

THE FIRST AMENDED CHARTER OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

PREAMBLE

We, the people of the City of Cleveland Heights, in the County of Cuyahoga and the State of Ohio, 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 ~~must~~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 ~~must~~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

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 ~~must~~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 ~~must~~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.

3.3. 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.

3.4. SALARIES & OTHER COMPENSATION

In each ~~odd-numbered~~-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 ~~two-year~~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 ~~of adoption~~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 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) ~~members of the~~ 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 ~~must~~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 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 ~~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 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 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 ~~and~~, 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 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. 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.

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 ~~must~~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.

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.

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 ~~must~~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:

| (a) The petition ~~must~~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 ~~must~~shall be made by separate petition.

(b) The petition for a candidate for Mayor ~~must~~shall be signed by ~~one~~three hundred (~~100~~300) electors of the City and the petition for a candidate for Council ~~must~~shall be signed by one hundred fifty (~~50~~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 ~~must~~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 ~~must~~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 ~~county board of elections~~election authorities prescribed by the general laws of the State of Ohio and submitted within a period of time prescribed by the general ~~law~~laws of the State of Ohio.

7.6. CONDUCT OF ELECTIONS AND CANVASS OF VOTES

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by ~~this Charter and by the election~~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.

7.7. RANKED CHOICE VOTING

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

The Mayor and Judge shall be elected via instant runoff voting. If a candidate receives more than half of the total votes counting for candidates, that candidate is elected and the tabulation of votes is complete. Otherwise, tabulation shall proceed in rounds as follows. The candidate with the fewest votes

Lee Crumrine [LC1] April 30, 2024
01:15 PM

HC: Recommend using "election authorities prescribed by the general laws of Ohio" rather than "county board of elections."

Lee Crumrine [LC2] May 13, 2024
11:10 AM

HC: Recommend deleting "by this Charter and." It should be "the election authorities prescribed by the general laws of Ohio." Under Article XVIII, Section 14, of the Ohio Constitution, "All elections and submissions of questions provided for in this article shall be conducted by the election authorities prescribed by general law." The charter cannot prescribe the election authorities conducting elections.

shall be eliminated and each voter's ballot shall count as one vote for its highest-ranked remaining candidate in each round. When two or fewer candidates remain, the candidate with the greatest number of votes shall be elected.

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

The Council shall, by ordinance, establish:

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

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

7.8. REMOVAL

Any ~~elected officer~~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. ~~The elected officers of the City are the Mayor, Council members and the Judge of the Cleveland Heights Municipal Court.~~

In addition, Council may remove any elected ~~officer~~official of the City for failing or ceasing to possess any ~~other~~ qualification established by this Charter for that office or ~~for conviction of an illegal act that is listed in Section 10.3(d) while in office~~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 ~~officer~~official has been given an opportunity to be heard. At least ten (10) days before the hearing, the accused ~~officer must~~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 ~~must~~shall be signed by electors of the City equal to at least ~~five~~ten percent (~~5~~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 ~~must~~shall report the proposed measure to the Council along with its recommendations.

(c) The Council ~~must~~shall then proceed to consider it and take final action on the proposed measure not later than thirty ~~days~~ (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 ~~must~~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 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 ~~must~~shall be signed by electors of the City equal to at least ~~ten~~fifteen percent (~~10~~15%) of the total vote cast at the last preceding general municipal election and ~~must~~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 ~~must~~shall contain the name of the person sought to be recalled and a concise statement setting forth the basis for recall and ~~must~~shall be signed by electors of the City equal to at least ~~fifteen~~twenty-five percent (~~15~~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 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 ~~member of the Council~~person whose removal is sought. Unless the ~~member of the Council~~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 ~~must~~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 ~~must~~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 ~~must~~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 ~~must~~shall also provide that person's street and number of residence and date of signing. All signatures ~~must~~shall be made with ink. Each part of a petition ~~must~~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 ~~must~~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 ~~must~~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.

(d) If the Clerk's certificate shows that the petition has an insufficient number of signatures, the Clerk ~~must~~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 ~~must~~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 ~~must~~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 ~~must~~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 ~~must~~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.

(b) The materials required under this section mailed and published ~~must~~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 ~~Council member~~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 ~~must~~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 ~~must~~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 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 ~~must~~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 ~~must~~shall adopt a revised budget. The revised budget serves as the basis for the annual appropriation measure. The Mayor ~~must~~shall provide ~~to~~ an itemized estimate of the expenditures and revenues of the ~~city~~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 ~~must~~shall include an itemized estimate of the anticipated revenue from each source during the ensuing fiscal year, with a comparative statement of the amount received from such source during the two (2) preceding fiscal years and the current fiscal year plus an estimate of such amounts for the remainder of the current fiscal year. Revenue sources include property tax revenues ~~discussed above~~ and all other sources of revenue to the City. Assumptions

made ~~must~~shall be noted, and explanations of significant changes ~~must~~shall be provided. The itemized estimate ~~must~~shall be provided to Council by the November 15 of each fiscal year.

(c) An annual appropriation budget. The annual appropriation budget ~~must~~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~~Council. The Mayor ~~must~~shall also make available to Council the most recent debt rating report on the City from a recognized municipal debt rating agency. The Mayor ~~must~~shall provide to Council the itemized estimate by the November 15 of each fiscal year.

(d) Annual capital budget. The capital budget ~~must~~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 ~~must~~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 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 ~~must~~shall be on file with the Council before the passage of any bond ordinance.

9.7. LIMITATIONS ON RATES OF TAXATION

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 TEN. ETHICS

10.1. GENERAL EXPECTATIONS

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

10.2. OATH OF OFFICE

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

10.3. PUBLIC ETHICS

~~(a) The Mayor, City Administrator, Council members, and all directors owe a fiduciary duty to the City. In the interest of preserving public trust, these officials shall avoid any actual or perceived conflict of interest and any action likely to give the appearance of impropriety in the execution of their public duties. (b) The Mayor is responsible for seeing that policies governing the ethics of City employees in the execution of their job duties are adopted and implemented, that the policies are consistent with ethical requirements of the laws of the State of Ohio, and that the policies are communicated in writing to all City employees.~~

(ea) No City official or employee, through any improper use of that person's official position with the City, may affect the hiring of any person, the letting of any contract, or the taking of any other action by the City that may result in that official or employee, or any of the official's or employee's immediate family members or close business associates, securing officials and employees shall comply with the general laws of the State of Ohio governing the ethical conduct of public officials and employees, including, but not limited to: prohibitions against conflicts of interest, accepting anything of value. Nothing in this Section and unlawful interests in public contracts. No provision of this Article Ten shall be construed to prohibit a City official or employee from serving as an employment, personal, or credit reference for any person as limiting the applicability of the terms of the general laws of the State of Ohio governing the ethical conduct of public officials and employees, including, but not limited to, the prohibitions listed above, or the disqualification of or removal of public officials or employees from office or employment.

~~(d) Any person who has been found guilty by a court of competent jurisdiction in the United States of a felony violation of law for bribery, theft in office, having an unlawful interest in a public contract, soliciting or accepting improper compensation, perjury relating to an official duty, or corrupt practices relating to any local, state or federal election (Disqualifying Offense) shall be ineligible to hold office as Mayor, City Administrator, Council member, or director of a department. If, while in office, the Mayor, the City Administrator, a Council member, or a Director of a department is found guilty by a court of competent jurisdiction of any Disqualifying Offense, that person shall, upon the conviction, immediately forfeit the office held.~~

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

10.4. ROLE OF COUNCIL

Nothing in this Article shall be construed to prohibit Council from ~~adopting any rules or providing by ordinance additional rules and~~ policies ~~that govern ethics of City officers~~ concerning the ethical conduct of elected and appointed City officials and employees that are not ~~inconsistent with the provisions of this Charter, or enacting any additional prohibitions or penalties relating to public ethics~~ duplicative of or in conflict with the general laws of the State of Ohio.

10.5 TRAINING FOR COUNCIL AND MAYOR

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

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

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

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 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 ~~odd-numbered~~ 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 TWELVE. NONDISCRIMINATION

No act, policy, or practice of the City shall deny equal access to ~~city~~City services or equal opportunity in employment or promotion, or the benefits thereof on the basis of race, color, national origin, religion, age, disability, marital or partnership status, sex, sexual orientation, gender identity, gender expression, genetic information, pregnancy, citizenship status, caste, tribal affiliation, military/veteran status, source

of income, status with regard to public assistance, union membership, or any other classification protected by applicable federal, state, or local law, except policies and practices establishing bona fide limitations or occupational qualifications that are ~~reasonable~~reasonably necessary to personal safety and normal operations and have a substantial relationship to public safety and welfare, job functions and responsibilities. The Council shall adopt such legislation as is necessary to implement this provision, including to ensure the City may enforce these objectives in its award and supervision of contracts and grants. At least once each year, not later than May 31, the Mayor ~~must~~shall submit a report to the Council ~~a report~~ regarding the City as an equal opportunity employer.

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 ~~must~~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 ~~must~~shall be submitted to the electors of the City at the next regular general election, if one shall occur not less than sixty (60) days or more than one hundred twenty (120) days after the amendment's submission by Council. Otherwise the Council ~~must~~shall provide for the submission of the amendments at a special election to ~~and 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 ~~must~~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-year~~ ten (10)-year period, by ordinance or resolution, appoint a Commission to review the entire Charter. The first ~~ten-year~~ 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

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].

Summary report: Litera Compare for Word 11.3.1.3 Document comparison done on 5/30/2024 10:09:51 AM	
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Intelligent Table Comparison: Active	
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Modified DMS: nd://4889-3807-9938/2/2023-24 CRC Redlined Draft Amended Charter (Clean) - 5.21 draft with post 5.21 edits.docx	
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Delete	112
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Move To	1
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	225