



City of Cleveland Heights Charter Review Commission

Submissions to the Commission

Committee of the Whole
29 December 2017

Several people have sent materials to the Commission via the facilitator. I will include all materials addressing charter issues in whole in this document. Any attachments that were sent with the materials will be in an appendix to this document. I will organize all submissions as they are received and share all submissions in an organized manner. The submissions will not be edited with the exception of any material not relevant to charter issues. Any edits will be noted. In addition, I will augment the materials in the Appendices as needed. For example, Appendix 5 has an ordinance from Davis, California, City Council on the process for selecting the mayor. Davis has a Council-Manager form of government. The method in the ordinance is one of several noted in the **Model City Charter (MCC)**. I have inserted a last page to Appendix 5 referencing where the various forms of selecting a mayor in a Council-Manager form can be found in the **MCC**.

1. Message from Bob Brown, 8 December 2017

Larry, as I mentioned yesterday evening at the Charter Review Commission meeting, I am attaching some materials that we developed as part of an informal, petition-based Charter review group that met about five times prior to the City's decision to form a Charter Review Commission. Feel free to share this email and the attachments with the Commission's chair and vice-chair or with all members, as is deemed most appropriate. Thanks.

(I have copied City staff members who attended yesterday's meeting).

Robert N. Brown, FAICP
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The four attachments to Brown's message are in appendices 1-4.

2. Message from Mary Dunbar, 14 December 2017

Dear Dr. Keller,

You asked for thoughts about or for the Charter Review. Here are some:

1. I like the city manager-council form of government because I like the idea of having someone professionally trained in charge of managing operations.
2. The city manager-council form of government and having the election be nonpartisan make our municipal government cost effective in various ways.
3. I think many different forms of government can work if you have the right people and they are committed to making it work, so I don't see the need for a change.

An idea for improvement:

The City Council race and operations are supposed to be nonpartisan, but that is not the case! I am registered Republican. I see the chief benefit of being a registered member of a party is that you get to vote in the primaries, possibly selecting good candidates for "we the people" to vote on. I have been told my fellow councilmembers cannot vote for me to be the president/mayor of Cleveland Heights because they will be kicked off the Cuyahoga County Democrat Executive Committee if they do (I may not have the name of the Dems group exactly right, but you get the idea). My fellow City Councilmembers are all members of that august group, or aspire to be. Mayor Welo of S. Euclid was kicked off after she endorsed a Republican. So attached is legislation from Davis, California, specifying how their mayor is selected. If we had something similar, it would make the position of mayor quasi-elected, and it would remove the politics and make the selection nonpartisan, just like the election is supposed to be. It would also make the mayor's job a rotating position. Since we on Council are all equals, this makes sense to me. Please consider the attachment. CH supposedly likes diversity - just not political diversity. The proposed form of mayoral selection is consistent with our aspirations to embrace diversity. This modification of how the mayor is selected would be a big improvement, in my view.

Thanks for considering.

Best,

Mary Dunbar

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Mary Dunbar
Member, Cleveland Heights City Council

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The attachment to Councilmember Dunbar's message on the election of the mayor in Davis, California, is in Appendix 5 to this document.

3. Message from Carol Roe, 20 December 2017

Hi Larry,

(line removed that answered a question I had asked.)

I think there is a of [sic] interest in having ward representation on council. The other issue that an interest has been expressed is a strong mayor rather than City Manager. I personally would like see term limits.

Thanks, Carol

There were no attachments to the message from Councilmember Roe.

Appendix 1

Forms of Local Government

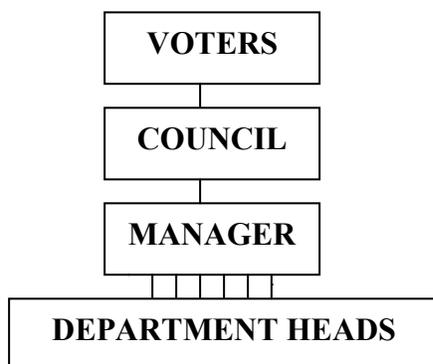
Council-Manager

In the council-manager form of government, the council is the governing body of the city, elected by the public, and the manager is hired by the council to carry out the policies it establishes. The council usually consists of five to nine members including a mayor (or council president) who is either selected by the council or elected by the people as defined in the city charter. The size of the council is generally smaller than that of a mayor-council municipality and council elections are usually nonpartisan.

The council provides legislative direction while the manager is responsible for day-to-day administrative operations of the city based on the council's recommendations. The mayor and council, as a collegial body, are responsible for setting policy, approving the budget, and determining the tax rate. The manager serves as the council's chief advisor. Managers also serve at the pleasure of the council and are responsible for preparing the budget, directing day-to-day operations, and hiring and firing personnel.

Typically, the mayor is recognized as the political head of the municipality but is a member of the legislative body and does not have the power to veto legislative actions.

Council-Manager Organizational Structure



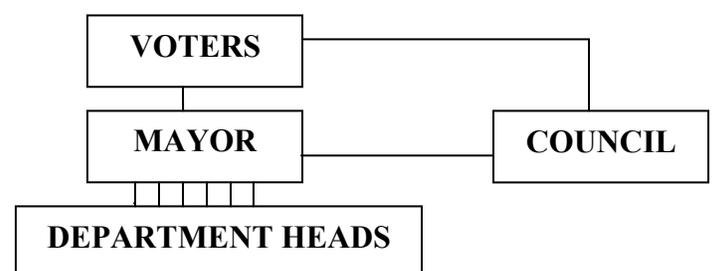
Mayor-Council

The mayor-council (council-elected executive counties) form of government is the form that most closely parallels the American federal government with an elected legislature and a separately elected executive.

The mayor or elected executive is designated as the head of the city or county government. The extent of his or her authority can range from purely ceremonial functions to full scale responsibility for day-to-day operations. But the mayor's or elected executive's duties and powers generally include the following: hiring and firing department heads, preparation and administration of the budget, and veto power (which may be overridden) over acts of legislature. The legislature has the following responsibilities: adoption of the budget, passage of resolutions with legislation, auditing the performance of the government, and adoption of general policy positions.

In some communities, the mayor or executive may assume a larger policy-making role, and responsibility for day-to-day operations is delegated to an administrator appointed by and responsible to the chief executive.

Mayor-Council Organizational Structure



Leaders at the Core of Better Communities

Appendix 2

PROs and CONs of MAYOR AND MANAGER FORMS OF LOCAL GOVERNMENT

(summarized from various online documents by Bob Brown)

Arguments for the Mayor-Council Form

- There is a single decision-maker on most matters, resulting in a more decisive and agile government.
- The separation of powers between the executive and legislative branches provides checks and balances. The mayor can veto council's legislation. Council can refuse to approve expenditures proposed by the mayor.
- An elected mayor may have a higher standing and greater voice in regional affairs of the city.
- Public accountability is greater with a single elected official. Citizens better understand how decisions are made.
- A city administrator can be hired to supplement in the mayor's management experience or skills.

Arguments Against the Mayor-Council Form

- Too much power is given to a single person, who may make decisions based largely on political considerations or to further personal objectives.
- The qualities needed to win an election are not the same qualities needed to manage a city.
- Expertise and continuity in staffing can be lost when a new mayor replaces department heads or makes working conditions intolerable for key staff members.
- If an elected mayor proves to be incompetent or worse, he/she cannot be removed until the end of the term or after an expensive and divisive recall election.

Arguments for the Council-Manager Form

- Routine administration of city business is removed from politics.
- A city manager provides efficient, professional management, similar to the role of a school superintendent.
- Appointment of a city manager allows city council to focus on its role in crafting and adopting legislation.
- Because the city manager serves at the pleasure of the council without a definite term, he/she can be removed at any time, limiting the danger of an abuse of authority.

Arguments Against the Council-Manager Form

- Without an elected chief executive, the community may lack decisive leadership.
- Council may leave too much decision-making to the manager, who is not directly accountable to the public.
- The council-manager government may operate too much like a business corporation, which is not always suitable for managing the needs of a community.
- Citizens may be confused about who is in charge and how decisions are made.
- A professional manager, often chosen from outside the city, may not know the community well and may operate in a manner that is somewhat removed from the voters.

Appendix 3

CLEVELAND HEIGHTS CHARTER REVIEW MEETING SUMMARY

MARCH 2, 2017/ LEE ROAD MAIN LIBRARY

The meeting began at 5:30 p.m. and ended at 7:15 p.m. A copy of the agenda is attached. The following people attended: *Robert Brown, Rhonda Davis-Lovejoy, Susan Efrogmson, Tommy Farmer, Brenda May, Earl Pike, Carla Rautenberg and Julian Rogers*. The following people were invited but were unable to attend: *Bruce Cweiber, Judith Miles, Alex Pesta, Seku Shabazz, John Wagner and John Zagara*.

The group members responded to the following three questions, with the answers listed below.

What are examples of things that are working well in our city government?

- The government has operated for many years in manner that is not overly political.
- City Hall operates professionally.
- Most of the staff and Councilmembers are good people.
- Citizens are treated well by City staff.
- City departments are responsive to citizens.
- The City Manager is doing the job as intended.
- The Community Relations staff is very responsive to neighborhood groups.
- City Council is accessible to citizens.
- Most Councilmembers knew the community well before joining Council.
- Many dedicated citizens volunteer on various City committees.

What are examples of things that are not working well in our city government?

- There is a lack of bold decision-making and decisiveness.
- It sometimes seems that no one is in charge.
- The government is generally risk-averse.
- City Council is not diverse demographically and geographically.
- Citizens often wonder "Who is my Council person?"
- There is a lack of transparency in decision-making.
- There is a lack of public accountability. "Where does the buck stop?"
- No one is articulating and pursuing a community vision.
- Attention to the city's neighborhoods is not equitable.
- The government is too reactive and is not proactive enough.
- Too many development opportunities are left unattended by City officials.
- Key City staff positions are left vacant for too long.
- There appears to be some secrecy between the administration and Council.
- The fact that there are no full-time elected officials makes government less effective.
- The Council committee system has become dysfunctional, with many not meeting.
- The City Council – School Board relationship is poor.
- There seems to be an increase in political in-fighting.
- City departments seem to have fallen behind in technology.

How would our city government ideally function to help Cleveland Heights become more vibrant, prosperous, healthy and sustainable? (What would be its characteristics?)

- bold and decisive
- accountable
- transparent
- forward looking
- visionary
- multi-tasking
- entrepreneurial
- representative of all segments of the community (“looks like the community”)
- equitable to all neighborhoods
- led by a full-time elected official
- partnering with local organizations, including a community development corporation

Appendix 4

FACTS REGARDING A CHARTER AMENDMENT IN CLEVELAND HEIGHTS

When can elections be held in Cleveland Heights?

According to the Cleveland Heights City Charter, an amendment to the Charter can be placed on the ballot at any primary or general election. The election of municipal officials (such as Councilmembers and the Mayor) shall be held in November of odd-numbered years, as stated in the Charter and in the Ohio Revised Code.

Cleveland Heights City Charter SECTION VII-1. TIME OF HOLDING ELECTIONS.

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

Ohio Revised Code 3501.02 General election - time for holding.

General elections in the state and its political subdivisions shall be held as follows:

- (A) For the election of electors of president and vice-president of the United States, in the year of 1932 and every four years thereafter;
- (B) For the election of a member of the senate of the United States, in the years 1932 and 1934, and every six years after each of such years; except as otherwise provided for filling vacancies;
- (C) For the election of representatives in the congress of the United States and of elective state and county officers including elected members of the state board of education, in the even-numbered years; except as otherwise provided for filling vacancies;
- (D) For municipal and township officers, members of boards of education, judges and clerks of municipal courts, in the odd-numbered years;

If there is a popularly elected Mayor, must there be a primary election?

No. Different communities in Cuyahoga County handle this differently. Lakewood holds a primary for Mayor (and Councilmembers) in September, prior to a November general election. South Euclid holds no primary but holds a fun-off in December if no candidate receives a majority of the votes. Shaker Heights does neither.

How many people must sign petitions for a Charter Amendment?

The Cleveland Heights City Charter states that a Petition to amend the Charter must be signed by at least 10% of the City's electors (i.e., registered voters). According the County Board of Elections, the current number of registered voters in the City of Cleveland Heights is 35,510. Therefore, the number of signatures required would be 3,551. Understanding that many signatures will be invalid, petition drives always seek additional signatures. In this case, a goal of about 5,000 signatures would be appropriate.

[In the general election of 2016, the number of actual voters was 25,444. In 2015, the number of voters was 12,855.]

Cleveland Heights City Charter ARTICLE XIII: AMENDMENTS

Amendments to this Charter may be submitted to the electors of the City by a vote of five members of the Council, and shall be submitted by the Council when a petition signed by not less than ten percent of the total number of electors as shown by those registered at the last general or municipal election, setting forth any such proposed amendment shall have been filed in the manner and form prescribed herein for the submission of ordinances by initiative petition. The amendment shall be submitted to the electors at the next regular primary or general election, if one shall occur not less than sixty (60) days, nor more than one hundred twenty (120) days after its passage or filing; otherwise the Council shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.

Does the Charter Amendment language need be in final form before petitions are circulated?

Yes. The Cleveland Heights Charter says that the petition shall contain a full copy of the measure.

SECTION VIII-4. GENERAL PROVISIONS.

Any initiative or referendum petition, or one for a recall, may be presented in separate parts. Each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each part of any referendum petition shall contain the number and the full and correct copy of the title of the ordinance or other measure sought to be referred, but need not contain the full text of such ordinance or other measure.



When do the signed petitions need to be submitted to the City?

This is confusing. We need to consult an attorney with expertise in this field. My guess is that we would need to submit the fully signed petitions to the City by mid-July if it is to appear on the November 2017 ballot.

Cleveland Heights City Charter SECTION VIII-1. INITIATIVE.

..... When there shall have been filed a petition signed by the aforesaid required number of electors proposing an ordinance or other measure, the Clerk shall certify the same to the Council at the next regular meeting, and the Council shall at once read and refer the same to an appropriate committee which may be the committee of the whole; provision may be made for public hearings upon 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 to the Council.

Upon receiving the proposed measure from the committee, the Council shall at once proceed to consider the same and shall take final action thereon within thirty days from the date of such committee's report. If the Council rejects the proposed measure, 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 in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment which was presented in writing, either at a public hearing before the committee to which such proposed measure was referred, or during the consideration thereof by the Council, and shall certify such fact to the Clerk within ten days after the final action on such proposed measure by the Council, who shall forthwith certify the same to the Council, which shall call an election.

Cleveland Heights City Charter ARTICLE XIII: AMENDMENTS [to Charter]

Amendments to this Charter may be submitted to the electors of the City by a vote of five members of the Council, and shall be submitted by the Council when a petition signed by not less than ten percent of the total number of electors as shown by those registered at the last general or municipal election, setting forth any such proposed amendment shall have been filed in the manner and form prescribed herein for the submission of ordinances by initiative petition. The amendment shall be submitted to the electors at the next regular primary or general election, if one shall occur not less than sixty (60) days, nor more than one hundred twenty (120) days after its passage or filing; otherwise the Council shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.



What are the salaries of other full-time suburban Mayors in Cuyahoga County?

Lakewood \$95,355/ South Euclid \$91,880/ Solon \$128,866/ University Heights \$75,500/ Westlake \$146,000

Appendix 5

AN ORDINANCE AMENDING SECTIONS 2-10
AND 2-11 RELATING TO THE SELECTION OF THE
MAYOR AND THE MAYOR PRO TEMPORE OF THE CITY

THE CITY COUNCIL OF THE CITY OF DAVIS DOES ORDAIN AS FOLLOWS:

Section 1. Section 2-10 of the Davis Municipal Code is hereby amended to read as follows:

Section 2-10. Election; duties generally. At the Council meeting at which or immediately following the date on which new councilmembers take office, the City Council shall designate its presiding officer, who shall have the title of mayor. The councilmember who served as mayor pro tempore immediately prior to this meeting shall be designated as mayor. The mayor shall be the official head of the City for all ceremonial purposes. The mayor shall preside at city council meetings and shall perform such other duties as may be prescribed by ordinance or as may be imposed by the City Council consistent with the office. The mayor shall serve in this capacity at the pleasure of the City Council.

Section 2. Section 2-11 of the Davis Municipal Code is hereby amended to read as follows:

Section 2-11. Mayor pro tempore. At the same meeting at which the mayor is selected, the City Council shall also designate one of its members as mayor pro tempore, who shall be that person who received the greatest number of votes in the most recent city council election. The mayor pro tempore shall perform the duties of the mayor during the mayor's absence or disability. The mayor pro tempore shall serve in this capacity at the pleasure of the City Council.

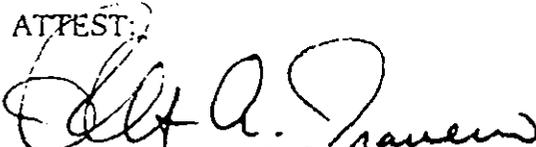
INTRODUCED on SEPTEMBER 19, 1990, and PASSED AND
ADOPTED by the City Council of the City of Davis on this 3rd day of
OCTOBER, 1990, by the following vote:

AYES: ADLER, SKINNER, WOLK.

NOES: BOYD, ROSENBERG.

ABSENT: NONE.


GERALD J. ADLER, Mayor

ATTEST:

ROBERT A. TRAVERSO
City Manager/City Clerk

Election of Council and Mayor
Council-Manager Form of Government

Sections 2.02 and 203 of Article II of the Model City Charter list a variety of methods for selecting both councils and mayors in the Council-Manager system. Commentary on the methods helps explain why the possible variations.