

Proposed Amendment #1

THE CHARTER OF THE CITY OF CLEVELAND HEIGHTS, OHIO

PREAMBLE

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

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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

(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.

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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].