

## **Summary Overview of City Council's Proposed First Amended Charter of the City of Cleveland Heights**

August 30, 2025

This overview accompanies the working draft of the First Amended Charter of the City of Cleveland Heights dated as of 8.30.25 and is organized so that the explanatory notes run from the beginning to the end of the First Amended Charter, for ease of reference. Very in-depth substantive discussion of these topics and the development of the final language can be found in the report of the Charter Review Commission and the recorded meetings of the Commission leading up to that report, and the meetings of City Council's Committee of the Whole from June 2024 to August 2025, also recorded. One of the principal objectives of the Charter Review Commission's work was to facilitate and further effectuate the transition from a Council-Manager form of government to a Mayor-Council form of government, as initiated by Issue 26, adopted by Cleveland Heights voters in 2019. That purpose infuses the changes recommended to the Charter. In addition, many provisions of the Charter had not been reviewed in many years and required updating. Others, like vacancy-filling provisions, had been treated more recently but were felt to be in need of revision to streamline those processes and to enhance the function of the city government in service of residents.

One recommendation of the Charter Review Commission which does not appear in the draft is the implementation of Ranked Choice Voting. Council recognizes there is great interest in RCV and supports its consideration. However, while the authority of Home Rule charter municipalities to provide for the use of RCV in a charter is generally recognized, there is pending state legislation purporting to prohibit or discourage the municipal adoption of RCV, with impacts that are not yet fully clear. Further, it appears that even if the Charter were amended in November 2025 to provide for the use of RCV, it would be at least 2 years before it could be implemented. For these reasons, Council members have expressed the belief, including at their August 21 Committee of the Whole meeting and the August 25-29 public hearings, that it is appropriate to provide an opportunity for further, in-depth Council consideration and a more robust program of public input and education before making a decision about RCV, and that the process to update the City's Charter, consistent with the proposed First Amended Charter, should not be delayed.

This summary captures all discussions related to the proposed First Amended Charter through August 29, 2025. Currently, legislation to send the proposed First Amended Charter to the electors at the November 2025 general municipal election is scheduled for second reading and likely vote at the regular Council meeting of September 2, 2025.

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**Summary**

1. Preamble: Editorial revisions to the Preamble to reflect the City's aspiration to provide services of the highest level of quality and integrity.
2. Art. I – “Name and Boundaries” is unchanged
3. Art. II – “Form of Government and Powers”
  - a. Sec. 1 revised to include a statement that the City’s current form of government is known as a Mayor-Council form of government.
  - b. Sec. 2 revised to clarify that the City may exercise all home rule powers as provided by the Constitution or laws of Ohio, as prescribed in the Charter or by ordinance or resolution of City Council.
4. Art. III – The Council
  - a. Section 1 – “Powers, Number and Term” – revised to clarify the years in which Council members are elected and to eliminate a sentence that applied only to the very first Council members, elected in 1921.
  - b. Section 2 – “Qualifications” – revised to add a 12 month residency requirement in order to be eligible to run for Council
  - c. Section 3 – “Removal” – revised to clarify and expand the grounds upon which a Council member may be subject to removal by Council vote although removing “persistent failure to abide by the rules of Council” as a basis due to concern for potential abuse, and to clarify the number of votes required to remove (3 /4 of the remaining members), and that the member whose removal is being considered cannot vote on the question.
  - d. Section 4 – “Vacancies” – revised to expand the time for Council to fill a vacancy on Council from 45 to 60 days, and to provide that the person appointed serves until the expiration of the term to which they were appointed unless the next municipal election is both (1) at least 120 days after the vacancy occurs and (2) more than two years before the end of the term, in which case a successor to serve out the balance of the term will be elected at that municipal election.
  - e. Section 5 – “Compensation” – Council already has authority to establish the compensation for Council and for Mayor, but that authority is provided in

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both Art. III and Art. IV; the revisions provide that Council is to consider and determine the compensation for these positions every 4 years but does not require Council to make any change in compensation, and does not allow for a change to take effect within an elected official's term. It also includes criteria which Council should consider in evaluating compensation, including a report on compensation for these positions which is to be prepared by the Civil Service Commission; lastly, specifies that the Council President's compensation is to be 25% higher than other Council members (for reference, it is currently about 27% higher).

- f. Section 6 – “Appointees” – Principal revision is to specify that for contracts engaging consultants or independent contracts the President of Council, rather than Mayor, is authorized to sign.
- g. Section 7- “Meetings” – Principal revision is to provide Council the ability to have virtual meetings, with safeguards incorporated similar to those utilized by the State of Ohio when such meetings were authorized during the COVID pandemic; to provide that Council may regulate the use and conduct of such meetings by ordinance; and to provide in the Charter that Council by ordinance may authorize other public bodies of the City to meet virtually.
- h. Section 8 – “General Provisions” – terminology for the compendium of Council’s proceedings changed from “journal” to “record,” a more modern and better understood term.
- i. Section 9 – “Council’s Subpoena Power” – new language similar to Ohio law provisions, which the Charter Review Commission notes was suggested by the current mayor.
- j. Section 10 – “Emergency Measures” – clarifies what an emergency ordinance or resolution is, the number of votes and elements required to pass an emergency measure, in a clearly titled provision (previously this was “buried” elsewhere in the Charter and not separately or clearly identified).
- k. Section 11 – “President of Council and Vice President of Council” – Revisions address the responsibility and authority for preparation of Council’s agenda, and how a temporary presiding officer is selected when both the President and VP are absent from a meeting.
- l. Section 12 – “Council Interactions with City Administration” – although Art III Sec. 6 continues to prohibit the Council or any member from dictating the

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appointment of any person by the mayor and prohibits Council from interfering with or preventing the Mayor or Administrator from exercising their judgment in the appointment of officers and employees, this new Section 12 speaks to the good-faith collaboration between Council and the Mayor that this Council believes the City's residents deserve and desire, including the ability of Council to communicate with members of the administration, and further underscores the reasonable expectation that Council inquiries will be responded to by members of the administration in a complete and accurate manner, and finally provides that Council may require that Directors, Chiefs or their designees attend meetings of Council or Council Committees by request, or by ordinance. Council believes that this recommendation of the Charter Review Commission, as modified by Council, is consistent with the practice of the overwhelming majority of other cities in the area and throughout the state.

5. Article IV – The Mayor

- a. Section 1 – “Term” – no substantive changes.
- b. Section 2 – “Qualifications” – no substantive changes.
- c. Section 3 – “Executive Powers and Duties” – Revised to clarify that the Mayor does not have authority over Council or its employees; qualifies the Mayor’s duty to enforce the laws and ordinance by requiring that such be done by appropriate law enforcement officials through appropriate legal process, which is consistent with Ohio law; requires that the Mayor timely perform duties properly conferred upon or required of the Mayor by Charter, ordinance or general law; and modernizes the current archaic language regarding use of the City seal.
- d. Section 4 – “City Administrator” – Revisions require that Administrator attend meetings of Council and Committee of the Whole and, upon request, other Council Committee meetings, and allows Council to impose requirements by ordinance applicable to the Administrator’s provision of reports to the Mayor and Council; revises language regarding the City Administrator serving as a department head to render it clearly consistent with existing prohibition against serving as Director of Law, Finance or Planning and Development.
- e. “Legislative Powers” – retains the Mayor’s ability to introduce legislation and Council and protects against unreasonable delay or refusal to do so by Council; provides that the Council President may invite the Mayor to

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participate in executive sessions of Council, but provides for the possibility that the Mayor not participate when not appropriate; and provides that in participating in Council meetings the Mayor is subject to Council rules regarding the same. Further revisions provide that a Mayor may not veto ordinances submitting to the voters initiative, referendum or recall proposals, or Charter amendments.

- f. Section 6 – “Removal” – removal/forfeiture provision is unchanged but renumbered due to other changes in Article IV.
- g. Section 7 – “Absence and Vacancy” – Revisions establish a mechanism for determining when a mayor is absent or inaccessible or unable to perform the duties of the position, and a timetable and process for determining an Acting Mayor and then a permanent Mayor, initially by appointment by Council and next, depending upon when the replacement Mayor is appointed, by election. An election is required here under the same circumstances as for a Council vacancy, meaning the vacancy (here declared by Council pursuant to the prescribed procedures) occurs at least 120 days prior to a regular municipal election that occurs more than two years before the expiration of the unexpired term of the Mayor. If these timing requirements are not satisfied, then the appointed Mayor serves until the expiration of the current term of Mayor

6. Article V - “Administrative Officers and Departments.”

- a. Section 1 – “Departments” – revised to provide that the Council, rather than the Mayor, determines the functions and duties of each department and may create new positions or departments (Council believes this is the predominant practice in Ohio cities); and adds Human Resources to the list of Charter-created city departments.
- b. Section 2 – “Directors” – Revised to require Council confirmation of the Directors of Public Works and Human Resources in addition to Law, Finance and Planning and Development; and to provide for mayor authority to remove Department heads without Council approval except that the removal of the Directors of Law or Finance does require Council approval. Imports the duties of the Director of Law into the Charter, mirroring that currently in the Codified Ordinances, to clarify the duty of representation, and adds details and duties to the Director of Finance position, consistent with the general practice in Ohio municipalities and consistent with Ohio law.

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- c. Section 3 – “Mayor as Head of Departments” – language unchanged.
- 7. Art. VI – “Municipal Court” – unchanged.
- 8. Art. VII – “Nominations and Elections” – Revised to specify the number of signatures required on petitions to qualify as a candidate for Council or Mayor – 225 for Council, and 300 for Mayor; also deletes the current Charter’s ban on an elector signing more petitions for an office than there are positions to be filled; cleans up language regarding ballots, acceptance and write-in candidates.
- 9. Art VIII – “Initiative, Referendum and Recall” – The revisions retain the number-of-signature requirements for initiative and referendum ballot measures, 10% and 15% of the total votes cast at the last preceding general municipal election, respectively; retains the number of signatures required for recall petitions for Council members at 25% of the number of votes cast at such election, and maintains the number of signatures required for a petition for the recall of a mayor at 25% of the votes cast at the last mayoral election; brings Council and Mayoral recall matters all into Article VIII (and moves Charter amendments out – see new Art. XII); maintains current Charter requirements for “official publicity” for all such petitions; and generally cleans up language.
- 10. Art. IX – “Finances” – the Charter Review Commission recommended revised procedures for development of the City’s budget, based in large part on the processes used by the City in 2023 in the development of the 2024 budget; expressly clarifies that interim appropriation ordinances and amendments to the same are permitted (as under Ohio law), and specifically authorizes Council to enact ordinances relating to finance and budget matters such as formats, the specification of particular back up information, etc. Retains standard municipal finance provisions.
- 11. Art. X – “Ethics and Nondiscrimination” – This is new language to evidence the reasonable expectation of residents that City officials and employees will conduct themselves legally, ethically and honestly; provides that compliance with Ohio laws addressing the ethical conduct of public officials and employees is the standard (rather than the more limited conflict of interest provisions previously present in the charter), providing more comprehensive regulation and allowing the City, in evaluating employee and official acts, to refer to and rely upon the extensive existing case law, Ethics Commission and Ohio Attorney General guidance interpreting and applying these standards. Also requires substantial training for new Council members and new Mayors, to be evidenced by a certification kept on file with the

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Clerk of Council; and finally, retains and expands upon the prior Charter's commitment to equal employment opportunity.

12. Art. XI – “Boards and Commission” – revised to bring both Planning Commission and Civil Service Commission within the same article; establishes new requirement for Civil Service Commission to prepare a report on the compensation of the Mayor and Council members, to dovetail with the new every-4-year compensation decision requirement imposed upon Council under Article III; and finally, consolidates in the Charter Council’s authority to establish boards, commissions, special committees and other similar bodies, or to abolish them (except Planning and Civil Service); and provides bases and processes for the removal of board and commission members by Council, generally, or by the Mayor if the board or commission member was appointed by the Mayor.
13. Art. XII – “Amendments” – slight language changes to more clearly reflect Ohio’s constitutional requirements for Charter amendments; imports the “official publicity” requirements from Article VIII, which is where charter amendments were previously addressed.
14. Art. XIII – “Charter Review” – revised to require that a Charter Review Commission be appointed every 10 years, to consist of 9 members, with 7 appointed by Council and 2 by the Mayor with no need for Council approval, and with a provision for Council to appoint 2 more if the Mayor should fail to make such appointments. Unless otherwise provided by Council, the Charter Review Commission is to complete its work and recommend any changes to the Charter that in its judgment are desirable, within 7 months. Council is then to consider them within a reasonable time.
15. Art. XIV – “Franchises” – this is existing language that was previously located elsewhere within the Charter.
16. Art. XV – “Savings Clauses” – no substantial changes.
17. Art XVI – “When Charter Takes Effect” – provides that the First Amended Charter would take effect when approved by the City’s voters.