the passage of this Ordinance.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby determines to authorize and direct the submission to the electors of the City of Cleveland Heights at the general election to be held at the usual places of voting in the City on Tuesday, November 4, 2025, the proposed First Amended Charter of the City of Cleveland Heights, attached hereto and incorporated herein as "Exhibit A."

SECTION 2. The Cuyahoga County Board of Elections is hereby directed to submit the following question to the electors of the City of Cleveland Heights at the general election on Tuesday, November 4, 2025 in substantially this form:

A majority affirmative vote is necessary for passage.

"Shall the proposed First Amended Charter of the City of Cleveland Heights, Ohio be adopted?

___ Yes ___ No"

SECTION 3. The Clerk of Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than 60 days and not more than 120 days prior to November 4, 2025.

SECTION 4. Pursuant to Article XIII of the Charter of the City of Cleveland Heights, if the majority of electors voting thereon vote in favor of adopting the First Amended Charter of the City of City of Cleveland Heights, it shall become effective upon adoption, and all prior charters shall be repealed, except as may otherwise by provided in such First Amended Charter.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 6. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 6. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

_____
TONY CUDA
President of Council

_____
ADDIE BALESTER

Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor

THE FIRST AMENDED 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 the benefits of ~~local self-government~~municipal home rule under the Constitution of the State of Ohio and to exercise all powers of local self-government, and desiring to provide for a responsive, effective and accountable government maintaining the highest level of integrity for all members of our diverse community, do ~~ordain~~frame and ~~establish~~adopt this First Amended Charter for the government of the City of Cleveland Heights.

ARTICLE I 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 under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws 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 FORM OF GOVERNMENT AND POWERS

SECTION 1. FORM OF GOVERNMENT

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

SECTION 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 all such further powers as may now or hereafter be granted by the Constitution or laws of Ohio; and all such powers shall be exercised in the manner prescribed by this Charter or, if not prescribed by ~~ordinances~~Charter, by ordinance or resolution of the City Council ~~created hereby~~.

ARTICLE III THE COUNCIL

SECTION 1. POWERS, NUMBER AND TERM.

The legislative power of the City, except as ~~limited~~otherwise provided by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of seven ~~members elected at large.~~(7) members elected at large. Except when an election may be required as the result of a vacancy in the Council, three (3) members of the Council 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 year in which a United States presidential general election is held. The terms of the members of the Council shall begin the first day of January next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified~~, except that the three members elected at the first election by the lowest votes shall serve for two years only~~.

SECTION 2. QUALIFICATIONS.

To serve as a member of the Council, a person shall ~~be~~have been a resident and elector of the City of Cleveland Heights ~~at~~continuously for the twelve (12) months immediately preceding the time for submitting his or her nominating petition to the election authorities as required under the terms of this Charter, and shall continue to ~~reside therein~~be a resident and elector of the City during his or her term of office. No person shall be a member of Council 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 elected public office other than that of precinct committee person or State central committee person.

~~(Amended 5-6-86.)~~

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, misfeasance or nonfeasance in or disqualification for office, or for conviction of a felony or a crime involving moral turpitude while in office~~,~~ or ~~violation of its charter~~while a Councilmember-elect, or persistent failure to abide by the rules of the Council, or violation of the oath of office; provided, however, that such expulsion shall not take place without the concurrence of ~~five~~three-fourths (3/4) of the remaining members or Council nor until the accused member shall have been given a written copy of the charges against ~~him~~the member and an opportunity to be heard, present evidence, and examine,

under oath, all witnesses appearing in support of such charge or charges, with not less than ten days' notice of the time and place of hearing. The accused member shall not vote on the question of removal.

~~(Amended 11-7-72.)~~

SECTION 4. 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 the occurrence of such vacancy, then the Mayor shall fill ~~such vacancy~~it by appointment within the next ten (10) days. The ~~individual~~Council member so appointed to fill the vacancy shall serve ~~until~~ for the balance of the unexpired term or until the beginning of the term of a successor ~~is~~ elected ~~and qualified at an election as~~ for the unexpired term as hereafter 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.~~

~~For any vacancy in Council not occurring in the year that the regular election for that office is scheduled, an election~~. A successor shall be elected for the unexpired term ~~shall be held~~ at the next ~~general election occurring~~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 shall have occurred more than one hundred ~~and~~ twenty (120) days ~~after the date of the vacancy.~~prior to such election. 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 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.~~

~~(Amended 11-7-72; 5-3-22.)~~

SECTION 5. SALARIES AND OTHER COMPENSATION.

~~Council may~~ In each year preceding the year in which a presidential election is held Council shall, by ordinance ~~passed biennially in odd numbered years~~, fix the ~~salaries of~~ salary and other compensation of the Mayor and all members of the Council ~~for the two-year period commencing on~~, with the salary and compensation prescribed by such ordinance applying to new terms of office beginning on or after January 1 of the ~~second year following the~~ presidential election year ~~that this section shall become effective; provided that any such~~. Any ordinance fixing salary and other compensation, to be effective, must be adopted at least sixty (60) days prior to the filing date for the filing of nominating petitions by candidates for Mayor or Council for the regular municipal election to be held in the year ~~of adoption; and provided further that Council may, in the year in~~ in which ~~this section shall become effective, pass an ordinance fixing, but not increasing, the salaries of all~~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 office of that person.

Salary and other compensation for the six (6) members of Council ~~for the two-year period commencing on January 1~~ other than the President of Council shall be identical, subject to the requirement that no salary or compensation shall change during a Council member's term of office. The salary and other compensation for the President of Council shall be larger by twenty-five percent (25%) than that of the ~~first year following the year in which this section~~other members of Council. The salary and other compensation for Council members shall ~~become effective.~~reflect the Council's consideration of any report of the Civil Service Commission provided pursuant to Article XI Section 2 of this Charter, 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 annual budget, and the need to attract qualified candidates for Council.

~~This section shall become effective January 1, 1983.~~

~~(Amended 11-2-82; 11-5-19)~~

The salary and other compensation for the Mayor shall reflect the Council's consideration of any report of the Civil Service Commission provided pursuant to Article XI Section 2 of this Charter, the full-time nature of the position, the economic conditions of the City, comparable salaries and other compensation of mayors in cities of similar size and budget, and the need to attract qualified candidates for the office of Mayor.

SECTION 6. APPOINTEES.

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.

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. The President of Council, rather than the Mayor, shall have the authority to execute any contract authorized by Council pursuant to this Section.

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, except as may be otherwise provided in this Charter, 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.~~

~~(Amended 11-2-82; 5-3-22.)~~

SECTION 7. 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 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. Four members shall constitute a quorum for a meeting of the Council or Council's Committee of the Whole.

~~(Amended 11-7-72.)~~

Unless otherwise provided in this Charter, if authorized by ordinance, and subject to such regulations as Council may impose by ordinance consistent with this Section, any meeting of the Council or public hearing of Council may be held in-person or by means of teleconference, video conference or other similar electronic communications technology (which meetings or hearings may be referred to as "virtual"), or any combination of in-person attendance and attendance by use of such electronic technology. A Council member attending such a meeting by use of electronic communications technology as described herein may vote, participate, deliberate and take other official action in such meeting, and

shall be counted as present including for purposes of establishing quorum, the same as if the member were physically present, provided that all applicable notice and procedural requirements are met and the public is able to hear and observe the discussions and deliberations of all of the members present including those participating by use of electronic communications technology. In the event that a member attending any meeting or hearing by use of electronic technology is disconnected and such disconnection results in less than a quorum being present at the meeting or hearing, then all discussions and deliberations shall be discontinued until that member is reconnected or appears in person.

The Council shall by ordinance provide for notice of its meetings, including identification of the method to access, hear and observe any such meeting in which electronic technology or videoconferencing will be utilized as provided herein. Other public bodies of the City may meet in-person or as otherwise described in this Section as authorized by ordinance of Council.

SECTION 8. 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, when once adopted, shall not be repealed or amended except by vote of five members of the Council or by the people.

SECTION 9. ~~FRANCHISES.~~ COUNCIL'S SUBPOENA POWER

The Council shall have the power to make inquiries or investigations concerning the affairs of the City, and in the course of any such inquiry or investigation, the Council shall have the power to subpoena and compel 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 Director of Law or a notary public, designated by either the Director of Law or the Council President, shall have the power to administer oaths and affirmations in connection with the taking of testimony relative to any such investigation or hearing.

SECTION 10. EMERGENCY MEASURES

An emergency ordinance or resolution is one that is necessary for the immediate preservation of the public peace, health, safety or welfare of the City. No ordinance or resolution of Council shall be adopted as an emergency unless it receives the affirmative vote of at least two-thirds (2/3) of the members elected or appointed to Council, with the reason for the need to

declare the emergency being separately set forth in a section of the ordinance or resolution. 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.~~

~~(Amended 11-5-19)~~

SECTION 11. PRESIDENT OF COUNCIL AND VICE PRESIDENT OF COUNCIL.

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~~.~~, who shall perform the duties of the President of Council in the absence of the President. The President shall, with the Clerk of Council, prepare the agenda for meetings of the Council. In the absence of both the President and Vice President, the Clerk of Council shall prepare such agenda. The President of Council shall preside at all meetings of the Council and shall have a voice and vote in its proceedings, but no veto. In the absence of both the President and Vice President, a President Pro Tem shall be elected from the members of Council in attendance by the affirmative vote of a majority of the members present at a Council meeting.

In the event of a vacancy in either the office of President or Vice President, or in the event the Council shall determine by at least four of its members that either the President or Vice President is unable to fulfill the duties of their respective office, the Council shall immediately proceed to elect one of its members to serve in such office.

~~The President, or in the President's absence the Vice President, shall preside at all meetings of the Council and shall have a voice and vote in its proceedings, but no veto.~~

~~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.~~

~~(Amended 11-7-72; 11-5-19)~~

SECTION 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, Directors and Chiefs 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, or the Directors or Chiefs or their designees shall respond to inquiries from Council members in a complete, accurate and timely manner, in such fashion as Council may determine by ordinance or resolution. Without limiting the preceding sentence, the Council President or a Council Committee chair may request that a Director or Chief or their designee attend specified meetings of Council or of such Committee, respectively. When the Council President or a Council Committee chair has made such request, the Director or Chief requested to be in attendance, or their designee, shall attend the meeting and shall answer or respond in good faith to questions asked by any Council member or Council Committee member, respectively, related to the powers and duties of the Director, Chief or designee. Council may, by ordinance or resolution, require that all Directors and Chiefs, or their designees, attend all Council meetings and/or Council Committee of the Whole meetings.

ARTICLE IV THE MAYOR

~~(Previously City Manager)~~

SECTION 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~~a successor ~~is~~shall be chosen ~~and qualified.~~in accordance with the provisions of this Charter. 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.~~

~~(Amended 11-5-19.)~~

SECTION 2. QUALIFICATIONS.

To serve as Mayor a person must have resided and been an elector of the City of Cleveland Heights for at least eighteen (18) months immediately preceding that election, and must 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 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 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 or work does not conflict or interfere with carrying out the duties assigned by this Charter ~~or~~, by Council ordinance not in conflict with this Charter, or by general law, or otherwise violate any provision of this Charter, applicable ordinance or general law.

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

~~(Amended 11-5-19.)~~

SECTION 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 through the directors thereof; provided, however, that the Mayor shall have no authority to exercise control over the Council or its employees. 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 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.~~by the appropriate law enforcement officials through appropriate legal process. 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~~ and, with and through the Director of Finance, 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, in a timely manner, exercise powers and perform duties conferred upon or required of the Mayor by this Charter, by ordinance consistent with this Charter, 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~~.~~, except where this Charter authorizes another City official to execute a contract. 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.~~

~~(Amended 11-5-19.)~~

SECTION 4. CITY ADMINISTRATOR.

The City Administrator shall be appointed by the Mayor on the basis of executive and administrative training and experience related to municipal and/or other governmental operations, 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~~assist in 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 advi~~s~~ce 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 of Law.

The City Administrator shall make periodic written reports to the Mayor and Council, not less often than semiannually~~, with such recommendations as the Mayor deems appropriate~~ or otherwise as may be required by ordinance of Council, concerning the administration of all departments, divisions, boards and commissions of the City, and their needs and requirements for the future and shall, unless Council provides otherwise, attend all meetings of the Council and Committee of the Whole as well as, upon request of the Council President or Committee Chair, other Council Committee meetings.

The City Administrator may serve as the Director of ~~a~~any department~~,~~ except the Departments of Law, Finance or Planning and Development (whether on a temporary or permanent basis) and shall perform such other duties, not inconsistent with this Charter, as may be required by the Mayor.

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

~~(Amended 11-5-19.)~~

SECTION 5. LEGISLATIVE POWERS.

The Mayor may introduce ordinances and resolutions in the Council, which introduction shall not be unreasonably refused or delayed, and may participate in all meetings of the Council, including executive sessions on the invitation of the Council President subject to the majority of Council determining otherwise by motion, but shall have no vote ~~therein~~in any Council meeting. When attending Council meetings, including committee meetings, the Mayor shall be subject to such rules as the Council President or the Council shall prescribe applicable to such meetings with regard to parliamentary procedure, speaking opportunities, and time limits.

Every ordinance or resolution of the Council shall be signed by the Clerk of Council ~~or two members of the~~and Council President 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~~the 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, 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~~not later than its ~~next~~second regular meeting following the disapproval, reconsider the ordinance, line item, or resolution. If upon such reconsideration the ordinance, 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.~~two-thirds (2/3) of the members elected or appointed to Council, it shall take effect notwithstanding the disapproval of the Mayor. For the avoidance of doubt, the following measures are not subject to disapproval by the Mayor: (a) an ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the measure in the City; (b) an ordinance or other measure submitting to a vote of the people a question resulting from the initiative, referendum or recall petition processes provided in Article VIII of this Charter; (c) an ordinance or resolution submitting to the electors any proposed Charter amendment; or (d) an ordinance or resolution adopted by the Council pursuant to its authority to appoint a Clerk or to appoint, employ, hire, or engage other employees, consultants, independent contractors or other persons under Article III, Section 6.

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

~~(Amended 11-5-19.)~~

SECTION 6. ~~JUDICIAL POWERS.~~ REMOVAL

~~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.~~

~~(Amended 11-5-19.)~~

~~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 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.~~

~~(Amended 11-5-19.)~~

~~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.~~

~~(Amended 11-5-19.)~~

~~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.~~

~~(Amended 11-5-19.)~~

~~SECTION 10.~~ The Council may remove the Mayor for gross misconduct, or malfeasance, misfeasance or nonfeasance in or disqualification for office, or for the conviction, while in office or while a Mayor-elect, of a felony or of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the oath of office; provided, however, that such removal shall not take place without the affirmative vote of three-fourths (3/4) of the members elected or appointed to Council, nor until the Mayor shall have been notified in writing of such charge at least ten (10) days in advance of a public hearing upon such charge, and the Mayor or the Mayor's counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of the charge.

SECTION 7. ABSENCE AND VACANCY.

When the Mayor is absent and inaccessible, or is unable for any reason to perform the duties of Mayor, in either case as determined in writing by the Director of Law (or another attorney selected by Council if the Director of Law indicates a conflict of interest) pursuant to the written request for such determination from the Council President or any two (2) members of Council with such determination confirmed by the vote of the majority of the members elected or appointed to Council (in any case, "Mayor's inability to perform duties"), then 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 to assume the duties of Acting Mayor, ~~the person designated by ordinance or resolution of Council shall be the Acting Mayor.~~Council shall designate a person meeting the qualifications of Article IV, Section 2 to be the Acting Mayor. The person who becomes Acting Mayor in accordance with this Section shall serve in that capacity until the Mayor returns to duty or, as provided below, the President of Council becomes Mayor or another person is appointed Mayor by City Council, whichever occurs first.

If the ~~absence is deemed temporary, the Acting Mayor will continue~~Mayor's inability to ~~serve as Acting Mayor pending the return to duty of the Mayor. If the absence~~ 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, forthwith and in no event later than 65 days after the commencement of the Mayor's inability to perform duties or 10 days after the Mayor's death, disqualification, resignation or removal, declare the office of the Mayor vacant, ~~and~~at which time the President of Council shall become Mayor~~,~~ and shall cease to be a member of Council. If the President of Council is unable or unwilling to assume the duties of Mayor, the ~~Vice~~ President of Council shall ~~become Mayor,~~ inform Council of the same within 5 days of the declaration of vacancy and the Council shall thereafter appoint a Mayor meeting the qualifications of Article IV, Section 2 within 45 days of the declaration; provided, however, that if the person appointed by Council is a member of Council, that person shall cease to be a member of Council~~. If the President~~ upon appointment as Mayor.

The person who becomes Mayor because of a vacancy in such office shall serve for the balance of the unexpired term or until the beginning of the term of a successor elected for that unexpired term as hereinafter provided. 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 ~~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.~~(b) the vacancy shall have occurred more than 180 days prior to such election. The term of the person elected to fill the vacancy at such election shall begin at the first regularly scheduled meeting of Council following the certification of the official electoral results of such election and shall extend for the remainder of the unexpired term.

~~If a vacancy is declared, and the absence commenced 180 days or less before the next regularly scheduled November election for Mayor, the person filling the vacancy shall serve until the end of the unexpired term of the former Mayor. Otherwise, if a vacancy is declared, the person filling the vacancy shall serve only until the Mayor's successor is elected at the next November election, occurring more than 180 days after the absence commenced, such November election occurring in any calendar year. The successor Mayor shall serve for the unexpired term of the former Mayor.~~

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

~~(Amended 11-5-19.)~~

~~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.~~

~~(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.~~

~~(Amended 11-5-19.)~~

ARTICLE V ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 1. DEPARTMENTS.

The following administrative departments are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning & Development; (4) Department of Public Safety; (5) Department of Public Works; (6) Department of Community Services; ~~and~~ (7) Department of Parks and Recreation~~.~~; and (8) Department of Human Resources.

The ~~Mayor~~Council shall by ordinance determine and prescribe the functions and duties of each department~~,~~ and may create new positions or departments~~,~~. The Council may by ordinance combine or abolish ~~existing~~ departments other than those established by this Charter and may establish temporary positions or departments for special work.

The Mayor shall serve as Director of the Department of Public Safety without additional compensation.

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

~~(Amended 11-5-19.)~~

SECTION 2. DIRECTORS.

There shall be a director of each department who shall have the principal and primary supervision and control thereof~~, and who shall be appointed by,~~ and shall be responsible to the Mayor for the administration of each respective department. The ~~Mayor's~~Mayor shall appoint the director of each department except that the appointment of the Director of Law, Director of Finance, Director of Human Resources, Director of Planning and Director of ~~Planning~~Public Works shall be effective only upon the approval of a majority of the members of Council. The Mayor may remove the director of any department ~~without~~subject to the approval of a majority of the members elected or appointed to Council.

The Director of Law shall be an attorney at law duly admitted to practice in the State of Ohio~~,~~ and shall have been engaged in the active practice of law ~~continuously~~ for ~~a period of~~at least five years ~~next~~including the year immediately preceding the~~i~~r appointment. The Director of Law shall serve as chief legal advisor, attorney and counselor for the City, as well as the Mayor, the Council and all other officers and departments thereof in matters relating to their official duties; shall prepare or approve all contracts, bonds and other instruments in writing with which the City is concerned; and shall endorse on each an approval as to the form and

correctness thereof when satisfied as to the same; shall attend all meetings of Council personally or through a designee, and shall perform other duties in accordance with City ordinance or as imposed by applicable law.

The Director of Finance shall be the head of the Department of Finance and the fiscal officer of the City, and shall serve and advise both the Mayor and the Council concerning the financial condition of the City, and keep an accurate account of all taxes and assessments, of all the property and debts of the City, of all receipts and disbursements of the City, and of all appropriations made by the Council. The Finance Director shall examine and approve, if in proper form, and if an appropriation has been duly made therefor, payrolls, bills and other claims, and prepare and sign all warrants. He or she shall be responsible for the preparation of all appropriation and other financial legislation and shall assist both the Mayor and the Council in the preparation of estimates, budgets, and other financial matters. He or she or their designee shall, unless Council determines otherwise, attend all meetings of the Council and Committee of the Whole, shall also have the title of City Auditor~~.~~, and shall perform such other duties in fiscal matters as Council by ordinance may prescribe.

Nothing herein shall be construed as preventing the same person from being director of more than one department~~.~~ if the person is qualified to be director of each such department.

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

~~(Amended 11-5-19.)~~

SECTION 3. MAYOR AS HEAD OF DEPARTMENTS.

Excepting the Departments of Law, Finance, and Planning and Development, the Mayor or City Administrator as directed by the Mayor may be the director of each and every department of the City government.

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

~~(Amended 11-5-19.)~~

SECTION 4. SALARIES AND BONDS.

The Council shall fix by ordinance the salary, rate, or 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~~the duties of such officer or employee, in such an amount as it may determine, and it may provide that the premium therefor shall be paid by the City.

ARTICLE VI MUNICIPAL COURT

SECTION 1. ESTABLISHMENT.

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

(Amended 11-7-72.)

SECTION 2. NOMINATION AND ELECTION.

The provisions of Article VII of this Charter shall govern the nomination and election of the Judge of the Cleveland Heights Municipal Court.

(Amended 11-7-72.)

SECTION 3. GENERAL PROVISIONS.

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

(Amended 11-7-72.)

ARTICLE VII NOMINATIONS AND ELECTIONS

SECTION 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 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.

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

~~(Amended 11-5-19.)~~

When there has been a vacancy in the Council, an election for the unexpired term shall be held as provided in Article III, Section 4, if applicable. When there has been a vacancy in the office of the Mayor, an election for Mayor shall be held as provided in Article IV, Section 6, if applicable.

SECTION 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~~consistent with the general election laws of the State of Ohio, except as otherwise provided in this Charter.

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.~~

~~(Amended 11-7-72.)~~

~~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.~~

~~(Amended 11-5-19.)~~

SECTION 3. ~~PETITION~~NOMINATING PETITIONS 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~~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 not less than three hundred (300) electors of the ~~Municipality equal in number to~~ City and the petition for a candidate for Council shall be signed by not less than two ~~percent~~ hundred twenty-five (225) electors of the ~~total number of voters voting at the last regular election of municipal officers.~~

~~(c)~~ City. Each elector signing a petition shall add to the~~i~~s~~r~~ signature the~~i~~s~~r~~ 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~~ No petition ~~shall not~~may be signed by any electors 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 Mayor~~before 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 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~~election.

~~(Amended 11-8-16; 11-3-20)~~

SECTION 4. ACCEPTANCE.

~~Any~~ A 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~~before the date ~~established in Section VII-1 for~~ of 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~~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 filed with the election authorities, in accordance with general law, shall constitute compliance with the requirements of this section. ~~This section shall become effective January 1, 2021.~~

~~(Amended 11-8-16; 11-3-20.)~~

SECTION 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 Mayoral~~the applicable election. Such declaration shall state the name of the person seeking election as a write-in candidate, ~~his or her~~that person's place of residence, and the office for which ~~he or she~~the person desires to run. A write-in candidate ~~shall~~must 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~~ Declarations of candidacy for write-in candidates shall ~~become effective January 1, 2021. (Amended 11-8-16; 11-3-20.)~~be made on standard forms provided by the county board of elections. 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.

SECTION 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 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.

~~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.~~

~~(Amended 11-7-72.)~~

ARTICLE VIII INITIATIVE, REFERENDUM AND RECALL

SECTION 1. INITIATIVE.

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

When there shall have been filed with the Clerk of Council a petition signed by the aforestated required number of electors proposing an ordinance or other measure, the Clerk shall certify the same to the Council at the next regular meeting, and the Council shall at once read and refer the same to an appropriate Council committee which may be the committee of the whole; provision ~~may~~shall be made for public hearings upon the proposed legislation before the committee to which it is referred, with opportunity for public comments at such hearings; thereafter the committee shall report the proposed measure to the Council 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 proceed to consider the same and shall take final action thereon within thirty days from the date of such committee's report. If the Council rejects the proposed measure, ~~or~~ passes it in a form different from that set forth in the petition, or fails to take final action upon it within the time prescribed, then the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment which was presented in writing, either at a public hearing before the committee to which such proposed measure was referred, or during the consideration thereof by the Council, and shall certify such fact to the Clerk within ten (10) days after the final action on such proposed measure by the Council, ~~who~~and the Clerk shall thereafter forthwith certify the ~~same~~intent of the committee of petitioners to the Council, which shall call an election.

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

SECTION 2. REFERENDUM.

Any ordinance or other measure passed by the Council shall be subject to referendum, except as hereinafter provided. No ordinance or other measure shall go into effect until thirty (30) days after it shall have been passed by the Council, except as hereinafter provided; but nothing herein contained 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 measure, by this Charter, by general law or by general ordinance.

When there shall have been filed with the Clerk of Council a petition signed by not less than fifteen percent (15%) of the electors of the City (meaning signatures equal in number to at least fifteen percent (15%) of the total votes cast at the last preceding general municipal election) within thirty (30) days after any ordinance or other measure shall have been passed by the Council, ordering that such ordinance or other measure be submitted to the electors of the City for their approval or rejection, the Clerk shall, at the next regular meeting of the Council, certify such petition to the Council. The Council shall thereupon proceed to reconsider such ordinance or other measure. If upon such reconsideration the ordinance or other measure be not entirely repealed, the Council shall provide for submitting it to a vote of the electors as herein elsewhere provided. No such ordinance or measure shall go into effect until approved by a majority of those voting on the same.

Whenever the Council is by law or provisions of general ordinances required 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 shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.

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

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 of the property benefited and to be specially assessed for the cost thereof, as provided by general law or general ordinance, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health ~~or,~~ safety or welfare of the City, shall go into immediate effect and shall not be subject to the provisions of this 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.

~~(a)~~ The people reserve unto themselves the right to recall and remove from office any member of the Council~~.~~ or the Mayor (each hereafter an "elected official" or an "official"). The procedure to effect such recall or removal shall be as follows:

A petition demanding that the question of removal of such ~~officer~~public official be submitted to the electors shall contain a con~~s~~cise statement setting forth the basis for the recall and shall be signed by at least ~~twenty-five~~fifteen percent (15%) of the electors of the City~~.~~, which shall mean signatures equal in number to at least fifteen percent (15%) of the total votes cast at the last preceding general municipal election. No recall petition shall be signed fewer than one hundred eighty (180) days following the commencement of the most recent term of office of the elected official whose recall is sought, and any signature affixed to such a petition earlier than that date shall be invalid. No petition may relate to the recall of more than one ~~officer~~elected official.

When there shall have been filed ~~a question~~with the Clerk of Council a recall petition signed by the aforesaid required number of electors, the Clerk shall certify the same to the Council at the next regular meeting and shall forthwith furnish a copy thereof to the ~~member of the Council~~elected official 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 (5) days after such certification the ~~member of the Council~~ official shall have tendered ~~his~~a written resignation to the Clerk. The date of certification of the petition to the Council by the Clerk shall be considered the date upon which the duty of the Council to call an election on the question of the removal of an elected official has arisen.

~~(b)~~ If a majority of the votes cast at such election on the question of removal ~~of any member of Council are~~ is in the affirmative, the ~~person~~elected official whose removal is sought shall thereupon be deemed removed from office upon the certification of the official canvass of that election to the Council~~, and a~~. A vacancy caused by such recall shall be filled ~~by~~, in the ~~remainder~~case of the removal of a member of Council, according to the provisions of Article III of this Charter. In the case of the removal of the Mayor pursuant to a recall election, the vacancy shall be filled according to the provisions of Article IV of this Charter. No elected official who has been recalled is eligible for appointment to fill any vacancy created as a result of such recall, in any elective office.

~~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.~~

~~—~~If a majority of the votes cast on the question of removal of any ~~member of the Council are~~elected official is in the negative, the person whose removal ~~is~~was sought shall be allowed by the Council ~~his~~the reasonable expenses incurred incident to such election. ~~This section shall become effective January 1, 2017.~~

~~(Amended 11-8-16.)~~

SECTION 4. GENERAL PROVISIONS.

Any initiative ~~or,~~ referendum or recall 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 part of any recall petition shall contain the name of the elected official whose removal is sought and the statement of the basis for removal.

Each signer of ~~a~~any petition shall be a registered voter of the City and shall sign the~~i~~r name in ink and shall place on the petition the~~i~~r name and place of residence by street and number. Each part of any ~~such~~ petition shall contain a circulator statement as required by the ~~affidavit~~general laws of the ~~person soliciting the signatures to the same, which affidavit shall contain a statement~~ State 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 the names and addresses of at least five (5) registered 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.

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 (10) 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~~the examination the Clerk shall endorse upon the petition a certificate of the result thereof.

If the Clerk's certificate shows that the petition ~~is~~has an insufficient ~~he~~number of signatures, the Clerk 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 (15) 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~~the same period of ~~time~~fifteen (15) days shall be granted for additional petitions after the final judicial determination of such question.

Upon the filing of any such additional petitions, the Clerk shall within ten (10) days thereafter examine the petition as thus amended and attach thereto ~~his~~a certificate of the result~~, and the petition~~ of such examination, which shall ~~thereafter~~constitute the final

determination. Only one supplemental filing of petitions shall be ~~treated in the same manner as it would have been treated after the original certification.~~permitted. 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 is required to call an election by reason of the filing of an initiative ~~or,~~ referendum or recall petition ~~or one for recall~~, the Council shall call an election for the submission of such ~~question,~~initiative, referendum or recall~~,~~ question at the next regular primary or general election occurring not less than sixty (60) days nor more than one hundred twenty (120) days ~~thereafter.~~after such requirement has arisen. If no such regular primary or general election is to be held within such time, the Council shall ~~provide~~call and set the date for ~~calling~~ a special election to occur not less than sixty (60) days nor more than one hundred twenty (120) days ~~thereafter.~~after the election requirement has arisen. 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~~ with regard to the ~~Council is sought by petition,~~calling of such election to the ~~period of sixty (60) days hereinbefore provided shall be changed to one hundred twenty (120) days.~~election 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.~~

~~(Amended 11-8-16.)~~

SECTION 5. OFFICIAL PUBLICITY.

Not less than thirty (30) days prior to the election at which any ~~Charter amendment,~~ initiated or referred legislative measure, or the recall of any elect~~ive~~ed official is to be submitted to the electors, the Clerk of Council shall either:

(a) Print and mail to each registered elector an official publicity pamphlet, or

(b) Publicize official publicity 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 publication shall be made once a week for not less than two (2) consecutive weeks with the first publication being at least thirty (30) days prior to such election.

Such publicity pamphlet or publication shall contain a 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 measure or recall which may have been filed with the Clerk of Council, as hereinafter provided. The validity of any ~~Charter amendment,~~ initiated or referred legislative measure, approved by the electors, and the result of any recall election, shall not be questioned because of technical or non-consequential errors or irregularities in such mailing, distribution or publication.

Not less than fifty (50) days before any such election, the committee designated in the petition, as a result of which said election is called, may submit to the Clerk of Council an explanation or argument supporting the position taken by the signers of such petition. ~~If a Charter amendment is proposed by the Council a committee of three of the Council to be appointed by the Mayor shall prepare such explanation or argument.~~ In the event of an initiated ordinance, which Council has failed to pass, or of a referred ordinance, the ~~Mayor~~ President of Council shall appoint a committee of three (3) members of the Council to prepare an answer to ~~the~~any explanation or argument submitted by the committee of the petitioners. In the ~~case~~event of a recall election~~s~~, the official whose recall is sought may prepare an answer to ~~the argument of~~any statement submitted by the committee of ~~the~~ petitioners~~. Where a Charter amendment is proposed~~ as provided in this section. Further, in connection with all initiative, referendum or recall petitions, any civic body or committee of ~~citizens~~residents may prepare ~~and submit~~ an answer or response to ~~the~~any explanation or argument ~~in favor~~submitted by the committee of ~~such amendment.~~petitioners. Any such answer or response shall be prepared and filed with the Clerk in writing not less than forty (40) days prior to any such election. All explanations ~~or,~~ arguments or statements for ~~or against~~ any measure or recall, and all answers or responses to the same, shall be signed by the persons authorized to submit the same. No such explanation ~~or,~~ argument, answer or response shall exceed ~~three~~five hundred (~~3~~500) 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 legislative measure or ~~election~~recall, filed with the Clerk pursuant to this section, shall at all times be open to the inspection of anyone interested therein.

~~(Amended 11-7-72.)~~

ARTICLE IX FINANCES

SECTION 1. ~~BUDGET.~~ GENERAL

~~The finances of the City shall always be conducted upon the budget system. The Mayor, with the assistance of 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 from time to time be fixed by general law for the certifying of the budget of the Municipality, to the Budget Commissioners of the County or other similar officials having charge of taxation matters), as may be required by Council, an annual budget setting forth in itemized form an estimate stating 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.~~

~~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.~~

~~(Amended 11-5-19.)~~

~~SECTION 2. APPROPRIATION ORDINANCE.~~

~~Upon receipt of such estimate, the Council shall at once~~ The laws of the State of Ohio relating to budgets, appropriations, taxation, debt, bonds and notes, assessments and other fiscal matters of the City shall be applicable to the City, except as otherwise provided by this Charter or by ordinance or resolution of Council. The fiscal year of the City is the calendar year.

SECTION 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 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.

SECTION 3 PREPARATION AND ADOPTION OF FULL CITY BUDGET

The Mayor, with the assistance of staff including the City Administrator and the Director of Finance, shall prepare and submit to Council an ~~appropriation ordinance, in such manner as may be provided by general ordinance or resolution, using the Mayor's~~annual budget document. The content of the annual budget document shall include the following:

(a) A budget message from the Mayor and Director of Finance either jointly or separately.

(b) An annual revenue budget. The annual revenue budget shall include an itemized estimate of the anticipated revenue from each source during the ensuing fiscal year, with a comparative statement of the amount 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 November 15 of each fiscal year.

(c) An annual appropriation budget. The annual appropriation budget shall include the following: (i) an itemized estimate ~~as a basis, and such appropriations~~ 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 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. "Hearings" means discussion of the budget during meetings of the Council or its Committee of the Whole, identified as such on the agendas of such meetings. Council shall adopt a budget. Council shall subsequently act to implement the budget.

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

SECTION 4. APPROPRIATION AND ADDITIONAL ORDINANCES

At or before the first meeting of the year in which the annual budget is to become effective, Council shall adopt an appropriation ordinance. Appropriations in the ordinance may not exceed the estimated revenues of the ~~Municipality~~City for that year. Such ordinance may provide for a temporary or 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. Council shall take other actions as necessary to achieve the purposes of the budget.

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

~~(Amended 11-5-19.)~~

SECTION ~~3~~5. 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 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.~~

~~(Amended 11-5-19.)~~

SECTION ~~46~~46. 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 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.

SECTION ~~57~~57. 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.~~

~~(Amended 11-5-19.)~~

SECTION ~~68~~68. 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.~~with the contract, agreement, or obligation. 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~~9. 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.~~10. 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~~with an estimated life or usefulness of 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.

~~(Amended 11-7-72.)~~

SECTION ~~9.~~11. 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 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. (Amended 11-7-72.)~~

~~SECTION 11. LIMITATION~~12. LIMITATIONS ON RATES OF TAXATION ~~FOR CURRENT OPERATING EXPENSES.~~

The ~~power of the~~ Council ~~without a~~may 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. (Amended 11-7-72.)~~.

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

~~—~~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. (Added 11-2-04.)~~in this Section.

SECTION 1~~2~~3. AUDITING FINANCES~~.~~

~~Council may engage the services of a private independent public~~ 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 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. (Adopted 11-2-82.)

ARTICLE X

~~FRANCHISES.~~ ETHICS AND NONDISCRIMINATION

SECTION 1. ~~GRANTS LIMITED.~~ GENERAL EXPECTATIONS

~~No grant, or renewal thereof, to construct or operate a public utility on, under, or above the streets of the City shall be made by the Council to any person, persons, association, or corporation in violation of any limitation contained in this Charter.~~

The citizens of Cleveland Heights rightfully expect City officials, both elected and appointed, and City employees, to behave legally and ethically. All officials and employees are expected to treat each other with respect and to 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 from City officials and employees. City officials have a responsibility to educate, monitor, and support all employees and City representatives in this mission.

SECTION 2. ~~PERIOD~~ OATH OF ~~GRANTS.~~OFFICE

~~No such grant shall be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration, unless the Council shall, by a vote of at least five of its members, first declare by ordinance its intention of considering a renewal thereof, which ordinance shall be passed at least thirty days prior to the passage of the ordinance granting such renewal.~~

~~SECTION 3. CONSENTS.~~

~~No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.~~

~~SECTION 4. REGULATIONS.~~

~~The Council shall at all times direct the distribution of space in, over, under, or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Council to pass reasonable regulations for the operation of such utilities, including the right to require such reconstruction, relocation, or discontinuance of the appliances used by the utilities, in the streets or public grounds, as shall, in the opinion of the Council, be necessary in the public interest.~~

~~SECTION 5. GRANTS NOT INCLUDED.~~

~~Revocable permits for laying temporary tracks across or along streets or other public grounds, to connect railroad or railway tracks with any property, shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms or conditions as the Council may by ordinance prescribe.~~

The Mayor, City Administrator, all members of Council, and all other officers of the City shall, 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.

SECTION 3. PUBLIC ETHICS

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.

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.

SECTION 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 and do not conflict with the general laws of the State of Ohio.

SECTION 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.

Following the completion of such training and prior to the expiration of the three (3) month training period, a certificate provided by the Clerk of Council shall be signed by the person designated by the Council to verify completion of the training. The signed certificates shall be kept on file in the office of the Clerk of Council.

SECTION 6. NONDISCRIMINATION AND EQUAL OPPORTUNITY

No officer, employee, or agent of the city shall deny equal access to city services, or equal opportunity in employment and promotion, or the benefits thereof, to any person on the basis of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, or any other status that is protected by federal, state, or local law or ordinance.

In its employment practices, the City is and shall continue to be an equal opportunity employer in furtherance of its nondiscrimination commitment. At least once per year, the Mayor or City Administrator shall prepare, in collaboration with the Director of Human Resources, and submit to the Council a report concerning the City's compliance with and performance with regard to this equal employment opportunity policy.

ARTICLE XI BOARDS AND COMMISSIONS

SECTION 1. CITY PLANNING COMMISSION

~~SECTION 1. 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 following 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~~Voting members shall serve for a term of six (6) years ~~except that, of the members first appointed, two shall be appointed for a term 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~~.

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

~~(Amended 11-5-19.)~~

~~SECTION 2. POWERS.~~

~~—~~The City Planning Commission may make recommendations to the Council and the Mayor on all matters affecting the physical development of the City~~. In addition the Commission~~, taking into account such factors as economic, environmental and social sustainability, and shall perform all other duties and responsibilities provided by ordinance.

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

~~(Amended 11-5-19.)~~

~~ARTICLE XII~~
SECTION 2. CIVIL SERVICE COMMISSION

~~SECTION 1. ESTABLISHMENT.~~

~~The~~ There is hereby established a Civil Service Commission which shall consist of three (3) electors of the City not holding other municipal office or employment, to be appointed by the Mayor~~, which appointment shall be confirmed~~ subject to and effective upon confirmation by the Council. Each Civil Service Commissioner shall serve for a term of six (6) years and until ~~his~~a successor shall have been appointed and qualified. Any vacancies occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

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

~~(Amended 11-5-19.)~~

~~SECTION 2. OFFICERS AND EMPLOYEES.~~

~~—~~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 Commission.

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

~~(Amended 11-5-19.)~~

~~SECTION 3. POWERS AND PROCEDURES.~~

~~—~~The Council shall provide by ordinance the powers, duties and jurisdiction of the Civil Service Commission, the determination of the positions of employment which shall comprise 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 may be necessary and proper.

~~(Amended 11-7-72.)~~

On or before March 1 of each year preceding the year in which a presidential election is held, the Commission shall file with the Clerk of Council a written report following a review by the Commission of the salary and other compensation for members of Council and for the Mayor. The report shall set forth the Commission's recommendations for salary and other compensation for members of Council and the Mayor for new terms of office beginning on or after January 1 of the year 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.

SECTION 3. BOARDS AND COMMISSIONS GENERALLY

Council may establish, by ordinance, any other boards, commissions, special committees or task forces it deems necessary, and may 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. Council may remove any member of a City board or commission for any reason provided herein for the removal of the Mayor or a member of Council, for the failure to attend regular meetings of the board or commission, or as provided under the general laws of Ohio, or for other just cause; provided, that the removal of a member of a City board or commission shall require not less than ten (10) days written notice of the

regular or special Council meeting where such removal shall be considered, and an opportunity for the board or commission member to be heard at such meeting.

ARTICLE ~~XIII~~ XII AMENDMENTS

Amendments to this Charter may be submitted to the electors of the City by a vote of five (5) members of the Council, and shall be submitted to the electors by the Council when a petition, signed by ~~not less than ten~~ electors of the City equal in number to at least ten percent (10%) of the total ~~number of electors as shown by those registered~~votes cast at the last preceding general ~~or~~ municipal election, setting forth any such proposed amendment, shall have been filed in the manner and form prescribed ~~herein~~in Article VIII of this Charter 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~~of the ordinance submitting it to the electors; 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.

~~(Amended 11-7-72.)~~

Not less than thirty (30) days prior to the election at which any Charter amendment is to be submitted to the electors, the Clerk of Council shall either:

(a) Print and mail to each registered elector an official publicity pamphlet, or

(b) Publicize official publicity 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 publication shall be made once a week for not less than two (2) consecutive weeks with the first publication being at least thirty (30) days prior to such election.

Such publicity pamphlet or publication shall contain a full text of the Charter amendment, with its ballot title, together with any explanation or argument for or against such amendment which may have been filed with the Clerk of Council, as hereinafter provided. The validity of any Charter amendment approved by the electors shall not be questioned because of technical or non-consequential errors or irregularities in such mailing, distribution or publication.

Not less than fifty (50) days before an election on an initiated Charter amendment, the committee designated in the petition, as a result of which said election is called, may submit to the Clerk of Council an explanation or argument in support of the proposed amendment. If a Charter amendment has been proposed by the Council, the President of Council shall appoint a committee of three (3) members of the Council to prepare such explanation or argument which shall be submitted to the Clerk not less than fifty (50) days prior to the election on the amendment. Any civic body or committee of residents may prepare an answer or response to any explanation or argument in favor of a Charter amendment, which answer or response must be filed with the Clerk not less than forty (40) days prior to any such election. All explanations or arguments for or against any proposed Charter amendment shall be signed by the persons authorized to submit the same. No explanation or argument related to a proposed Charter amendment shall exceed five hundred (500) words in length and all such explanations and arguments filed with the Clerk in favor of or against any Charter amendment shall at all times be open to the inspection of anyone interested therein.

ARTICLE XIII CHARTER REVIEW

The Council shall, at least once during every ten (10) year period, by ordinance or resolution, appoint a Commission to review the Charter. The first ten (10) year period shall commence on January 1, 2026. Nine (9) electors of the City shall be appointed as members of the Charter Review Commission. Seven (7) members of the Commission shall be appointed by Council. Two (2) members shall be appointed by the Mayor in a writing delivered to the Clerk of Council, with no requirement for Council approval, not later than thirty (30) days after the adoption of an ordinance or resolution appointing the seven (7) members selected by Council. If the Mayor fails to make timely appointments to the Charter Review Commission, the Council shall appoint two (2) additional members to the Commission within 14 days. The Commission shall review the Charter and shall, within seven (7) calendar months after the appointment of Commission members by the Mayor unless a longer period is provided by Council, recommend to Council such amendments, if any, to this Charter, as in its judgment are desirable. Members of the Commission shall not hold any other office or position of employment with the City and shall serve without compensation. The meetings of the Charter Review Commission shall be open to the public. Within a reasonable time from receipt of the recommendations of Charter Review Commission, the Council shall consider them and may, if it determines to do so, submit the recommended Charter amendments to the voters as received from the Commission or as modified by the Council, in accordance with Article XII of this Charter.

ARTICLE XIV FRANCHISES

SECTION 1. GRANTS LIMITED.

No grant, or renewal thereof, to construct or operate a public utility on, under, or above the streets of the City shall be made by the Council to any person, persons, association, or corporation in violation of any limitation contained in this Charter

SECTION 2. PERIOD OF GRANTS.

No such grant shall be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration, unless the Council shall, by a vote of at least five of its members, first declare by ordinance its intention of considering a renewal thereof, which ordinance shall be passed at least thirty days prior to the passage of the ordinance granting such renewal.

SECTION 3. CONSENTS.

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

SECTION 4. REGULATIONS.

The Council shall at all times direct the distribution of space in, over, under, or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Council to pass reasonable regulations for the operation of such utilities, including the right to require such reconstruction, relocation, or discontinuance of the appliances used by the utilities, in the streets or public grounds, as shall, in the opinion of the Council, be necessary in the public interest.

SECTION 5. GRANTS NOT INCLUDED.

Revocable permits for laying temporary tracks across or along streets or other public grounds, to connect railroad or railway tracks with any property, shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms or conditions as the Council may by ordinance prescribe.

ARTICLE XV SAVING CLAUSES

SECTION 1. LAWS CONTINUED IN FORCE.

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

SECTION 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 not invalidate, nor impair the force or effect, of any other section or part of a section, except to the extent that such other section or part of a section is dependent for its operation upon the section or part of a section so declared invalid.

SECTION 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 until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer 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 of the City under the laws of the State, or under any City ordinance or contract in force at the time of the taking effect of this Charter shall, if such office, commission, board, or department is abolished by this Charter, be thereafter exercised and discharged by the officer, commission, board, or department upon whom are imposed corresponding functions, powers, and duties by this Charter or by any ordinance or resolution of the Council thereafter enacted.

SECTION 4. CONTINUANCE 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 this Charter, unless herein otherwise expressly provided to the contrary. All contracts entered into by this City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected thereunder. Public improvements for which legislative st~~o~~eps shall have been taken under laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

~~ARTICLE XV~~
~~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.~~

~~(Amended 11-7-72.)~~

ARTICLE XVI WHEN CHARTER TAKES EFFECT

~~For the purpose of electing officers and holding and conducting municipal elections, this~~This First Amended 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 January~~ in the year ~~nineteen hundred and twenty-two~~2025.

~~We, 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, 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.~~

~~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~~

~~(Amended 11-7-72.)~~

Proposed: 08/18/2025

RESOLUTION NO. 166-2025(PSH), *Second Reading*

By Councilmember Posch

A Resolution authorizing and directing the Mayor to execute an agreement with ETC Institute to design and administer a survey to gauge the overall satisfaction of the residents of City of Cleveland Heights, Ohio.

WHEREAS, the City desires to supplement the regularly employed staff of several departments of the City in order to provide certain professional services regarding the survey to gauge the overall satisfaction of the residents of City of Cleveland Heights, Ohio ("Project"); and

WHEREAS, as return for their services, the City shall compensate ETC Institute in the amount not to exceed Thirteen Thousand Seven Hundred Dollars, which includes a Thirteen Thousand Five Hundred Dollars ($13,500.00) base fee with an additional Two Thousand Dollars ($2,000.00) to be paid if the City requests and onsite presentation from ETC to present their findings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby authorizes and directs the Mayor to execute a contract with ETC Institute to design and administer a survey to gauge the overall satisfaction of the residents of City of Cleveland Heights, Ohio

SECTION 2. It is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest time allowed by law.

_____
TONY CUDA
President of Council

_____
ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____ Approved: _____

_____
KAHLIL SEREN
Mayor