



CLEVELAND HEIGHTS

Council Committee of the Whole

October 29, 2024

10:00 AM

City Hall – Executive Conference Room

Agenda

- 1) Call to Order/Roll Call**
- 2) Discussion of final Leopardo Energy financing terms and agreement**
- 3) Continued Discussion of CRC Recommendations**
 - a. Bucket 1: Balance of Powers
 - b. Bucket 2: Elections; Removal; and Initiative, Referendum and Recall; Charter Amendments; Charter Review Commission
- 4) Other**
- 5) Adjourn**

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THE CHARTER OF THE CITY OF CLEVELAND HEIGHTS, OHIO

PREAMBLE

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

ARTICLE ONE. NAME AND BOUNDARIES

The municipal corporation now existing and known as the City of Cleveland Heights shall continue to be a municipal corporation organized under the Constitution and laws of Ohio under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous to its existing boundaries in the manner authorized by the general laws of the State of Ohio.

ARTICLE TWO. FORM OF GOVERNMENT AND POWERS

2.1. FORM OF GOVERNMENT

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

2.2. POWERS

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

ARTICLE THREE. THE COUNCIL

3.1. POWERS, NUMBER AND TERM

Except as otherwise provided by this Charter, the legislative power of the City and such additional powers as may be expressly granted by the Charter or by codified ordinance shall be vested in a council of seven (7) members elected at large. Other than as called for under Section 3.4 of the Charter to address a vacancy, three (3) members shall be elected in the regular municipal election held in the year immediately preceding that in which a United States presidential general election is held, and four (4) members shall be elected in the regular municipal election held in the year immediately following that in which a United States presidential general election is held. The terms of Council members shall begin

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the first day of January immediately following their election. The term of each member of Council shall be four (4) years or until that member's respective successor is chosen and qualified.

3.2. QUALIFICATIONS

To serve as a member of the Council, a person shall have resided and been an elector of the City for at least six (6) months immediately preceding submittal of a nominating petition to the election authorities as required under the terms of this Charter, and shall continue to be a resident and elector of the City while serving on Council. No person serving on Council may hold any employment with the City or any elected public office other than that of precinct committee person or State central committee person. The Council shall be the judge of the election and qualifications of its own members.

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3. VACANCIES

Any vacancy in the Council shall be filled 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 sixty (60) days after the occurrence of such vacancy, then the Mayor shall fill such vacancy within ten (10) days. The individual appointed to fill the vacancy shall serve until the first to occur of either (i) the expiration of the term of the member who vacated the office, or (ii) a successor is elected and qualified.

A successor shall be elected for the unexpired term at the next regular municipal election if (a) such election occurs more than two (2) years prior to the expiration of the unexpired term and (b) the vacancy occurs more than ninety (90) days prior to such election; otherwise, the individual appointed shall serve the expiration of the term of the member who vacated the office. Successor(s) to fill the unexpired term of any member(s) who vacated their seat(s) shall be elected in the same election as Council members elected for full four-year terms. In municipal elections that include the election of any successor(s) to fill the unexpired term of any member(s) who vacated their seat(s), the number of seats to be filled in that election shall increase by the number of successors to elect, and the number of votes needed to win a seat shall change accordingly. Candidates shall be elected for full four-year terms as specified by the Council in its ordinances until all seats for full four-year terms are filled. Candidate(s) elected after all seats for full four-year terms are filled shall be designated as elected to fill the unexpired term(s) of the member(s) who vacated their seat(s). The term of a person elected to fill the vacancy at such election shall begin at the first regularly scheduled meeting of Council following the certification of the official election results of such election and shall extend for the remainder of the unexpired term.

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3.4. SALARIES & OTHER COMPENSATION

In each year preceding the year in which a presidential election is held, Council shall, following receipt and consideration of the report of the Civil Service Commission prescribed by Section 11.3(d) of this Charter, by ordinance passed in such year, fix the salary and other compensation of the Mayor and all members of the Council for the four-year period beginning on January 1 of the first year of the term next

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following the year in which the ordinance is adopted. Any ordinance fixing salary and other compensation shall be null and void unless adopted at least sixty (60) days prior to the filing date for filing nominating petitions by candidates for Mayor or Council for the regular municipal election to be held in the year following the year in which the ordinance is adopted. No change in salary and other compensation for a Council member or the Mayor shall take effect during the current term of that person. Salary and other compensation for the six (6) members of Council other than the President of Council shall be identical. The salary and other compensation for the President of Council shall be larger by twenty-five percent (25%) than the salary and other compensation for other members. The salary and other compensation for Council members shall reflect the part-time duties of Council members, the economic condition of the City, comparable salary and other compensation of Council members in cities of similar size and budget, and the need to attract qualified candidates. The salary and other compensation for Mayor shall reflect the full-time nature of the position, the economic condition of the City, comparable salaries and other compensations of mayors in cities of similar size and budget, and the need to attract qualified candidates.

3.5. APPOINTMENTS

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

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

(c) Neither the Council nor any of its members or committees may dictate the appointment of any person to office or employment by the Mayor, or in any manner interfere with the Mayor or the City Administrator from exercising their judgment in the appointment of officers and employees in the administrative service.

3.6. MEETINGS

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

3.7. GENERAL PROVISIONS

The Council shall determine its own rules and order of business, provide for special meetings and keep a record of its proceedings. The Council may by 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; the advertisement and awarding of public contracts; and interpretation of principles of open government for the City, as well as the methods and manners of

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applying those principles. Ordinances of the type listed immediately above, when once adopted, may not be repealed or amended except by an affirmative vote of at least five (5) Council members or by initiative under this Charter.

3.8. COUNCIL'S SUBPOENA POWER

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

3.9. EMERGENCY MEASURES

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

3.10. PUBLIC UTILITIES AND FRANCHISES

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

3.11. PRESIDENT OF COUNCIL AND VICE PRESIDENT OF COUNCIL

(a) The Council shall, at the time of organizing following each regular municipal election, elect one of its members as President of Council. The Council shall elect another member as Vice President of Council. In the event of a vacancy in either office of President or Vice President, or if the Council determines by an affirmative vote that either the President or the Vice President is unable to fulfill the duties of the respective office, the Council shall immediately proceed to elect one of its members to serve in that office.

(b) The President of Council, or in the President's absence the Vice President, shall prepare the agenda for meetings of the Council. In the absence of both the President and Vice President, the Clerk of Council shall prepare the agenda for meetings of Council. The President of Council, or in the President's absence the Vice President, or in the absence of both the President and the Vice President, the President Pro Tem, shall preside at meetings of the Council, and shall have a voice and vote in its proceedings but

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no veto. A President Pro Tem shall be elected by the affirmative vote of a majority of the Council members present at the meeting.

3.12. COUNCIL INTERACTIONS WITH CITY ADMINISTRATION

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

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

ARTICLE FOUR. THE MAYOR

4.1. TERM

The term of the Mayor shall begin the first day of January next following the election of the Mayor. The Mayor shall serve for a term of four years, unless removed from, recalled from, or disqualified for the office of Mayor, at which time the Mayor's successor is chosen and qualified.

4.2. QUALIFICATIONS

To serve as Mayor a person shall have resided and been an elector of the City of Cleveland Heights for at least eighteen months immediately preceding that election, and shall continue to be a resident and elector of the City while holding office. The Mayor shall serve the City on a full-time basis. No person shall be the Mayor who holds any employment with the City of Cleveland Heights, the Cleveland Heights-University Heights School District, or the East Cleveland School District, or who holds any other elected public office other than that of precinct committee person or State Central committee person. While the Mayor's primary responsibility, time and attention are to be directed to the business of the City, holding the office of Mayor does not necessarily preclude limited outside employment or other outside work by the person holding the office, provided that outside employment or work does not conflict or interfere with carrying out the duties assigned by this Charter, by ordinance, or general law, or otherwise violate any provision of this Charter, any ordinance, or general law.

4.3. EXECUTIVE POWERS AND DUTIES

The Mayor shall be the chief executive officer of the City, and shall maintain an office at the Cleveland Heights City Hall. The Mayor, together with a full-time qualified City Administrator, shall supervise the administration of the City's affairs, and, except as otherwise provided in this Charter, shall exercise control over all departments and divisions. The Mayor shall appoint, promote, transfer, reduce or remove all officers and employees of the City, except members of Council, judges, and any other persons whose

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terms of office are fixed by this Charter or the general laws of Ohio. The Mayor shall be the chief conservator of the peace within the City, shall serve as Director of Public Safety, and shall see that all laws and ordinances are enforced. The Mayor shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. The Mayor shall recommend to the Council such measures as the Mayor deems necessary or expedient. The Mayor shall prepare and submit any reports required by Council. The Mayor, in a timely manner, shall exercise powers and perform duties conferred upon or required of the Mayor by this Charter, by ordinance or by general laws. The Mayor shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which the City is a party are faithfully kept and performed. The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party. The Mayor shall have custody of the seal of the City. 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.

4.4. CITY ADMINISTRATOR

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

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

The City Administrator shall make an annual written report to the Mayor and Council, not later than September 1, concerning the administration of all departments, divisions, boards and commissions of the City, and their needs and requirements for the future.

The City Administrator may serve as the director of a department, and shall perform such other duties as may be required by the Mayor.

4.5. LEGISLATIVE POWERS

The Mayor may introduce ordinances and resolutions in the Council and may participate in all meetings of the Council, including executive sessions on the invitation of the Council, but shall have no vote.

Every ordinance or resolution of the Council shall be signed by the Clerk of Council or two members of the Council and presented within five days of passage by the Council to the Mayor for consideration before it goes into effect. The Mayor may approve or disapprove the whole or any line item of an ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor approves such ordinance, line item, or resolution, the Mayor shall sign and file it with the Clerk of Council. If the Mayor disapproves such ordinance, line item, or

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resolution, the Mayor shall return it to the Clerk of Council together with a written statement of the Mayor's objections. Unless an ordinance, line item, or resolution is filed with the Clerk of Council, by the Mayor, with written notice of disapproval within ten days after its passage by the Council, it shall take effect as though the Mayor had signed it. When the Mayor has disapproved an ordinance, line item, or a resolution, as herein provided, the Council may, at its next regular meeting reconsider the ordinance, line item, or resolution. If upon such reconsideration the ordinance, line item, or resolution is approved by the votes of five or more of the members of the Council, it shall take effect notwithstanding the disapproval of the Mayor. No ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the measure in the City shall be subject to disapproval by the Mayor.

4.6. * * *4.6. ABSENCE AND VACANCY

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

If the Mayor's inability to perform duties is deemed temporary, the Acting Mayor will continue to serve as Acting Mayor pending the return to duty of the Mayor. If the Mayor's inability to perform duties continues for more than sixty (60) consecutive days, or in case of the death, disqualification, resignation or removal of the Mayor, then the Acting Mayor shall continue to serve until the first to occur of either the expiration of the Mayor's term or a substitute Mayor is determined through these steps:

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

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

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

A successor Mayor shall be elected for the unexpired term at the next regular municipal election if a vacancy is declared, and such election occurs more than two (2) years prior to the expiration of the unexpired term and (ii) the declaration of the vacancy occurs more than one hundred and eighty (180) days before such election; otherwise, the individual appointed shall serve until the end of the unexpired term of the former Mayor. 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.

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* * *ARTICLE FIVE. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

5.1. DEPARTMENTS

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

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

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

5.2. DIRECTORS

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

(b) The Director of Law shall be an attorney at law duly admitted to practice in the State of Ohio. The Director of Law shall serve as chief legal adviser to Council, the Mayor, all boards and commissions, and all City departments, and officers; subject to the direction of the Mayor, shall represent the City in all legal proceedings; and shall perform any other duties prescribed by this Charter, ordinance, resolution or general law, except as general law may be limited by Council.

(c) The Director of Finance shall also have the title of City Auditor.

5.3. 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 serve as the director of each and every department of the City government.

5.4. SALARIES AND BONDS

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

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ARTICLE SIX. MUNICIPAL COURT

6.1. ESTABLISHMENT

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

6.2. NOMINATION AND ELECTION.

The provisions of Article Seven of this Charter shall govern the nomination and election of the Judge of the Court.

6.3. GENERAL PROVISIONS.

Except as otherwise specifically provided in this Charter, the Court shall be governed by the laws, rules and regulations of the State of Ohio.

ARTICLE SEVEN. NOMINATIONS, ELECTIONS, AND REMOVAL

7.1. TIME OF HOLDING ELECTIONS

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

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

When there exists a vacancy in the office of the Mayor, an election for the unexpired term shall be held as provided in Section 4.6.

7.2. BALLOTS

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

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

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

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

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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.

7.3. PETITION FOR PLACES ON BALLOTS

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

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

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

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

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

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

7.4. ACCEPTANCE

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

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

7.6. CONDUCT OF ELECTIONS AND CANVASS OF VOTES

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by the general laws of the State of Ohio, and all other election matters for which no specific provision is made in this Charter or by ordinance of Council shall also be determined by the election laws of the State of Ohio.

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ARTICLE NINE. FINANCES

9.1. GENERAL

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 codified ordinance. The fiscal year of the City is the calendar year.

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

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

9.3. PREPARATION AND ADOPTION OF FULL CITY BUDGET

The Mayor, with the assistance of staff including the Director of Finance, shall prepare and submit to Council an annual budget document. The content of the annual budget document shall include the following:

- (a) A budget message from 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

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plus an estimate of such amounts for the remainder of the current fiscal year. Revenue sources include property tax revenues and all other sources of revenue to the City. Assumptions made shall be noted, and explanations of significant changes shall be provided. The itemized estimate shall be provided to Council by the November 15 of each fiscal year.

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

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

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

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

9.4. 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 City for that year. Such ordinance may provide for an interim appropriation, but in such event an annual appropriation ordinance shall be adopted such that the City complies with the general laws of Ohio. Such appropriation may be amended as necessary from time to time by ordinance.

Council shall take other actions as necessary to achieve the purposes of the budget.

9.5. BOND ISSUES

Except as may be authorized specifically by the laws of the State of Ohio, no bonds or notes of the City may at any time be issued for current operating expenses or for acquisition of any property, asset or

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improvement whose estimated life or usefulness is less than five (5) years, but this prohibition shall not be construed as applying to money borrowed in anticipation of the collection of special assessments, or for defraying the expenses of an extraordinary epidemic of disease, or emergency expenses made necessary by sudden casualty that could not reasonably have been foreseen, or for paying final judgments upon non-contractual obligations.

9.6. MATURITIES OF BONDS

The maturities 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 before the passage of any bond ordinance.

9.7. LIMITATIONS ON RATES OF TAXATION

(a) The Council may not, in the absence of a favorable vote of the people, 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 current operating expenses including the purpose of police and fire pensions.

(b) Notwithstanding the eight (8) mill limitation on taxation for current operating expenses, and in addition to it, Council may levy annually 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 related equipment, 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 in this Section.

9.8. AUDITING FINANCES

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

* * *

ARTICLE ELEVEN. BOARDS AND COMMISSIONS

SECTION 11.1. GENERAL PROVISIONS

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

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

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

11.2. CITY PLANNING COMMISSION

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

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

11.3. CIVIL SERVICE COMMISSION

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

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

(c) Powers and Procedures. Except as otherwise specifically set forth in this Charter, Council shall provide by codified ordinance the powers, duties and jurisdiction of the Commission, the determination of the positions of employment that shall be included in the classified and unclassified service of the City, the method and procedure for determining merit and fitness for employment and promotion in the classified service, and such other matters relating to classified employment service as the Council may determine are necessary and proper and are consistent with the laws of the State of Ohio. (d) Council and Mayor Salary and Other Compensation Review. In each year preceding the year in which a presidential election is held, the Commission shall conduct a review of salary and other compensation for members of Council and for the Mayor and, on or before May 1 of that year, shall file with the Clerk of Council a written report to Council based on that review setting forth the Commission's

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recommendations for salary and other compensation for members of Council and the Mayor for the four (4) year period beginning on January 1 of the first year of the term next following the year in which the ordinance is adopted. Council shall provide by ordinance appropriate budget and support to enable the Commission to conduct the salary and other compensation review and prepare recommendations. The recommendations shall take into account the standards for salary and other compensation set forth in Section 3.4.

* * *

ARTICLE FOURTEEN. CHARTER REVIEW

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

ARTICLE FIFTEEN. SAVING CLAUSES

15.1. LAWS CONTINUED IN FORCE

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

15.2. PARTIAL INVALIDITY

The determination by a court of competent jurisdiction that any section or part of a section of this Charter is invalid shall neither invalidate, nor impair the force or effect of, any other section or part of a section, except to the extent the other section or part of a section is dependent for its operation upon the section or part of a section declared invalid.

15.3. CONTINUANCE OF PRESENT OFFICIALS

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

15.4. CONTINUATION OF CONTRACTS AND VESTED RIGHTS

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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 the Charter, unless otherwise expressly provided to the contrary in the Charter. All contracts, agreements, and memoranda of understanding entered into by the City or for its benefit before the Charter becomes effective shall continue in full force and effect. All public work begun prior to the taking effect of the Charter shall be continued and perfected under it. Public improvements for which legislative steps shall have been taken under laws in force at the time the Charter takes effect may be carried to completion in accordance with the provisions of those laws.

ARTICLE SIXTEEN. EFFECTIVE DATE OF CHARTER

This Charter shall take effect on January 1, [insert the year immediately following the election in which voters have approved the Charter].

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THE CHARTER OF THE CITY OF CLEVELAND HEIGHTS, OHIO

PREAMBLE

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

ARTICLE ~~I~~ ONE. NAME AND BOUNDARIES

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

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

2.1. FORM OF GOVERNMENT

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

2.2. POWERS

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

ARTICLE ~~III~~ THREE. THE COUNCIL

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

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

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

~~SECTION 3.2. QUALIFICATIONS.~~

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

* * *

~~SECTION 4.3. VACANCIES.~~

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

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

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

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

* * *

3.4. SALARIES & OTHER COMPENSATION

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

3.5. APPOINTMENTS

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

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

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

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

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

~~SECTION 73.6. MEETINGS.~~

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

~~SECTION 83.7. GENERAL PROVISIONS.~~

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

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

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

3.9. EMERGENCY MEASURES

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

3.10. PUBLIC UTILITIES AND FRANCHISES:

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

SECTION 10. INTEREST IN CONTRACTS:

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

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

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

3.11. PRESIDENT OF COUNCIL AND VICE PRESIDENT OF COUNCIL:

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

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

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

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

3.12. COUNCIL INTERACTIONS WITH CITY ADMINISTRATION

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

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

ARTICLE ~~IV~~FOUR. THE MAYOR

~~(Previously City Manager)~~

~~SECTION 4.1. TERM-~~

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

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

~~SECTION 4.2. QUALIFICATIONS-~~

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

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

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

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

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

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

~~SECTION 4.4. CITY ADMINISTRATOR:~~

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

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

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

~~SECTION 4.5. LEGISLATIVE POWERS.~~

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

~~SECTION 4.6. JUDICIAL POWERS.~~

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

~~SECTION 7. SALARY.~~

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

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~~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.~~

* * *

SECTION 10.4.6. ABSENCE AND VACANCY

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

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

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

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

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

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

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

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

* * *

ARTICLE ~~FIVE~~. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

~~SECTION 5.1. DEPARTMENTS.~~

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

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

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

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

~~SECTION 5.2. DIRECTORS.~~

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

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

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

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

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

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

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

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

~~SECTION 5.4. SALARIES AND BONDS.~~

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

ARTICLE ~~V~~SIX. MUNICIPAL COURT

~~SECTION 6.1. ESTABLISHMENT.~~

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

~~SECTION 6.2. NOMINATION AND ELECTION.~~

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

~~SECTION 6.3. GENERAL PROVISIONS.~~

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

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

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

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

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

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

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

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

~~SECTION 7.2.~~ SECTION 7.2. BALLOTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~SECTION 7.4. ACCEPTANCE~~

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

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

~~SECTION 7.5. WHO ELECTED~~

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

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

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

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

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

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

* * *

ARTICLE ~~IX~~NINE. FINANCES

~~SECTION 9.1. BUDGET GENERAL~~

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

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

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

9.3. PREPARATION AND ADOPTION OF FULL CITY BUDGET

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

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

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

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

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

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

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

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

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

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

9.4. APPROPRIATION ~~ORDINANCE~~ AND ADDITIONAL ORDINANCES

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

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

SECTION 3. TRANSFER OF FUNDS.

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

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

SECTION 4. UNENCUMBERED BALANCES.

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

SECTION 5. PAYMENT OF CLAIMS.

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

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

~~SECTION 6. CERTIFICATION OF FUNDS.~~

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

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

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

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

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

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

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

~~SECTION 10. TEMPORARY LOANS.~~

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

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

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

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

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

~~–~~

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

~~SECTION 12~~9.8. AUDITING FINANCES.

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

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ARTICLE ELEVEN. BOARDS AND COMMISSIONS

SECTION 11.1. GENERAL PROVISIONS

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

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

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

11.2. CITY PLANNING COMMISSION

SECTION 1. ESTABLISHMENT.

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

– This section shall be effective January 1, 2022.

SECTION 2. POWERS.

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

– This section shall be effective January 1, 2022.

ARTICLE XII 11.3. CIVIL SERVICE COMMISSION

SECTION 1. ESTABLISHMENT.

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

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

~~SECTION 2. OFFICERS AND EMPLOYEES.~~

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

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

~~SECTION 3. POWERS AND PROCEDURES.~~

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

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

* * *

ARTICLE ~~XIV~~FOURTEEN. CHARTER REVIEW

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

ARTICLE FIFTEEN. SAVING CLAUSES

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

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

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~~SECTION 15.2. PARTIAL INVALIDITY.~~

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

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

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

~~SECTION 15.4. CONTINUANCECONTINUATION~~ OF CONTRACTS AND VESTED RIGHTS.

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

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

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

~~ARTICLE XVI. WHEN CHARTER TAKES EFFECT~~

Proposed Amendment #1

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

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

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

~~THE CHARTER COMMISSION:~~

~~– Frank C. Cain, Chairman~~

~~– Charles E. Adams~~

~~– Clarence L. Berkey~~

~~– Alva Bradley~~

~~– Robert F. Denison~~

~~– G. H. Gardner~~

~~– Samuel Gross~~

~~– G. E. Hartshorn~~

~~– Mertice G. Laffer (Mrs. W. B.)~~

~~– Charles A. Niman~~

~~– John L. Severance~~

~~– George W. Staiger~~

~~– Walter G. Stephan~~

~~– A. H. Throckmorton, Secretary~~

Proposed Amendment #2

THE CHARTER OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

* * *

ARTICLE THREE. THE COUNCIL

* * *

ARTICLE FOUR. THE MAYOR

* * *

ARTICLE SEVEN. NOMINATIONS, ELECTIONS, AND REMOVAL

7.1. TIME OF HOLDING ELECTIONS

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

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

When there exists a vacancy in the office of the Mayor, an election for the unexpired term shall be held as provided in Section 4.6.

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

7.2. BALLOTS

(a) Except as provided in this section, the ballots used in all elections provided for in this Charter shall be consistent with the election laws of the State of Ohio.

(b) The ballots used in all elections provided for in the Charter shall be without party marks or designations. The names of all candidates for any office shall be placed upon the same ballot.

7.3. NOMINATING PETITIONS FOR PLACES ON BALLOTS

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

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

(b) The petition for a candidate for Mayor shall be signed by three hundred (300) electors of the City and the petition for a candidate for Council shall be signed by one hundred and fifty (150) electors of the City.

(c) No petition may be signed more than one hundred eighty (180) days 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 before the date set for the applicable election.

SECTION 7.4. ACCEPTANCE

Any person whose name has been submitted for candidacy by petition shall file an acceptance of candidacy with the election authorities at least eighty-five (85) days before the date of the applicable election; otherwise, the name of that person shall not appear on the ballot. The signature of a candidate upon a declaration of candidacy contained as part of a petition filed with the election authorities, in accordance with the election laws of the State of Ohio shall constitute compliance with the requirements of this section.

7.5. WRITE-IN CANDIDATES

A person seeking election as a write-in candidate shall file a declaration of intent with the election authorities at least seventy-two (72) days before the date of the applicable election. The declaration shall state the person's name and place of residence and the office for which the person intends to run. A voter may write on the ballot the name of any person who has properly and timely filed a declaration of intent to run as a write-in candidate, and that vote shall be counted.

Declarations of candidacy for write-in candidates shall be made on standard forms provided by the election authorities prescribed by the general laws of the State of Ohio and submitted within a period of time prescribed by the general laws of the State of Ohio.

* * *

7.8. REMOVAL

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

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

Proposed Amendment #2

the accused official shall be given both written notice of the time and place of the hearing and a written statement of the charges advanced as the basis for the expulsion.

ARTICLE EIGHT. INITIATIVE, REFERENDUM AND RECALL

8.1. INITIATIVE

(a) The people reserve to themselves the right, by initiative petition, to propose any ordinance or resolution, including the repeal of any ordinances or resolutions adopted by the Council, approved by referendum vote or initiated by the people. A legislative initiative petition shall be signed by electors of the City equal to at least ten percent (10%) of the total vote cast at the last preceding general municipal election.

(b) When a petition proposing an ordinance or other measure has been signed by the required number of persons and duly filed with the Clerk of Council, the Clerk shall, at the next regular Council meeting, certify the petition to the Council. At that meeting, the Council shall read the petition and refer it to an appropriate committee of Council, which may be the committee of the whole. The committee of Council to which the petition is referred shall provide for public meetings, with opportunity for public comments, on the proposed legislation. Not later than the second regular meeting of the Council following the meeting at which the proposed measure was certified to the Council by the Clerk, the committee of Council shall report the proposed measure to the Council along with its recommendations.

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

(d) No measure initiated by the people and adopted by popular vote shall be repealed or materially amended by the Council, within two (2) years after it takes effect.

8.2. REFERENDUM

(a) The people reserve to themselves the right, by petition, to subject to referendum any ordinance, resolution, or other measure passed by the Council, except as otherwise provided in this Section. Except

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as otherwise provided in this Section, no ordinance or other measure shall become effective until thirty (30) days after it has been passed by the Council, provided, however, that nothing contained in this Section shall prevent the City, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any tender or publication required by the measure, by this Charter, by the laws of the State of Ohio, or by ordinance or resolution.

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

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

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

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

8.3. RECALL

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

(b) A petition for recall of an elected officer shall contain the name of the person sought to be recalled and a concise statement setting forth the basis for recall and shall be signed by electors of the City equal to at least twenty-five percent (25%) of the total number of electors who voted in the most recent regular municipal election. No petition shall be signed fewer than one hundred eighty (180) days following the commencement of the most recent term of office of the elected officers whose recall is sought, and any

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signature affixed before that date shall not be counted. No petition may relate to the recall of more than one elected officer.

(c) When a petition for recall has been signed by the required number of electors and duly filed with the Clerk of Council, the Clerk shall, at the next regular Council meeting, certify the petition to the Council and shall at the same time furnish a copy of the petition to the person whose removal is sought. Unless the person whose removal is sought tenders a written resignation to the Clerk within no more than five (5) days after certification of the petition to Council, the Council shall provide for submitting the question of removal to a vote of electors

(d) If a majority of the votes cast at the election on the question of recall are in favor of recall, the person whose recall is sought shall be deemed removed from office upon the certification of the official election results to the Council

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

(f) If a majority of the votes cast at the election on the question of recall are opposed to recall, the person whose recall has been sought shall be allowed by the Council reasonable expenses incident to the election.

8.4. GENERAL PROVISIONS

(a) Any initiative, referendum, or recall petition may be presented in separate parts. Each part of an initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure. Each part of a 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 the ordinance or other measure. Each part of a recall petition shall contain the name of the member of Council sought to be removed and the statement of basis for removal.

(b) Each person signing a petition shall also provide that person's street and number of residence and date of signing. All signatures shall be made with ink. Each part of a petition shall contain a circulator statement as required by the general laws of the State of Ohio. Each part of a petition shall also have printed on it the names and addresses of at least five (5) electors of the City, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purposes of this Article.

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

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(d) If the Clerk's certificate shows that the petition has an insufficient number of signatures, the Clerk shall promptly notify each member of the committee of the petitioners, 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 a supplement to the petition in one or more parts with additional signatures in the same manner as provided for the original petition. If, upon challenge, a court determines that a certificate of the Clerk to the effect that the petition is sufficient is erroneous, a similar period of fifteen days (15) after the final judicial determination shall be granted for amending the petition in the same manner.

(e) Upon amendment by the filing of a supplement to the petition, the Clerk shall, not later than ten (10) days after the filing, examine the petition as amended and endorse upon it a certificate of the result, of the examination, which shall constitute the final determination. Only one supplement may be filed. The final determination of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

(f) An initiative, referendum or recall petition is deemed to be filed by the Clerk with the Council on the date the Clerk's final certificate is endorsed on the petition.

(g) Whenever the Council is required to provide for an election by reason of the filing of a petition for initiative or referendum or recall, the Council shall set the election, at the next regular general election occurring not less than sixty (60) days or more than one hundred twenty (120) days after the requirement has arisen. If no regular general election is to be held within that period, the Council shall provide for a special election to be held not less than sixty (60) days or more than one hundred twenty (120) days after the requirement has arisen; provided The Council shall certify the action to the 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.

8.5. OFFICIAL PUBLICITY

(a) At least forty (40) days before an election at which an initiated or referred legislative measure, or recall of an elective official is to be submitted to the electors, the Clerk of Council shall

(1) Mail materials to each registered voter of the City determined as of the most recent general election; and

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

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

8.6. STATEMENTS IN SUPPORT AND OPPOSITION

(a) At least fifty (50) days before an election prompted by a petition, the committee of petitioners designated in the petition at issue may submit to the Clerk of Council a statement in support of the petition.

(b) In the event of the submission of an initiative or referendum petition, a committee of three (3) members of Council appointed by the President of Council to act on behalf of Council by stating Council's position shall prepare an answer to the statement submitted by the committee of petitioners.

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

(d) A statement in support of or in opposition to any measure or recall shall be signed by the person or persons authorized to submit it. No statement may exceed five hundred (500) words in length. All statements in support of or in opposition to any legislative measure or recall and answers, once filed with the Clerk, shall at all times be open to the inspection of anyone interested in them.

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

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

* * *

ARTICLE THIRTEEN. AMENDMENTS

13.1. SUBMISSION OF AMENDMENTS

(a) Amendments to this Charter may be submitted to a vote of the electors of the City by the Council by an affirmative vote of at least five (5) of its members. Amendments shall be submitted to a vote of the electors of the City by the Council when a petition for a charter amendment has been signed by electors of the City equal to at least ten percent (10%) of the total vote cast at the last preceding general municipal election, and has been filed in the manner and form prescribed in Sections 8.1 and 8.4 of the Charter for the submission of ordinances by initiative petition. The amendments shall be submitted to the electors of the City at the next regular general election, if one shall occur not less than sixty (60)

Proposed Amendment #2

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

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

- (1) Mail materials to each elector of the City determined as of the most recent general election; or
- (2) Publish materials promptly in a newspaper generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City. The publication shall be made once a week for at least two (2) consecutive weeks with the first publication being at least thirty (30) days before the election.

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

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

13.2. EFFECTIVE DATE

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

ARTICLE FOURTEEN. CHARTER REVIEW

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

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THE CHARTER OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

* * *

ARTICLE ~~THREE~~III. THE COUNCIL

* * *

~~SECTION 3. REMOVAL~~

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

* * *

ARTICLE ~~IV~~FOUR. THE MAYOR

* * *

~~SECTION 9. REMOVAL~~

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

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

* * *

~~SECTION 11. RECALL.~~

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

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

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

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~~–(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.~~

* * *

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

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

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

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

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

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

~~– This section shall become effective January 1, 2021.~~20[XX].

~~SECTION 7.~~2. BALLOTS:

~~– The (a) Except as provided in this section, the~~ ballots used in all elections provided for in this Charter shall be ~~paper ballots or mechanical or other devices for voting not inconsistent with the general~~consistent with the election laws of the State of Ohio.

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

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

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

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

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

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

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

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

~~(b) Such~~The petition for a candidate for Mayor shall be signed by three hundred (300) electors of the Municipality equal in number to not less than two percent of the total number of voters voting at the last regular election of municipal officers.

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

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

~~(e) Such petition shall not~~Council shall be signed by anyone hundred and fifty (150) electors of the City.

(c) No petition may be signed more than one hundred eighty (180) days prior to the date established in Seciton VII-1 for the primary election that is required to be held when there are three or more candidates certified for the office of 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 before the date set for that primary the applicable election, regardless of whether or not a primary is actually required to be held for a Mayoral election. This section shall become effective January 1, 2021.

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SECTION ~~7.4.~~ ACCEPTANCE:

~~– Any person whose name has been submitted for candidacy by any such petition shall file an acceptance of such candidacy with the election authorities not later than at least eighty-five (85) days previous to the date established in Section VII-1 for the primary election that is required to be held when there are three or more candidates certified for the office of Mayor, regardless of whether or not a primary is actually required to be held for a Mayor at before the date of the applicable election; otherwise, the name of that person shall not appear on the ballot. The signature of a candidate upon a declaration of candidacy contained as part of petitions a petition filed with the election authorities, in accordance with law, the election laws of the State of Ohio shall constitute compliance with the requirements of this section. This section shall become effective January 1, 2021.~~

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

~~– The voter may A person seeking election as a write the name of any in candidate who has properly filed shall file a declaration as a write in candidate of intent with the election authorities on or before the at least seventy-second (72nd) day two (72) days before the date established in Section VII-1 for the primary election that is required to be held when there are three or more candidates certified for the office of Mayor, regardless of whether or not a primary is actually required to be held for a Mayor at the applicable election. Such The declaration shall state the person's name of the candidate, his or her and place of residence, and the office for which he or she desires the person intends to run. A write in candidate shall be an elector A voter may write on the ballot the name of any person who has properly and timely filed a declaration of intent to run as a write-in candidate, and that vote shall be counted.~~

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

* * *

7.8. REMOVAL

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

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

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

SECTION ~~8.1.~~ INITIATIVE:

Proposed Amendment #2

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

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

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

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

~~SECTION 8.2. REFERENDUM:~~

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

Proposed Amendment #2

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

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

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

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

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

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

SECTION 3. RECALL.

8.3. RECALL

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

Proposed Amendment #2

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

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

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

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

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

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

~~SECTION 8.4. GENERAL PROVISIONS.~~

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

Proposed Amendment #2

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

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

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

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

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

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

Proposed Amendment #2

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

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

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

~~SECTION 8.5. OFFICIAL PUBLICITY.~~

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

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

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

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

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

Proposed Amendment #2

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

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

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

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

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

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

* * *

ARTICLE THIRTEEN-XIII. AMENDMENTS

- 13.1. SUBMISSION OF AMENDMENTS

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

Proposed Amendment #2

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

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

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

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

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

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

13.2. EFFECTIVE DATE

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

ARTICLE ~~XV~~ FOURTEEN. CHARTER REVIEW

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