

FIRST AMENDED CHARTER
OF THE
CITY OF CLEVELAND HEIGHTS, OHIO

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~~(EDITOR'S NOTE: The Charter was originally adopted by the voters at a special election on August 9, 1921. Dates appearing in parentheses following a section heading indicate that those provisions were subsequently amended or adopted on the date given.)~~

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

PREAMBLE

We, the people of the City of Cleveland Heights (City), in the County of Cuyahoga and the State of Ohio, in order to secure for ourselves the benefits of local self-government under the Constitution of the State of Ohio, do ordain and establish this First Amended Charter (Charter) for the government of the City ~~of Cleveland Heights~~.

ARTICLE I **NAME AND BOUNDARIES**

The municipal corporation now existing and known as the City of Cleveland Heights shall continue to be ~~a body politic and corporate~~an organized, incorporated governmental entity under

the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous ~~thereto to its existing boundaries~~ in the manner authorized by the general laws of the State of Ohio; ~~but~~ However, no territory shall be detached ~~therefrom from the City~~ nor shall the City be annexed to any other municipality, without the consent of the Council and of a majority of ~~its electors~~the registered voters of the City voting on ~~such that~~ question.

ARTICLE II **FORM OF GOVERNMENT AND POWERS**

SECTION II-1. FORM OF GOVERNMENT

The municipal government provided by this Charter shall, as reflected more specifically in other provisions of the Charter, be and be known as Council-Manager government.

SECTION II-2. POWERS.

The City ~~of Cleveland Heights~~ 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; ~~and all~~ All such powers shall be exercised in the manner prescribed by this Charter or, to the extent not inconsistent with this Charter, by ordinances of the Council ~~created hereby~~.

ARTICLE III **THE COUNCIL**

SECTION III-1. POWERS, NUMBER AND TERM.

~~The legislative power of the City, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of seven members elected at large. The terms of the members of the Council shall begin the first day of January next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified, except that the three members elected at the first election by the lowest votes shall serve for two years only.~~

Except as otherwise allocated, provided, or limited by law or this Charter, all powers of the City shall be vested in a council of seven (7) members elected at large (Council). Other than as called for under Article III-4 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 on the first day of January immediately following their election. Each shall serve for a term of four (4) years or until his or her respective successor is chosen and qualified, provided that the members of Council in office when this provision becomes effective shall continue in office until the expiration of the then existing terms.

SECTION III-2. QUALIFICATIONS.

To serve as a member of ~~the~~ Council, a person shall ~~be a resident and elector of reside in, and be registered to vote in,~~ the City ~~of Cleveland Heights~~ at the time ~~for~~~~of~~ submitting his or her nominating petition to the election authorities as required under the terms of this Charter, and shall continue to reside ~~therein in the City~~ during his or her term of office. No person ~~shall be a member of serving on~~ Council ~~who holds~~~~may hold~~ any employment with the City ~~of Cleveland Heights, the Cleveland Heights/University Heights School District, or the East Cleveland School District, or who holds~~~~or~~ any elected public office other than that of precinct committee person or State central committee person.

~~(Amended 5-6-86.)~~

SECTION III-3. REMOVAL.

The Council shall be the judge of the election and qualifications of its own members. It may expel any member for gross misconduct, ~~or~~~~for~~ malfeasance in or disqualification for office, ~~or~~ for conviction of a crime involving moral turpitude while in office, ~~or~~~~for~~ violation of ~~its charter, or this Charter, or for~~ persistent failure to abide by the rules of the Council; ~~provided, however.~~ However, that ~~such~~ expulsion ~~shall not~~~~may~~ take place ~~without the concurrence of~~~~only upon~~ Council acting by an affirmative vote of at least five ~~of its~~ members ~~nor until~~, and only after the accused member ~~shall have~~~~has~~ been given a written copy of the charges against him and an opportunity to be heard, ~~with not less~~ Not fewer than ten (10) days' ~~in advance of the hearing,~~ the accused member must be given both written notice of the time and place of ~~the~~ hearing and a written statement of the charges proposed as the basis for expulsion.

~~(Amended 11-7-72.)~~

SECTION III-4. VACANCIES.

The procedure for filling a Council vacancy is as follows:

(a) Unless the unexpired term is scheduled to expire earlier, an election regarding a Council vacancy shall be held at the first primary or general election that occurs at least [one hundred eighty (180)] days after the vacancy occurs (Vacancy Election).

~~Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority of the remaining members of the Council. Such appointee shall hold office through December 31 following the next regular municipal election taking place more~~(b) Council may, by an affirmative vote of a majority of its members in office at the time of the appointment, fill the vacancy in the first instance by appointment, provided that it acts not later than sixty (60) days after ~~such~~~~the~~ vacancy occurs; provided, however, that the term of a member shall not be lengthened by his resignation and subsequent appointment. Council shall develop a process for making the appointment and include the process in the rules by which it operates. The term of a person who fills a vacancy by appointment shall extend until (i) the expiration of the unexpired term or, if earlier, (ii) the first regular meeting of Council following the certification of electoral results from the Vacancy Election.

(c) If Council does not fill the vacancy in the first instance by appointment as provided above, the vacancy shall be filled in the first instance by election at the Vacancy Election.

(d) The term of ~~the~~ person chosen at such election to succeed such appointee for any unexpired term shall begin the first day of January next following his election and he shall serve ~~elected at the Vacancy Election shall begin at the first regularly scheduled meeting of Council following the certification of electoral results of the Vacancy Election and shall extend for~~ the remainder of ~~such~~~~the~~ unexpired term.

~~(Amended 11-7-72.)~~

SECTION III-5. SALARIES.

Council ~~may~~~~shall~~, by ordinance passed biennially in odd numbered years, fix the salaries of ~~the Mayor and all members of the~~ Council for the two-year period commencing on January 1 of the second year following the year ~~that this section shall become effective; provided that any such in which the~~ ordinance ~~must be~~ is adopted. Any ordinance fixing salaries shall be null and void unless adopted at least sixty (60) days prior to the filing date before the deadline for filing nominating petitions by candidates for Council for the regular municipal election to be held in the year of adoption; and provided further that Council may, in the year in which this section shall become effective, pass an ordinance fixing, but not increasing, the salaries of the Mayor and all subject to further provisions of this Charter. Salaries for the six (6) members of Council for the two year period commencing on January 1 of the first year following the year in which this section shall become effective. This section shall become effective January 1, 1983 other than the President of Council shall be identical. The salary for the President of Council shall be larger by [20-30%?] than the salary for other members.

~~(Amended 11-2-82.)~~

In the years in which the Civil Service Commission makes salary recommendations for members of Council under Article XII, Council shall, by ordinance, accept, reject, or modify the recommendations within ninety (90) days of their having been filed with the Clerk of Council (Clerk). In the absence of action by Council on the recommendations within the ninety day period, the recommendations shall become effective as if adopted by ordinance.

SECTION III-6. APPOINTEES~~APPOINTMENTS~~

The Council shall appoint a City Manager. The Council shall evaluate the performance of the City Manager no less frequently than annually and shall, at the first meeting of Council that follows completion of the evaluation, announce that it has been performed and completed.

Unless otherwise provided by ordinance of the Council, the Director of Finance shall serve as ex officio Clerk of the Council, and shall have the duty of keeping Council's records and performing all other duties required of the Clerk by this Charter and by the Council. The Council may also appoint ~~and~~ employ ~~such other officers and employees of its body as it deems necessary, all such officers and employees to hold office, retain, contract with, and otherwise secure the services of additional persons as Council may deem necessary to advise or assist it in its functions, with all such persons to hold their appointment, employment, retention, or other status~~ at the pleasure of ~~the~~ Council.

The Council may create and establish any other offices and positions ~~which it may deem~~ deems necessary ~~in connection with the administration of the~~ to administer City affairs and ~~which are not herein~~ for which this Charter does not otherwise provided for provide.

Neither the Council nor any of its members or committees ~~shall~~may dictate the appointment of any person to office or employment by the City Manager, ~~nor~~or in any manner interfere with or prevent the City Manager from exercising his or her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members ~~shall~~must deal with the administrative service solely through the City Manager and neither the Council nor any member ~~thereof shall~~of Council may give orders to any ~~of the~~subordinates~~subordinate~~ of the City Manager.

In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the City Manager ~~shall~~must submit a report to the Council for review concerning the carrying out of this policy. Council ~~shall~~must make this report public.

~~This section shall become effective January 1, 1983.~~

~~(Amended 11-2-82.)~~

SECTION III-7. MEETINGS.

The Council shall meet for the purpose of organization on the first Monday in January following each regular municipal election. In the event ~~such~~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 ~~of Cleveland Heights~~ as may be prescribed by ordinance or resolution. Four members shall constitute a quorum.

~~(Amended 11-7-72.)~~

SECTION III-8. GENERAL PROVISIONS.

The Council shall determine its own rules and order of business, provide for special meetings and keep a ~~journal~~record of its proceedings. The Council may by ~~general~~ 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; ~~and~~ the advertisement and awarding of public contracts. ~~Such general ordinances; and interpretation of principles of open government for the City, as well as the methods and manners of applying those principles. Ordinances of the type listed immediately above,~~ when once adopted, ~~shall~~may not be repealed or amended except by an affirmative vote of ~~at least~~ five Council members ~~of the Council~~ or by vote of the people.

SECTION III-9. ~~FRANCHISES~~EMERGENCY MEASURES.

~~No measure making a grant, renewal or extension of a franchise or other special privilege, or regulating a rate to be charged for its service by any public utility, shall ever be passed as an emergency measure.~~

An emergency ordinance 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 or other measure unless it receives the affirmative vote of at least five Council members, and the specific reason or reasons for the need to declare the emergency must be separately set forth in a section of the ordinance or other measure.

SECTION III-10. ~~INTEREST IN CONTRACTS~~ PUBLIC UTILITIES AND FRANCHISES.

~~No member of the Council, nor the City Manager, nor any other officer or employee of the City shall be directly or indirectly interested in any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City; and any contract with the City in which any officer or employee is or becomes interested may be declared void by the Council.~~

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 or other measure making, amending or renewing a public utility or other franchise may be passed as an emergency measure.

SECTION III-11. ~~MAYOR~~PRESIDENT OF COUNCIL AND VICE ~~MAYOR~~PRESIDENT OF COUNCIL.

~~The~~ Council shall, at the time of organizing, ~~and every two years thereafter~~ following each regular municipal election, elect one of its members as President, ~~who shall also have the title of Mayor~~, and another as Vice President, ~~who shall also have the title of Vice Mayor~~. In the event of a vacancy in either ~~the office of Mayor or Vice Mayor~~, or ~~in the event if~~ the Council ~~shall determine by~~ ~~determines by an affirmative vote of~~ at least four ~~of its~~(4) members that either the ~~Mayor~~President or ~~the~~ Vice ~~Mayor~~President is unable to fulfill the duties of ~~his~~the respective office, the Council shall immediately proceed to elect one of its members to serve in ~~such that~~ office.

~~The President, and in his absence the Vice President, shall preside at all meetings of the Council and shall have a voice and vote in its proceedings, but no veto. Except as the same are otherwise disposed of or provided for herein, the Mayor, or in the event he is unavailable, the Vice Mayor, shall exercise all powers and discharge all duties imposed upon Mayors of municipalities by the general laws of the State, which are not inconsistent with the provisions of this Charter; but nothing herein provided shall be construed as conferring upon him any administrative or executive functions herein conferred upon other officers.~~

~~(Amended 11-7-72.)~~

The President of Council, or in the President's absence the Vice President, shall preside at all meetings of the Council, shall have a voice and vote in its proceedings but no veto, and shall be recognized as a non-exclusive representative of the City for ceremonial purposes.

ARTICLE IV

CITY MANAGER

SECTION IV-1. APPOINTMENT, TENURE, REMOVAL.

The Council, acting by a vote of at least four of its members, shall select and appoint a City Manager. The City Manager serves at the will of the Council, which, by an affirmative vote of at least four of its members, may remove or suspend the City Manager with or without cause. No employment agreement between the City and the City Manager may limit the Council's authority to suspend or remove the City Manager, but the agreement may provide for post-employment payments and benefits.

~~The City Manager shall be appointed by the Council to serve at the will of the Council, a majority of all the members of the Council being required for his appointment, suspension or removal.~~

~~(Amended 11-7-72.)~~

SECTION IV-2. RESIDENCE REQUIREMENTS.

~~The City Manager need not be a resident of the City at the time of his appointment, but shall reside therein during his tenure of office.~~

~~(Amended 11-7-72.)~~

SECTION IV-32. POWERS AND DUTIES.

The City Manager ~~shall be~~ is the chief ~~administrative~~ executive officer of the City ~~and official head of City government~~, and ~~shall be~~ is responsible to the Council for the ~~proper~~ general direction, supervision, management and administration of all ~~the~~City affairs ~~of the City~~ and the enforcement of all the laws and ordinances, except as ~~herein~~ otherwise provided; ~~and to that end he shall have authority to appoint and remove all other administrative officers and employees, except as otherwise provided herein. He shall attend all meetings of the Council, by federal, state or local law or by this Charter.~~ The more particular powers and duties of the City Manager include but are not limited to the following:

- (a) To represent the City in intergovernmental relationships;
- (b) To represent the City in its relationships with business and residential interests consistent with the City's master plans and strategies adopted from time to time by Council and with the ordinances and policies approved by Council;
- (c) To appoint, promote, suspend, discipline and/or remove all City employees and appointed City officers except as otherwise provided by federal, state or local law or by the Charter, and subject at all times to the terms of applicable collective bargaining agreements.
- (d) To be the chief conservator of the peace within the City, and to see that all laws and ordinances are enforced;
- (e) To develop and submit to Council policy proposals, including from time to time proposals for new or revised master plans and strategies, and to provide advice to Council on matters of policy;
- (f) To develop and recommend ordinances and resolutions for consideration by Council and otherwise make recommendations for actions to be taken by the City;

(g) To prepare and to submit to Council annually, and to publish promptly in media of ready availability to City residents:

- A proposed operating budget for the upcoming year;
- A proposed capital improvements program and budget containing at least the improvements scheduled for or proposed for the upcoming year and for each of the next succeeding three years;
- A written message accompanying the budget proposals that (i) describes the state of the City, including but not limited to its financial condition and its future needs, and identifies any longer term risks the City Manager believes are reasonably likely to have a material impact on the City's future financial status and/or other aspects of its well-being; (ii) makes recommendations for the establishment and achievement of future City goals and deals with the risks identified; and (iii) sets forth the initiatives proposed for the year and for the next succeeding three years;

(h) To promote and pursue the vision and plan for the City as determined from time to time by Council in light of and in response to the proposed budgets, the description of condition and needs, the identification of risks, and the proposed goals and initiatives;

(i) To execute on behalf of the City all contracts, conveyances, evidences of indebtedness and other instruments to which the City is a party;

(j) To attend meetings of Council, with the right to participate fully in its discussions and bring matters to its attention, but without the right to vote; and he shall on or to veto any measure, and to attend meetings of any committee of the Council when so required by such committee. He shall prepare and submit to the Council the annual budget, after receiving estimates made by the directors of the several departments, and shall perform such other duties as may be prescribed by this Charter or by the ordinances or resolutions of the Council, permitted or requested by that committee and to bring matters to the committee's attention but without the right to vote on or to veto any measure;

(j) To be recognized by the Courts for purposes of receiving service of civil process and by the Governor for military or defense purposes, and as a non-exclusive representative of the City for ceremonial purposes;

(k) To perform such other duties as may be prescribed by the Charter or by ordinances or resolutions of Council not inconsistent with the Charter;

(l) To delegate to any other City officer, department head, or supervisor, subject to direction of, supervision of, and ultimate responsibility of the City Manager, the authority to exercise any of the City Manager's powers and duties.

SECTION IV-43. VICE CITY MANAGER.

There shall be a Vice City Manager who is selected and appointed by the City Manager on the basis of executive and administrative training and experience appropriate to fulfill the responsibilities of the office, and whose appointment is subject to, and effective only upon, approval by Council acting by an affirmative vote of at least four of its members. The Vice City Manager reports to, is responsible to, and serves at the will of the City Manager, and may be suspended or removed by the City Manager without the approval of Council.

The Vice City Manager shall appoint a qualified City administrative officer as Vice Manager to exercise ~~assists the City Manager in the operation of the City Manager's office and the execution of the City Manager's powers and duties, subject to the direction of, supervision of, and ultimate responsibility of the City Manager. During any temporary absence, suspension or disability of the City Manager, the Vice City Manager has and exercises the powers and performs~~ the duties of the City Manager during his temporary absence or disability. The City Manager shall certify such appointment in writing to the Council; if and to the extent, in any circumstance of this kind, the Vice City Manager is unavailable to exercise the powers or perform the duties of City Manager, the Director of [Law? Planning?] shall do so.

~~(Amended 11-7-72.)~~

SECTION IV-54. ACTING CITY MANAGER.

~~If the Council suspends the City Manager or there is a vacancy in the office of the City Manager the Council may appoint an Acting City Manager to serve until such suspension ceases or until another City Manager is appointed and qualified. The Council may suspend or remove an Acting City Manager at any time.~~

Upon a vacancy in the office of the City Manager, the Vice City Manager serves as Acting City Manager until another City Manager is appointed or Council appoints a separate person to be Acting City Manager. If the Vice City Manager is serving as Acting City Manager but is unavailable to exercise the powers or perform the duties of City Manager, the Director of [Law ? Planning?] shall do so. The Council may suspend or remove an Acting City Manager from that office at any time.

~~(Amended 11-7-72.)~~

ARTICLE V ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION V-1. DEPARTMENTS.

The following administrative departments are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning & Development; (4) Department of Public Safety; (5) Department of Public ~~Service~~ Works; and (6) Department of ~~Public Health~~ Community Services; and (7) Department of Parks & Recreation.

The Council shall determine and prescribe the functions and duties of each department, and, by acting by an affirmative vote of at least five of its members via a codified ordinance, may create new departments, may combine or abolish existing departments and including but not limited to departments established by this Charter, and may establish temporary departments for special work.

~~(Amended 11-7-72.)~~

SECTION V-2. DIRECTORS.

There shall be a director of each department who ~~shall have the supervision and control thereof, and who shall be supervises and controls the department, and who is~~ appointed by, and ~~shall be~~ is immediately responsible to, the City Manager for the ~~department's~~ administration ~~of his department~~. The City Manager's appointment of ~~the Director of Law, Director of Finance and Director of Planning shall be~~ each director is subject to and effective only upon the ~~approval of a majority of the~~ affirmative vote of at least four Council members ~~of Council~~. The City Manager may remove the director of any department without ~~the~~ Council approval ~~of Council~~.

The Director of Law ~~shall~~ must be an attorney at law duly admitted to practice in the State of Ohio, ~~and shall have been engaged in active practice of law continuously for a period of five years next preceding his appointment~~. The Director of Finance shall also have the title of City Auditor. Nothing ~~herein~~ in this Charter shall be construed as preventing the same person from being director of more than one department.

~~(Amended 11-7-72.)~~

SECTION V-3. CITY MANAGER AS HEAD OF DEPARTMENTS.

Excepting the Departments of Law, Finance, and Planning & Development, the City Manager may be the director of each and every department of the City government unless otherwise ~~provided~~ stipulated by the Council.

~~(Amended 11-7-72.)~~

SECTION V-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 his or her duties, in such an amount as it may determine, and it may provide that the premium ~~therefor~~ for the bond shall be paid by the City.

ARTICLE VI

MUNICIPAL COURT

SECTION VI-1. ESTABLISHMENT.

The Cleveland Heights Municipal Court (Court) has been created and is in existence pursuant to the laws of the State of Ohio.

~~(Amended 11-7-72.)~~

SECTION VI-2. NOMINATION AND ELECTION.

The provisions of Article ~~VII~~ VII of this Charter shall govern the nomination and election of the Judge of the ~~Cleveland Heights Municipal~~ Court.

~~(Amended 11-7-72.)~~

SECTION VI-3. GENERAL PROVISIONS.

Except as otherwise specifically provided ~~herein the Cleveland Heights Municipal~~this Charter,
~~the~~ Court shall be governed by the laws, rules and regulations of the State of Ohio.
(Amended 11-7-72.)

ARTICLE VII NOMINATIONS AND ELECTIONS

SECTION VII-1. TIME OF HOLDING ELECTIONS.

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

SECTION VII-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~~consistent with the general election laws of the State of Ohio.

The ballots used in all elections provided for in ~~this~~the 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.~~

(Amended 11-7-72.)

SECTION VII-3. PETITION FOR PLACES ON BALLOTS.

The name of ~~any elector of~~anyone registered to vote in the City ~~shall~~must be printed upon the ballot ~~as a candidate~~ if there is filed with the election authorities prescribed by general law a petition in accordance with the following requirements:

(a) ~~Such~~The petition ~~shall~~must 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~~the person is a candidate. The nomination of each candidate ~~shall~~must be made by separate petition.

(b) ~~Such~~The petition ~~shall~~must be signed by ~~electors~~registered voters of the ~~Municipality~~City equal in number to not less than two percent (2%) of the total number of ~~voters~~persons voting at the last regular municipal election ~~of municipal officers~~.

(c) Each ~~elector~~person signing a petition ~~shall~~must add to ~~his~~the signature his or her 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~~must be made with ink.

(d) The ~~signature of all petitioners~~signatures on a petition need not all be ~~appended~~affixed to ~~one~~a single paper, but to each separate paper there shall be attached a signed statement of the circulator ~~thereof~~of the paper, made under penalty of election falsification, stating the number of signers ~~thereto~~of the paper, that each person signed the paper in the circulator's presence on the

date ~~mentioned~~noted, and that to the best of the circulator's knowledge and belief each signature is ~~that~~the genuine signature of the person whose name it appears to be.

(e) ~~Such~~No petition ~~shall not~~may be signed ~~by any electors~~ more than one hundred eighty (180) days ~~prior to~~before the day of ~~such~~the applicable election, and ~~such~~any signature affixed ~~before that date shall not be counted. The~~ petition ~~shall~~must be filed with the election authorities prescribed by general law not ~~less~~later than ninety (90) days ~~previous to~~before the day of ~~such~~the election. ~~This section shall become effective January 1, 2017.~~

~~(Amended 11-8-16.)~~

SECTION VII-4. ACCEPTANCE.

Any person whose name has been submitted for candidacy by ~~any such~~ petition ~~shall~~must file an acceptance of ~~such~~ candidacy with the election authorities not later than eighty-five (85) days ~~previous to said~~before the applicable election; otherwise, ~~the~~that person's 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~~a petition filed with the election authorities, in accordance with law, shall constitute compliance with the requirements of this section. ~~This section shall become effective January 1, 2017.~~

~~(Amended 11-8-16.)~~

SECTION VII-5. WHO ELECTED WRITE-IN CANDIDATES.

~~The voter may write the name of any~~A person seeking election as a write-in candidate ~~who has properly filed~~must file a declaration ~~as a write in candidate~~of intent with the election authorities ~~on or before the seventy-second~~not later than seventy-two (72nd) ~~day~~days before the election ~~shall be counted. Such~~and must be registered to vote in the City at the time the declaration ~~shall~~is filed. The declaration must state the person's name ~~of the candidate, his or her~~and place of residence, and the office for which he or she ~~desires~~intends 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. This section shall become effective January 1, 2017.~~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.

~~(Amended 11-8-16.)~~

SECTION VII-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 general election laws ~~of the State of Ohio~~, and all other election matters ~~relating to elections not herein~~for which no specific provision is made in this Charter or by ordinance of ~~the~~ Council ~~specifically provided for~~ shall also be determined by the general election laws of the State ~~of Ohio~~.

SECTION VII-7. VOTING BY ~~A MEMBER~~MEMBERS OF THE ARMED FORCES AND ~~HIS FAMILY~~THEIR FAMILIES.

~~A member~~Members of the Armed Forces of the United States ~~or a member of his family and their families~~ shall be entitled to vote in accordance with and pursuant to the procedures of the general election laws of the State of Ohio.

~~(Amended 11-7-72.)~~

ARTICLE VIII

INITIATIVE, REFERENDUM AND RECALL

SECTION VIII-1. INITIATIVE.

The people reserve ~~unto~~to themselves the right ~~to propose~~, by initiative petition, to propose any legislative measure, including the repeal of ordinances adopted by the Council, approved by referendum vote, or initiated by the people. ~~Such~~An initiative petition must ~~contain the signatures of~~be signed by registered voters of the City equal in number to not less than ten percent (10%) of the ~~electors of the City~~total number of persons voting in the most recent regular municipal election.

When ~~there shall have been filed~~a petition ~~signed by the aforesated required number of electors~~has been signed by the required number of persons and filed, the Clerk ~~shall certify the same to the~~of Council ~~shall~~, at the next regular Council meeting, ~~and~~certify the petition to the Council; at that meeting, the Council shall ~~at once~~read the petition and refer ~~the same~~it to an appropriate Council committee, which may be the committee of the whole; provision may, in the discretion of the committee to which the petition is referred, be made for public hearings ~~upon~~on the proposed legislation ~~before the committee to which it is referred; thereafter the committee shall report the proposed measure to the Council with its recommendations thereon;~~ not later than the second regular meeting of the Council following that at which the proposed measure was ~~submitted~~certified to the Council by the Clerk, the committee must report the proposed measure to the Council along with its recommendations.

Upon receiving the proposed measure from the committee, the Council ~~shall at once~~must proceed to consider ~~the same~~it and ~~shall~~take final action ~~thereon within~~on it not later than thirty (30) days from the date of ~~such~~the committee's report 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~~people in its original form, ~~or that it~~Alternatively, the committee may require that the measure be submitted to a vote ~~of the electors~~ with any proposed change, addition or amendment ~~which was that had been~~ presented ~~in writing~~, either at a public hearing before the committee to which ~~such~~the proposed measure was referred, or during the consideration ~~thereof~~of the proposed measure by the Council, ~~and~~In no instance may any such change, addition or amendment substantively alter the measure as it had appeared in the petition originally circulated for signatures. If the committee of petitioners intends to require a submission of the measure for a vote, it shall certify ~~such fact that intent~~ to the Clerk ~~within~~in writing no later than ten (10) days after the final action on ~~such~~the proposed measure by the Council, ~~who shall forthwith or after the expiration of the prescribed time without Council having acted, whichever is applicable; the Clerk shall promptly~~ certify the ~~same~~committee's intent to the Council, which ~~shall call an election~~must provide for submitting it to a vote of the people.

No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so amended by it as to destroy ~~the~~its effectiveness ~~thereof~~, within two (2) years after it takes effect.

SECTION VIII-2. REFERENDUM.

~~Any~~The people reserve to themselves the right, by petition, to subject to referendum any ordinance or other measure passed by the Councilshall be subject to referendum, except as ~~hereinafter~~otherwise provided in this Section VIII-2. No ordinance or other measure shall go into effect until thirty (30) days after it ~~shall have~~has been passed by the Council, except as ~~hereinafter~~otherwise set out in this Section; provided, ~~but that~~ nothing ~~herein~~ 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 ~~such a~~the measure, by this Charter, by general law or by ~~general~~ ordinance.

~~When there shall have been filed a petition signed by not less than fifteen percent of the electors of the City within thirty days after any ordinance or other measure shall have been passed by the Council, ordering that such ordinance or other measure be submitted to the electors of the City for their approval or rejection, the Clerk shall, at the next regular meeting of the Council, certify such petition to the Council. The Council shall thereupon proceed to reconsider such ordinance or other measure. If upon such reconsideration the ordinance or other measure be not entirely repealed, the Council shall provide for submitting it to a vote of the electors as herein elsewhere provided. No such ordinance or measure shall go into effect until approved by a majority of those voting on the same.~~

A petition demanding that an ordinance or other measure be submitted to the people for their approval or rejection must be signed by registered voters of the City equal in number to not less than fifteen percent (15%) of the persons voting in the most recent regular municipal election and must 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 persons and timely 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 days of Council's receipt of the petition, the Council shall provide for submitting it to a vote of the people, and it shall not go into effect unless and until approved by a majority of those voting on it.

Whenever the Council is by ~~general~~ law or ~~provisions of general ordinances~~ordinance required 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~~Section VIII-2 shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating ~~thereto~~to the first ordinance or measure.

Whenever the ~~electors shall~~people have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of ~~such~~the bonds shall not be subject to the provisions of this ~~section~~Section VIII-2.

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 ~~feet~~front feet of the property benefited and to be specially assessed for the cost ~~thereof~~of the improvements, as provided by general law or ~~general~~ 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 shall~~are not ~~be~~ subject to the provisions of this ~~section~~Section VIII-2.

~~Such emergency ordinances or measures must upon an aye or nay vote receive the vote of five members of the Council, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure.~~

SECTION VIII-3. RECALL.

(a) The people reserve ~~unto~~to themselves the right ~~to, by~~ and petition, to remove from office any member of the Council. ~~The procedure to effect such recall or removal shall be as follows:~~

~~A petition demanding that the question of removal of such officer be submitted to the electors shall contain a concise statement setting forth the basis for the recall and shall be signed by at least twenty five percent of the electors of the City. No petition may relate to the recall of more than one officer.~~

A petition for removal of a Council member must contain the name of the person sought to be removed and a concise statement setting forth the basis for removal and must be signed by registered voters of the City equal in number to not less than twenty-five percent (25%) of the total number of persons voting 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 Council member whose removal is sought, and any signature affixed before that date shall not be counted. No petition may relate to the recall of more than one Council member.

When ~~there shall have been filed a question~~a petition for recall has been signed by the ~~aforesaid~~ required number of ~~electors~~registered voters and filed, the Clerk ~~shall certify the same to the of~~ Council shall, at the next regular Council meeting, certify the petition to the Council and shall at the same time furnish a copy ~~thereof~~of the petition to the member of the Council whose removal is ~~so~~ sought, ~~and the Council shall call an election upon the question of such removal as herein elsewhere provided, unless~~, Unless within no more than five (5) days after such certification of the petition to Council the member of ~~the~~ Council ~~shall have tendered~~tenders his or her written resignation to the Clerk, the Council shall provide for submitting the question of removal to a vote of the people.

(b) If a majority of the votes cast at ~~such~~the election on the question of removal ~~of any member of Council~~ are affirmative, the person whose removal is sought shall ~~thereupon~~ be deemed removed from office upon the certification of the official canvass of ~~that~~the election to the Council, ~~and a~~

A vacancy caused by ~~such recall~~removal of a member of Council shall be filled by the remainder of the Council according to the provisions of Article III of this Charter. ~~If, however, an election is held for the recall of more than three~~provided that if the removal of four (4) or more members of the Council, candidates to succeed them for their unexpired terms shall be voted upon is the subject of a single election, any vacancy caused by removal shall be filled by election at the same election and at which the removal is presented. The candidates for the vacancies shall be nominated by petitions dated and verified in the manner required for similar in form to

petitions presenting names of candidates for regular municipal elections ~~and similar in form to such, dated and verified in the manner required for those~~ petitions, and filed with the election authorities ~~at least~~~~not later than~~ ninety (90) days ~~prior to such~~~~before the~~ recall election, but no ~~such~~ nominating petition shall be signed ~~or circulated~~ until ~~such~~ the recall petition has been certified to the Council, and any ~~signatures ante-dating such time~~~~signature affixed before that date~~ shall not be counted.

If a majority of the votes cast ~~at the election~~ on the question of removal ~~of any member of the Council~~ are ~~not~~ in the ~~negative~~~~affirmative~~, the person whose removal ~~is~~~~has been~~ sought shall be allowed by the Council ~~his~~ reasonable expenses incident to ~~such~~ the election. ~~This section shall become effective January 1, 2017.~~

~~(Amended 11-8-16.)~~

SECTION VIII-4. GENERAL PROVISIONS.

Any initiative ~~or~~ referendum ~~or recall~~ petition, ~~or one for a recall~~, may be presented in separate parts. Each part of ~~any~~~~an~~ initiative petition ~~shall~~~~must~~ contain a full and correct copy of the title and text of the proposed ordinance or other measure, ~~and each~~. ~~Each~~ part of ~~any~~~~a~~ referendum petition ~~shall~~~~must~~ 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 ~~such~~ the ordinance or other measure. ~~Each part of a recall petition must contain the name of the member of Council sought to be removed and the statement of basis for removal.~~

Each ~~signer of a petition shall be a registered voter of the City and shall sign his name in ink and shall place on the petition his name and~~ person signing a petition must add to the signature ~~his or her~~ place of residence ~~by~~~~with~~ street and number ~~and date of signing~~. All signatures must be made with ink. Each part of ~~any such~~~~a~~ petition ~~shall~~~~must~~ contain ~~the affidavit~~~~a signed statement~~ of the person ~~soliciting the signatures to the same, which affidavit shall contain a statement of~~~~circulating the petition, made under penalty of election falsification, stating~~ the number of signers of ~~such~~ the part ~~of such~~~~petition~~ and ~~shall state~~ that to the best of the ~~affiant's~~~~circulator's~~ knowledge and belief ~~(i)~~ each of the signatures contained on ~~such~~ the part is the genuine signature of the person whose name it ~~purports to be, and that he believes such persons are~~~~appears to be, (ii)~~ each signer is a registered ~~electors~~~~elector~~ of the City, and ~~that they~~~~(iii)~~ each signer signed ~~such~~ the petition with the knowledge of ~~the~~~~its~~ contents ~~thereof~~. Each part of ~~such~~~~a~~ petition shall also have printed ~~thereon~~~~on it~~ the names and addresses of at least five ~~(5)~~ registered ~~electors~~~~voters of the City~~, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for ~~the purpose herein elsewhere named~~~~purposes of this Article VIII.~~

All ~~such~~ petitions ~~shall~~~~must~~ be filed with the Clerk of the Council and all parts of any ~~such~~ the petition shall be assembled by the Clerk as one instrument.

~~Within ten days after~~~~Upon~~ the filing of a petition the Clerk ~~shall ascertain~~~~must~~ examine it and, ~~not later than~~ ten (10) days after the filing, determine whether the ~~same is~~~~pet~~ition has been signed by the required number of ~~qualified electors~~~~registered voters~~. Upon the completion of his ~~or her~~ examination, the Clerk shall endorse upon the petition a certificate of the result ~~thereof~~.

If the Clerk's certificate shows that the petition ~~is has an~~ insufficient ~~he shall at one number of signatures, the Clerk must promptly~~ notify each member of the committee of the petitioners-
~~herein elsewhere provided for~~, 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 ~~an additional a supplement to the~~ petition in one or more parts ~~with additional signatures~~ in the same manner as provided for the original petition. ~~In the event that it shall be determined by judicial proceedings that the~~
~~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 time~~
~~fifteen days after the final judicial determination~~ shall be granted for ~~additional petitions after the final determination of such question~~ amending the petition in the same manner.

Upon ~~amendment by~~ the filing of ~~any such additional petitions~~a supplement to the petition, the Clerk ~~shall within~~must, no later than ten days ~~thereafter after the filing~~, examine the petition as ~~thus~~ amended and ~~attach thereto his endorse upon it a~~ certificate of the result, ~~and the petition shall thereafter be treated in the same manner as it would have been treated after the original certification of the examination, which shall constitute the final determination~~. The final determination of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

~~The sufficiency of the number of signers to any initiative, referendum or recall petition, shall be determined on the basis of the number of registered voters at the last general election for municipal officers.~~

~~The filing of an~~An initiative, referendum or recall petition is deemed to be filed by the Clerk with the Council ~~within the times herein elsewhere provided shall be computed from~~on the date ~~of the attaching of~~ the final Clerk's certificate ~~of~~is endorsed on the ~~Clerk to such~~ petition.

Whenever ~~it becomes the duty of~~ the Council is required to ~~call~~provide for an election by reason of the filing of ~~an~~a petition for initiative or referendum ~~petition~~ or ~~one for~~ recall, the Council ~~shall call an~~must set the election ~~for the submission of such question, or recall,~~ at the next regular primary or general election occurring not less than sixty (60) days ~~nor~~or more than one hundred twenty (120) days ~~thereafter after the requirement has arisen~~. If no ~~such~~ regular primary or general election is to be held within ~~such time~~that period, the Council ~~shall~~must provide for ~~calling~~ a special election to be held not less than sixty (60) days ~~nor~~or more than one hundred twenty (120) days ~~thereafter~~. ~~In either event, the Council shall certify its action to the Director of Elections. Provided~~after the requirement has arisen; provided, however, that if the recall of ~~four or~~ more ~~than three (3)~~ members of ~~the~~ Council is sought by petition in a single election, the ~~period~~periods of sixty (60) days ~~herein before provided~~ and one hundred twenty days shall be changed, respectively, to one hundred twenty (120) days ~~days and one hundred eighty (180) days~~. The Council shall certify the action to the election authorities.

When ~~any~~a legislative measure resulting from ~~any~~an initiative or referendum petition is approved by a majority of ~~the electors voting thereon, such legislative~~those voting on it, then the measure shall become effective at the time fixed ~~therein~~in the measure, and if no time is fixed ~~therein, then such legislative~~in it, the measure shall become effective upon ~~its approval by the electors~~the certification of the official canvass of the election to the Council; 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 of those voting, shall become effective. ~~This section shall become effective January 1, 2017.~~

~~(Amended 11-8-16.)~~

SECTION VIII-5. OFFICIAL PUBLICITY.

Not less than thirty (30) days ~~prior to the~~before an election at which any Charter amendment, an initiated or referred legislative measure, or recall of any an elective official is to be submitted to the ~~electors~~voters, the Clerk of Council shall either:

- (a) ~~Print and mail~~Mail ~~materials~~ to each registered ~~elector~~ an official publicity pamphlet, ~~voter of the City determined as of the most recent general election~~; or
- (b) ~~Publicize official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then~~Publish ~~materials promptly~~ in a newspaper of general circulation within the City. ~~Such~~The publication ~~shall~~must be made once a week for not less than two consecutive weeks with the first publication being ~~at least~~no fewer thirty (30) days prior to ~~such~~the election.

~~Such publicity pamphlet or publication shall~~The materials mailed or published must contain ~~at least the~~ full text of the Charter amendment, initiated or referred ordinance, or recall petition, with their respective ballot titles, together with any explanation or argument for or against ~~such~~the measure or recall ~~which that that~~ may have been filed with the Clerk of Council, ~~as hereinafter provided~~. The validity of any Charter amendment, or an initiated or referred legislative measure, approved by the ~~electors~~voters, and the result of any recall election, shall not be questioned because of technical or non-consequential errors or irregularities in ~~such~~the mailing, ~~distribution~~ or publication.

SECTION VIII-6. STATEMENTS IN SUPPORT AND OPPOSITION.

Not ~~less~~fewer than fifty (50) days before any such an election prompted by a petition, the committee designated in the petition, ~~as a result of which said election is called~~, at issue may submit to the Clerk of Council an explanation or argument supporting the position taken by the signers of ~~such~~the petition. ~~If~~In the event a Charter amendment is proposed by the Council, a committee of three members of ~~the~~ Council to be appointed by the ~~Mayor~~President of Council shall prepare ~~such an~~ explanation or argument in support.

In the event of an initiated Charter amendment, an initiated ordinance, ~~which Council has failed to pass~~, or ~~of~~ a referred ordinance, ~~the Mayor shall appoint~~ a committee of three (3) members of ~~the~~ Council to be appointed by the President of Council shall prepare an answer to the explanation or argument submitted by the committee of ~~the~~ petitioners. In the ~~case~~event of a recall ~~election~~selection, the official Council member whose recall is sought may prepare an answer to the explanation or argument ~~of~~submitted by the committee of ~~the~~ petitioners. ~~Where~~In the event a Charter amendment is proposed either by Council or by initiative, any civic body or committee of citizens may prepare and submit an answer to the explanation or argument submitted in favor of ~~such~~the amendment. ~~Any such answer shall be prepared and~~All answers must be filed with the Clerk not ~~less~~fewer than forty (40) days ~~prior to any such~~before the applicable election. ~~All explanations or arguments~~An explanation or argument for or against any measure or recall ~~shall~~must be signed by the person or persons authorized to submit ~~the same~~it. No ~~such~~ explanation or argument ~~shall~~may exceed ~~three hundred (300)~~five hundred (500)

words in length ~~unless the person or persons submitting the same shall at the same time deposit with the Clerk of Council a sum of money sufficient to cover the proportionate cost of printing such excess.~~ Arguments. All explanations and arguments in favor of or against any Charter amendment, legislative measure or election, recall, once filed with the Clerk, shall at all times be open to the inspection of anyone interested ~~therein~~in them.

~~(Amended 11-7-72.)~~

ARTICLE IX FINANCES

SECTION IX-1. BUDGET.

The finances of the City shall always be conducted upon the budget system. The City Manager, with the assistance of the Director of Finance, shall furnish to the Council at such time prior to the first Monday in June of each year (or such other date as may from time to time be fixed by general law for the certifying of the budget of the Municipality, to the Budget Commissioners of the County or other similar officials having charge of taxation matters), as may be required by Council, an annual budget setting forth in itemized form an estimate stating the amount of money needed for the various departments in the Municipality for the succeeding calendar year, which shall be the fiscal year of the Municipality, and for each month thereof. Such annual budget shall set forth specifically such items as may be required by general law or by ordinance of the Council and the Council shall thereupon and within such time as may be prescribed by general law approve or revise such budget and submit the same to the County Budget Commissioners or similar officials. On or before the fifteenth day of November of each year, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from the detailed information obtained from the several departments, on uniform blanks to be furnished by the City Manager and approved by the Council; and the Director of Finance shall assist the City Manager in the preparation of such information. Such information shall be furnished in detail for each department, and in such form as the City Council may from time to time require; and shall contain the recommendations of the City Manager as to the amounts to be appropriated, with the reasons therefor, in such detail as the Council may require.

SECTION IX-2. APPROPRIATION ORDINANCE.

Upon receipt of such estimate, the Council shall at once prepare an appropriation ordinance, in such manner as may be provided by general ordinance or resolution, using the City Manager's estimate as a basis, and such appropriations shall not exceed the estimated revenues of the Municipality.

SECTION IX-3. TRANSFER OF FUNDS.

Upon request of the City Manager, the Council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year as proved insufficient, or may authorize a transfer of money to be made between items appropriated to the same office or department.

SECTION IX-4. UNENCUMBERED BALANCES.

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated, and shall be subject to future appropriation. Any accumulated revenue not appropriated as hereinbefore provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Council to such uses as will not conflict with any uses for which such revenues specifically accrue. No money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council.

SECTION IX-5. PAYMENT OF CLAIMS.

No warrant for the payment of any claim shall be issued by the Director of Finance until such claim shall have been approved by the director for the department for which the indebtedness was incurred, and by the City Manager. Such officers and their sureties shall be liable to the Municipality for any loss or damage sustained by the Municipality by reason of the corrupt approval of any such claim against the Municipality. Whenever any claim shall be presented to the Director of Finance, he shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance; and for that purpose he may summon before him any officer, agent or employee of any department of the Municipality, or any other person, and examine him upon oath or affirmation relative thereto.

SECTION IX-6. CERTIFICATION OF FUNDS.

No contract, agreement, or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be issued by the Council or be authorized by any officer of the City unless the Director of Finance shall have first certified in writing to the Council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement, or obligation; but the provisions of this section shall not be construed as prohibiting the making of contracts for the furnishing of services or public utilities for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter or by general law.

SECTION IX-7. MONEY IN THE FUNDS.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes, assessments, or license fees, or from sales of services, products, or by-products of any City undertaking, and moneys to be derived from lawfully authorized bonds, sold and in process of delivery, shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.

SECTION IX-8. BOND ISSUES.

Except as may be authorized specifically by the laws of the State of Ohio, no bonds or notes of the City shall at any time be issued for current operating expenses or for acquisition of any property, asset or improvement of the estimated life or usefulness of less than five 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 which could not reasonably have been foreseen, or for paying final judgments upon non-contractual obligations.

(Amended 11-7-72.)

SECTION IX-9. MATURITIES OF BONDS.

All bonds shall be serial bonds; and the maturities thereof shall not extend beyond the estimated life of the property, asset, or improvement, as certified to the Council by the Director of Finance, which certificate shall be on file with the Council prior to the passage of any bond ordinance.

SECTION IX-10. TEMPORARY LOANS.

In anticipation of the collections of current revenues in any fiscal year, the City may borrow money and issue certificates of indebtedness therefor, signed as municipal bonds are signed, but no such loans shall be made to exceed the amount estimated to be actually received from taxes or other current revenues, for such fiscal year, after deducting all advances. The sum so anticipated shall be deemed appropriated for the payment of such certificates at maturity. The certificates shall not run for a longer period than six months nor bear a greater rate of interest than is permitted under the laws of the State of Ohio, and shall not be sold for less than the par value thereof with accrued interest. (Amended 11-7-72.)

SECTION IX-11. LIMITATION ON RATE OF TAXATION FOR CURRENT OPERATING EXPENSES.

The power of the Council without a vote of the people to levy taxes on property assessed and listed for taxation according to value for the purpose of paying the current operating expenses including the purpose of police and fire pensions, which is required to be, or may lawfully be, included in the general levy for the general fund of the City, shall not exceed 8 mills per one dollar (\$1.00) of assessed valuation. (Amended 11-7-72.)

SECTION IX-11(A). LIMITATION ON RATE OF TAXATION FOR IMPROVEMENT AND MAINTENANCE OF CITY OWNED PARKS, RECREATION AND CULTURAL FACILITIES.

Notwithstanding the 8 mill limitation on current operating expenses contained in Section 11 of this article, and in addition thereto, Council may levy annually, commencing with a levy on the 2004 tax duplicate for collection in calendar year 2005, a tax not to exceed seven-tenths (.7) of one mill per dollar of all property in the City assessed and listed for taxation 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 the equipment therefor, 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 herein. (Added 11-2-04.)

SECTION IX-12. AUDITING FINANCES.

Council may engage the services of a private independent public accounting firm for the purpose of auditing the City's finances. Said contractual arrangements shall be for a period deemed proper by Council. This section shall become effective January 1, 1983.

(Adopted 11-2-82.)

ARTICLE X **FRANCHISES**

ARTICLE X **ETHICS**

SECTION X-1. GRANTS LIMITED GENERAL EXPECTATIONS.

~~No grant, or renewal thereof, to construct or operate a public utility on, under, or above the streets of the City shall be made by the Council to any person, persons, association, or corporation in violation of any limitation contained in this Charter.~~

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

SECTION X-2. PERIOD OATH OF GRANTS OFFICE.

~~No such grant shall be made for a longer period than twenty five years. No such grant shall be renewed earlier than two years prior to its expiration, unless the Council shall, by a vote of at least five of its members, first declare by ordinance its intention of considering a renewal thereof, which ordinance shall be passed at least thirty days prior to the passage of the ordinance granting such renewal.~~

The City Manager, the Vice City Manager, all members of Council, all other officers of the City and all employees holding a position with an annual salary shall, before entering upon the duties of the respective office, take and subscribe an oath or affirmation that will be kept in the office of the clerk of the Council, and that conforms to the provisions of applicable state law.

SECTION X-3. CONSENTS PUBLIC ETHICS.

~~No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.~~

The City Manager, Vice City Manager, members of Council, and all directors of departments owe a fiduciary duty to the City. In the interest of preserving public trust, these officials shall avoid any actual or perceived conflict of interest and any action likely to give the appearance of impropriety in the execution of their public duties.

SECTION X-4. REGULATIONS.

~~—The Council shall at all times direct the distribution of space in, over, under, or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Council to pass reasonable regulations for the operation of such utilities, including the right to require such reconstruction, relocation, or discontinuance of the appliances used by the utilities, in the streets or public grounds, as shall, in the opinion of the Council, be necessary in the public interest.~~

The City Manager shall be responsible for seeing that policies governing the ethics of City employees in the execution of their job duties are in place, that these policies are consistent with ethical requirements of general law, and that these policies are communicated in writing to all City employees.

No City official or employee, through any improper use of that person's official position with the City, may affect the hiring of any person, the letting of any contract, or any other action by the City that may result in that official or employee, or any of the official's or employee's immediate family members or close business associates, securing anything of value. Nothing in this Section X-3 shall be construed to prohibit a City official or employee from serving as an employment, personal, or credit reference for any person.

Any person who has been found guilty by a court of competent jurisdiction of a felony violation of general law relating to bribery, theft in office, having an unlawful interest in a public contract, soliciting or accepting improper compensation, perjury relating to an official duty, or corrupt practices relating to any local, state or federal election (Disqualifying Offense) shall be ineligible to hold office as City Manager, Vice City Manager, member of Council, or director of a department. If, while in office, the City Manager, the Vice City Manager, a member of Council, or a director of a department is found guilty by a court of competent jurisdiction of any Disqualifying Offense, that person shall, upon the finality of the conviction, immediately forfeit the office held. The terms used in this Section X-3 shall be interpreted consistent with their use in the general law.

SECTION X-~~54~~. GRANTS NOT INCLUDED~~ROLE OF COUNCIL~~.

Nothing in this Article X shall be construed to prohibit Council from adopting any rules or policies that govern ethics of City employees that are not inconsistent with the provisions of this Charter, or enacting any additional prohibitions or penalties relating to public ethics.

~~—Revocable permits for laying temporary tracks across or along streets or other public grounds, to connect railroad or railway tracks with any property, shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms or conditions as the Council may by ordinance prescribe.~~

ARTICLE XI CITY PLANNING COMMISSION

SECTION XI-1. ESTABLISHMENT.

The Council shall establish a City Planning Commission of seven (7) voting members, all of whom shall be residents of the City ~~of Cleveland Heights~~ appointed by the Council and not

employed by the City ~~of Cleveland Heights~~. A vacancy occurring during the term of any voting member ~~of the Commission~~ shall be filled for the unexpired term in the manner authorized for an original appointment. ~~There~~ The following shall be ~~the following~~ nonvoting members of the Commission: The Chairman of the City Planning and Development Committee of the Council; the City Manager; 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 ~~years except that, of the members first appointed, two shall be appointed for a term of two years, and two shall be appointed for a term of four years, and two shall be appointed for a term of six years, beginning January 1, 1955.~~ On or after the effective date of this section, the Council shall appoint a replacement for the position on the Commission previously occupied by the City Manager. The person so appointed shall serve for the remainder of an unexpired six year term that shall commence on January 1, 1983. This section shall become effective January 1, 1983 (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 the then-existing terms.

~~(Amended 11-2-82.)~~

SECTION XI-2. POWERS.

The ~~City Planning~~ Commission may make recommendations to the Council and City Manager 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 ordinance.

~~(Amended 11-7-72.)~~

ARTICLE XII CIVIL SERVICE COMMISSION

SECTION XII-1. ESTABLISHMENT.

The Civil Service Commission shall consist of three ~~electors~~(3) registered voters of the City not holding other municipal office or employment, to be appointed by the City Manager, which appointment ~~shall be confirmed by the~~is subject to and effective only upon the approval of Council. ~~Each Civil Service~~ acting by at least four of its members Each Commissioner shall serve for a term of six (6) years ~~and~~ or until ~~his~~ successor ~~shall have~~has been appointed and ~~qualified~~. Any vacancies ~~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 the 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.

~~(Amended 11-7-72.)~~

SECTION XII-2. ~~OFFICERS~~PRESIDENT AND ~~EMPLOYEES~~SECRETARY.

The Civil Service Commission shall elect one of its members as President. The City Manager shall appoint a City employee to serve as secretary of ~~such~~the Commission.

~~(Amended 11-7-72.)~~

SECTION XII-3. POWERS AND PROCEDURES.

~~—The~~Except as otherwise specifically set forth in this Charter, Council shall provide by ordinance the powers, duties and jurisdiction of the ~~Civil Service~~ Commission, the determination of the positions of employment ~~which that~~ shall comprise 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 ~~be~~determine are necessary and proper.

~~(Amended 11-7-72.)~~

SECTION XII-4. COUNCIL COMPENSATION REVIEW.

In each year immediately preceding the year in which a United States presidential general election is to be held, the Commission shall conduct a review of compensation for members of Council and, on or before May 1 of that year, shall file with the Clerk of Council a written report to Council based on that review setting forth the Commission's recommendations for salary and other compensation for members of Council.

ARTICLE XIII AMENDMENTS

Amendments to this Charter may be submitted to a vote of the electors~~people~~ of the City by the Council by an affirmative vote of at least five (5) of its members. Amendments must be submitted to a vote of ~~five members of the Council, and shall be submitted~~the people by the Council when a petition setting forth the proposed amendments has been signed by registered voters of the City equal in number to not less than ten percent (10%) of the total number of ~~electors as shown by those~~ registered ~~at the last general or~~voters voting in the most recent regular municipal election, ~~setting forth any such proposed amendment shall have been and is~~ filed in the manner and form prescribed herein~~in Article VIII of the Charter~~ for the submission of ordinances by initiative petition. The ~~amendment shall~~amendments must be submitted to the ~~electors~~people at the next regular primary or general election, if one shall occur not less than sixty (60) days, ~~nor or~~ more than one hundred twenty (120) days after ~~its~~the passage by Council or the filing, ~~otherwise of a petition, whichever is applicable. Otherwise~~ the Council ~~shall~~must provide for the submission of the ~~amendment~~amendments at a special election to be called and held within the time aforesaid not less than sixty days or more than one hundred twenty days after the passage or filing.

~~—If any such~~When a proposed amendment ~~be~~is approved by a majority of ~~the electors~~those voting ~~thereon, it on it, the amendment~~ shall become a part of ~~this~~the Charter at the time fixed in the amendment, ~~and if.~~ If no time is fixed ~~therein~~in it, then ~~such~~the amendment shall become a part of ~~this~~the Charter upon ~~its approval by the electors; the certification of the official canvass of the election,~~ provided, however, that ~~in the event that~~if two (2) or more inconsistent amendments on the same subject are submitted at the same election, only the ~~one of such~~ ~~amendments~~amendment receiving the largest affirmative vote, not less than a majority of those voting, shall become a part of ~~this~~the Charter.

~~(Amended 11-7-72.)~~

ARTICLE XIV

CHARTER REVIEW

Council shall, at least once during every twenty year (20) year period (Review Period), by ordinance or resolution, appoint a Commission to review the entire Charter. The first Review Period shall commence on January 1, [insert the year immediately following the election in which voters have considered the Charter] Each new Review Period shall commence on January 1 of the year following the year in which Council takes action on the recommendations of a Commission that has most recently reviewed the entire Charter. At no greater interval than every five (5) years commencing with the beginning of a Review Period, Council shall consider and exercise its discretion whether to appoint a Commission to review the entire Charter.

ARTICLE ~~XIV~~XV ~~SAVING~~SAVINGS CLAUSES

SECTION ~~XIV~~XV-1. LAWS CONTINUED IN FORCE.

All general laws of the State ~~which of Ohio that~~ are not in conflict with the provisions of this Charter or with any ordinance or resolution enacted ~~thereunder~~under it shall apply to the government of the City ~~of Cleveland Heights; and all.~~ All ordinances, ~~by laws~~, and resolutions ~~that are~~ in force at the time ~~of the taking~~Charter takes effect ~~of this Charter, and are~~ not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

SECTION ~~XIV~~XV-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 ~~not~~neither invalidate, nor impair the force or effect, of, any other section or part of a section, except to the extent ~~that such the~~ other section or part of a section is dependent for its operation upon the section or part of a section ~~so~~ declared invalid.

SECTION ~~XIV~~XV-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 ~~shall have been is~~ otherwise made in accordance with ~~this the~~ Charter for the performance or discontinuance of the duties of ~~any such that~~ office. When ~~such a~~ provision ~~shall have been of that kind is~~ made, the term of ~~any such the~~ officer ~~affected~~ shall expire and the office be deemed abolished. The powers ~~which are~~ conferred and the duties ~~which are~~ imposed upon any officer, commission, board, or department of the City under the laws of the State of Ohio, or under any City ordinance or contract in force at the time ~~of the taking effect of~~ this Charter takes effect shall, if ~~such the~~ office, commission, board, or department is abolished by ~~this the~~ Charter, be ~~thereafter~~ exercised and discharged by the officer, commission, board, or department upon whom ~~are imposed~~ corresponding functions, powers, and duties ~~by this are imposed by the~~ Charter or by any ordinance or resolution of the Council ~~thereafter~~subsequently enacted.

SECTION ~~XIV~~XV-4. CONTINUANCE OF CONTRACTS AND VESTED RIGHTS.

All vested rights of the City shall continue to be vested in the City and shall not in any manner be affected by the adoption of this Charter; nor shall any right or liability, or pending suit or prosecution, either in behalf of or against the City, be in any manner affected by the adoption of

~~this~~the Charter, unless ~~herein~~ otherwise expressly provided to the contrary in the Charter. All contracts entered into by ~~this~~the City or for its benefit ~~prior to~~before the taking effect of ~~this~~the Charter shall continue in full force and effect. All public work begun prior to the taking effect of ~~this~~the Charter shall be continued and perfected ~~thereunder~~under it. Public improvements for which legislative ~~steps~~steps shall have been taken under laws in force at the time ~~this~~the Charter takes effect may be carried to completion in accordance with the provisions of ~~such~~those laws.

ARTICLE XV

CHARTER REVIEW

~~Council shall, at least once during each ten-year period, by ordinance or resolution, determine whether to appoint a Charter Review Commission to review the entire Charter. The first ten-year period shall end December 31, 1982. Thereafter each successive ten-year period shall commence on the date of Council's ordinance or resolution making such determination.~~
(Amended 11-7-72.)

ARTICLE XVI

WHEN EFFECTIVE DATE OF CHARTER TAKES EFFECT

~~For the purpose of electing officers and holding and conducting municipal elections, this Charter shall take effect from the time of its approval by the electors of the City; and for all other purposes it shall take effect on the first day of January in the year nineteen hundred and twenty-two.~~

~~We, the undersigned members of the Charter Commission of the City of Cleveland Heights, Ohio, elected at the general election held on the second day of November in the year nineteen hundred and twenty, have framed and hereby propose for adoption, at a special election hereby called and to be held on the ninth day of August, nineteen hundred and twenty-one, the foregoing as a Charter for the City of Cleveland Heights, Ohio.~~

~~Done in the City of Cleveland Heights, Ohio, this fifteenth day of June, in the year nineteen hundred and twenty-one.~~

THE CHARTER COMMISSION.

~~Frank C. Cain, Chairman
Charles E. Adams
Clarence L. Berkey
Alva Bradley
Robert F. Denison
G. H. Gardner
Samuel Gross
G. E. Hartshorn
Mertice G. Laffer (Mrs. W. B.)
Charles A. Niman
John L. Severance
George W. Staiger
Walter G. Stephan
A. H. Throckmorton, Secretary~~
(Amended 11-7-72.)

CODIFIED ORDINANCES OF CLEVELAND HEIGHTS

This Charter shall take effect on January 1, [insert the year immediately following the election in which voters have approved the Charter] or such earlier date as Council may determine.

DRAFT
11/12/18

Summary report: Litéra® Change-Pro TDC 10.1.0.200 Document comparison done on 11/12/2018 5:23:07 PM	
Style name: JD Color	
Intelligent Table Comparison: Inactive	
Original filename: ChARTER 1.0.docx - full original charter.docx	
Modified filename: Charter 8.0.docx - draftCR2b.docx	
Changes:	
<u>Add</u>	647
<u>Delete</u>	682
<u>Move From</u>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<u>Table Delete</u>	0
<u>Table moves to</u>	0
<u>Table moves from</u>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	1329