

Proposed Amendment #2

THE CHARTER OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

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ARTICLE THREE. THE COUNCIL

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ARTICLE FOUR. THE MAYOR

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ARTICLE SEVEN. NOMINATIONS, ELECTIONS, AND REMOVAL

7.1. TIME OF HOLDING ELECTIONS

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

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

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

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

7.2. BALLOTS

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

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

7.3. NOMINATING PETITIONS FOR PLACES ON BALLOTS

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

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

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

(c) No petition may be signed more than one hundred eighty (180) days before the date of the applicable election, and such petitions shall be filed with the election authorities prescribed by general law not later than 4:00 p.m. on the ninetieth (90th) day before the date set for the applicable election.

SECTION 7.4. ACCEPTANCE

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

7.5. WRITE-IN CANDIDATES

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

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

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7.8. REMOVAL

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

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

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

ARTICLE EIGHT. INITIATIVE, REFERENDUM AND RECALL

8.1. INITIATIVE

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

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

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

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

8.2. REFERENDUM

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

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

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

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

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

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

8.3. RECALL

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

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

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

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

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

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

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

8.4. GENERAL PROVISIONS

(a) Any initiative, referendum, or recall petition may be presented in separate parts. Each part of an initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure. Each part of a referendum petition shall contain the number and the full and correct copy of the title of the ordinance or other measure sought to be referred, but need not contain the full text of the ordinance or other measure. Each part of a recall petition shall contain the name of the member of Council sought to be removed and the statement of basis for removal.

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

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

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

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

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

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

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

8.5. OFFICIAL PUBLICITY

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

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

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

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

8.6. STATEMENTS IN SUPPORT AND OPPOSITION

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

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

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

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

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

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

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ARTICLE THIRTEEN. AMENDMENTS

13.1. SUBMISSION OF AMENDMENTS

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

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

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

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

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

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

13.2. EFFECTIVE DATE

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

ARTICLE FOURTEEN. CHARTER REVIEW

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