

Memorandum

To: Members of Cleveland Heights Charter Review Commission

From: Howard Maier

Subject: Comments on Article V

Date: August 27, 2018

Since I will not be in attendance at the August 30th meeting, I thought I'd weigh in on Article V. I hope these thoughts are helpful. Considering that I've missed the last two meetings, I apologize if these topics have been discussed and settled.

Section 1: Reference is made to the creation of charter-mandated departments of city government. While the ones mentioned are typical functions of municipalities, some of those listed don't match the current titles or are not in existence anymore. For example, the Department of Planning is known as the Department of Planning and Development and the Department of Public Service is known as the Department of Public Works. Whatever departments make their way into the charter should match the names as they are now used. Also, I believe the Department of Public Health has not existed for many years. These changes are easily accommodated.

More difficult would be deciding whether other departments need to be listed in the charter. For example, do we need a Department of Public and Community Relations, a Department of Parks and Recreation, or other departments? If so, should they be mentioned in the charter? New technologies and different ways of performing municipal business may mean the creation of departments we haven't thought of at this time. As I understand things, there are now departments mandated by the charter and others mandated by the city manager and practice. Is a charter mandated department more important than one created by the city manager and practice? We might end up creating an organizational structure that could become obsolete in a few years. Also, departments are listed without any explanation of what they do. Functions and responsibilities of the various departments are not listed. How detailed do we want to get? We could simply note that together council and the city manager should determine what departments are needed to carry out the needs of the city and ask the city manager to present an organizational chart to the council and public every year.

Section 2: I think it's important for the council to approve the directors of the departments. I make this suggestion not to remove authority from the city manager, but to more closely link the administration with the council. I'm sure the subject can be debated, but I think it would add a level of comfort to both staff and council knowing that the director appointments were ratified. The question then becomes is the ratification to be a one time event or should it take place when new councils are seated or when a new city manager takes over? That's a discussion item beyond the scope of this memo.

The current charter notes that the law director should be an attorney at law with at least five years experience of practice in the State of Ohio. This is a sensible requirement. Do we need such requirements for other department heads? For example, should the planning and development director be a member of the American Institute of Certified Planners (AICP)? To achieve AICP status, a planner needs to pass an exam following a combination of professional experience and education. Being an AICP implies a certain level of professional expertise that can be valuable to the city. I'm sure other functions have professional certifications, registrations, and licenses as well. Do we want to place such requirements in the charter?

Jack asked the question in his memo about the actual meaning of the term City Auditor. This leads, once again, to the necessity of a glossary of terms.

Section 3: In my mind, the city manager, as CEO, should clearly be the head of departments.

Section 4: Reference is made to bonds for faithful performance. I don't know whether that provision has ever been enforced. I'd like more information on the subject.

The above-noted comments should be considered as discussion items. I hope that they help move the conversation forward. I look participating in person at future meetings.