
MEMORANDUM

TO: Members of Council
FROM: Tanisha R. Briley, City Manager
DATE: July 8, 2016
RE: July 11, 2016

MEETINGS & REMINDERS

Monday, July 11 - 6:15 p.m. - Committee of the Whole
Monday, July 18 - 7:00 p.m. - Tax Budget Public Hearing

LEGISLATION

Legislation has been prepared for the following:

1. 2017 Tax Budget Resolution
 2. Board of Elections charter changes
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GENERAL INFORMATION

1. Enclosed are the Council Update and Agenda.
2. Enclosed is a Community Outreach update from the Vice City Manager.
3. Enclosed is an update from the Public Works Director.
4. Enclosed is the weekly water report from the Utilities Commissioner.
5. Enclosed is an update from the Planning and Development Director.
6. Enclosed is an update from the Parks and Recreation Director.
7. Enclosed is the weekly activity report from the Police Chief.
8. Enclosed is the weekly activity report from the Fire Chief.

TRB/jkw
Enclosures



COUNCIL UPDATE

JULY 8, 2016

1. LEGISLATION

- 2017 Tax Budget, Second Reading. The 2017 Tax Budget has previously been submitted to Council. A public hearing will be held on July 18 at 7:00 p.m at which time City Manager Briley will deliver a presentation.
- *Board of Elections Charter Changes Request, First Reading. The Cuyahoga County Board of Elections has requested that the City of Cleveland Heights file charter amendments for the November 8, 2016 General Election to amend its municipal candidate petition filing deadlines and to change its municipal initiative, referendum, and recall deadline requirements. The Board seeks to bring Cleveland Heights into uniformity with other municipalities within the county so the Board may meet its federal requirements. We are aware of eight (8) other communities to whom the Board has made similar requests: Bedford, Brooklyn Heights, East Cleveland, Lakewood, Maple Heights, North Royalton, Parma Heights, and Richmond Heights.

**See #2 below. Legislation will be included in the July 15, 2016 Council packet should City Council determine to meet the BOE's request.*

2. BOARD OF ELECTIONS REQUESTED CHARTER CHANGES

- Please review the enclosed memo outlining a series of amendments being requested by the Cuyahoga County Board of Elections concerning filing deadlines for candidate petitions, municipal initiatives, referendums and recalls. Staff will be present to review the BOE's request and discuss the impact of the changes. If Council determines to meet the Board's request, legislation will be prepared for first reading for the July 18, 2016 City Council meeting in order to facilitate two readings prior to the required deadline for the November 2016 ballot.

3. CHECKS BETWEEN \$10,000 - \$50,000

- AT & T - \$12,435.41: Communication Usage for various city accounts
- The Illuminating Company - \$33,473.50: Electrical Usage for various city accounts

- Ruff Neon & Lighting - \$12,109.88: Repair/Replace Conduit, Lamps in Ball fields @ Forest Hill Park @ Cumberland Pool Remove Existing Pump, Electrical etc.



CLEVELAND HEIGHTS

Committee of the Whole

July 11, 2016

Agenda

1. Mayor's Update
2. Staff Updates
3. Legislation Overview
4. Board of Elections Requested Charter Changes
5. Top of the Hill – Developer Presentations

TO: TANISHA R. BRILEY, CITY MANAGER

FROM: SUSANNA NIERMANN O'NEIL, ASSISTANT CITY MANAGER

RE: COMMUNITY OUTREACH UPDATE

DATE: JULY 8, 2016

COMMUNITY RELATIONS:

There are 3 block parties this weekend:

- **Hollister , Saturday July 9th from Noon to 3:00pm**
- **Westminister , Saturday July 9th from 10:00am to 4:00pm**
- **Derbyshire , Saturday July 9th from 1:00pm to dusk**

Another inquiry was received from a group that would like to hold an event on the Meadowbrook and Lee parcel. As we have told others - due to the construction , the staging area of vehicles and changing traffic patterns it would not be safe to use that space.

SOCIAL MEDIA/CHANNEL 20:

FaceBook/Twitter postings:

- **Cleveland Heights resident Nicole Tubbs has been selected to appear on one of the *Meet the Clevelanders* banners for the RNC. Banners are sponsored by Destination Cleveland.**
- **Information about the Doan Brook Watershed project was posted to celebrate their anniversary.**
- **A vintage photo of Heights High from the initial construction shows what the new high school will look like when the current construction is complete.**
- **Multiple postings about the Cain Park Arts Festival. Also, Channel 19 did a live broadcast from the Festival this morning promoting the artists and the City.**
- **Reminders have gone out to residents regarding the Master Plan meeting to be held at the Community Center on July 14th at 7:00pm.**



MEMORANDUM

TO: Tanisha Briley-City Manager
FROM: Andre Spencer-Assistant Public Works Director
DATE: July 8, 2016
RE: Weekly Update

Lee Road Streetscape

S.E.T. continued work excavating and forming the foundations for the light poles on the west side of Lee Road. The contractor started pouring concrete for the foundations this week. They anticipate that they will be forming and pouring concrete for the sidewalks, next week.



Job Superintendent along with workers pouring concrete near Washington and Lee



Worker trowel finishing the top of a light pole foundation

Construction Project Updates

2016 Road Resurfacing

Crews will return to finish paving in mid-July

2016 Surface Treating

Crews will return to apply chip-seal surface treatment in mid-July

2016 Pavement Striping

Work has been completed

2016 Traffic Signal Reconstruction

Greenwich electric started the removal of the unwarranted signals at E. Monmouth and Lee Road, and E. Overlook and Coventry Road. No major setbacks to report.



Lee Road looking south at the intersection of E. Monmouth Road



Coventry Road looking south at the intersection of E. Overlook Road

Mayfield Signalization

Current alternate traffic light scheme continues

Dominion East Ohio

Construction on projects 1589, 1270, and 1271 continued as normal.

Service Department

Crews worked earlier in the week to prepare the grounds of Cain Park for the Art Festival this weekend.

All other operations continued as normal.

Date: July 8, 2016

To: Tanisha Briley, City Manager

From: Collette Clinkscale, Utilities Commissioner

Subject: Water and Sewer Department Weekly Update

Water

- Reported to 2664 Exeter for water main break. After excavation, crew determined there was a private service line leak at this vacant house and disconnected service.
- Repaired service line at Lee Road and Kensington
- Dug up curb stop to disconnect delinquent property on Bainbridge
- Completed repair of service connection at 1607 Crest
- Flushed curb boxes for turn-offs
- Continued transponder update program
- Submitted monthly operating report to OEPA

Sewer

- Ran sewer machine on Westover, Carver and Meadowbrook
- Prepped and poured road holes on Euclid Heights Blvd., Selwyn, Hampshire, Keystone, Parkdale and Castleton
- Televised sewer line on Ormond
- Repaired tree lawns on Coleridge and Bellfield
- Opened blocked main 2108 Marlindale and Edison at Taylor
- Met with Owner and Plumbing Company on Westover
- Flushed curb boxes to assist with water disconnections

Other

- Catch basin cleaning in process by Cuyahoga County Public Works
- On-going coordination with MIS on Cleveland Water requests and Sewer-Related Project
- Attended sewer related meetings
- Attended 3 CWD Transition Meetings – Overall, Billing and Meter Reading

MEMORANDUM

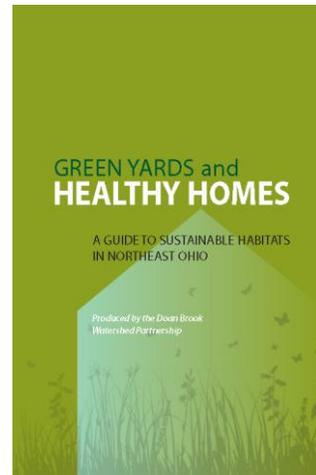
To: Tanisha Briley, City Manager
From: Richard Wong, Director of Planning and Development
Date: July 8, 2016
Subject: Weekly Update

DBWP Green Yards and Healthy Homes

The Doan Brook Watershed Partnership published a useful guide to managing yards in an environmentally sustainable way. The handbook will also be available on the DBWP website at:

<http://www.doanbrookpartnership.org/resources>

Incidentally, Executive Director Tori Mills is organizing workshops for staff and residents that will show how to responsibly keep storm water on people's property instead of piping it directly into the City's sewers.



NOACA Pedestrian and Bicyclist Counter

Edgehill near Overlook will be one of two locations for the first automated counters. The City's obligation is to install the loop detector and counter. NOACA staff pays for the equipment, maintains it and collects the counts.



Architectural Board of Review

Eight cases were reviewed in a little over an hour. One of the more deluxe home additions was at 3050 Corydon Road. A kitchen will expand and feature two islands, four sinks and two ranges. Above the kitchen will be a greenhouse and a walk-out deck. For the July 19 meeting three of the eight cases will add significant amenities to homes on Ardleigh, Cedar and a different Corydon house.

Memorandum

To: Tanisha Briley, City Manager

From: Joseph P. McRae, Parks and Recreation Director

Subject: Parks and Recreation Department Update

Date: July 8, 2016

Please find a brief summary of the Parks and Recreation Department announcements and activities attached for your review:

General Announcements

- The 2016 Women Out Walking (WOW) program will end on Sunday, July 10. Staff will share final results once all submittals are calculated and complete.

Cumberland Pool

- Tuesday, July 5 – Learn-to-Swim Session 2 began.
- Cain Park Splash Pad will be closed during the annual Cain Park Arts Festival (Friday, July 8-Sunday, July, 10)
- Saturday, July 9 – Adult Jim Brennan All-Star Softball Games at Jim Brennan Field
 - 5pm Coed All-Star Game (intra-division)
 - 7pm Men’s All-Star Game (Cleveland Heights vs. Euclid)

Senior Activity Center

- The Heights Library led a book discussion.
- CHFD led a Senior CPR and First Aid class.
- The Parkinsons Group held its monthly meeting.
- The Cleveland Clinic sponsored a Bereavement Support Group.
- ESOP continued their financial education series with a class on Understanding Credit.

Cain Park

- The Cain Park Arts Festival dates and times include:
 - Friday, July 8 from 3-8pm (Free admission)
 - Saturday, July 9 from 10-8pm (\$5 admission)
 - Sunday, July 10 from 12-5pm (\$5 admission)

CITY OF
**CLEVELAND
HEIGHTS**



DEPARTMENT OF POLICE

ANNETTE M. MECKLENBURG, CHIEF

40 SEVERANCE CIRCLE, CLEVELAND HEIGHTS, OHIO 44118 – Telephone 216-291-4974

MEMORANDUM

To: Tanisha R. Briley, City Manager

From: Annette Mecklenburg, Chief

Date: July 8, 2016

Subject: Weekly Update

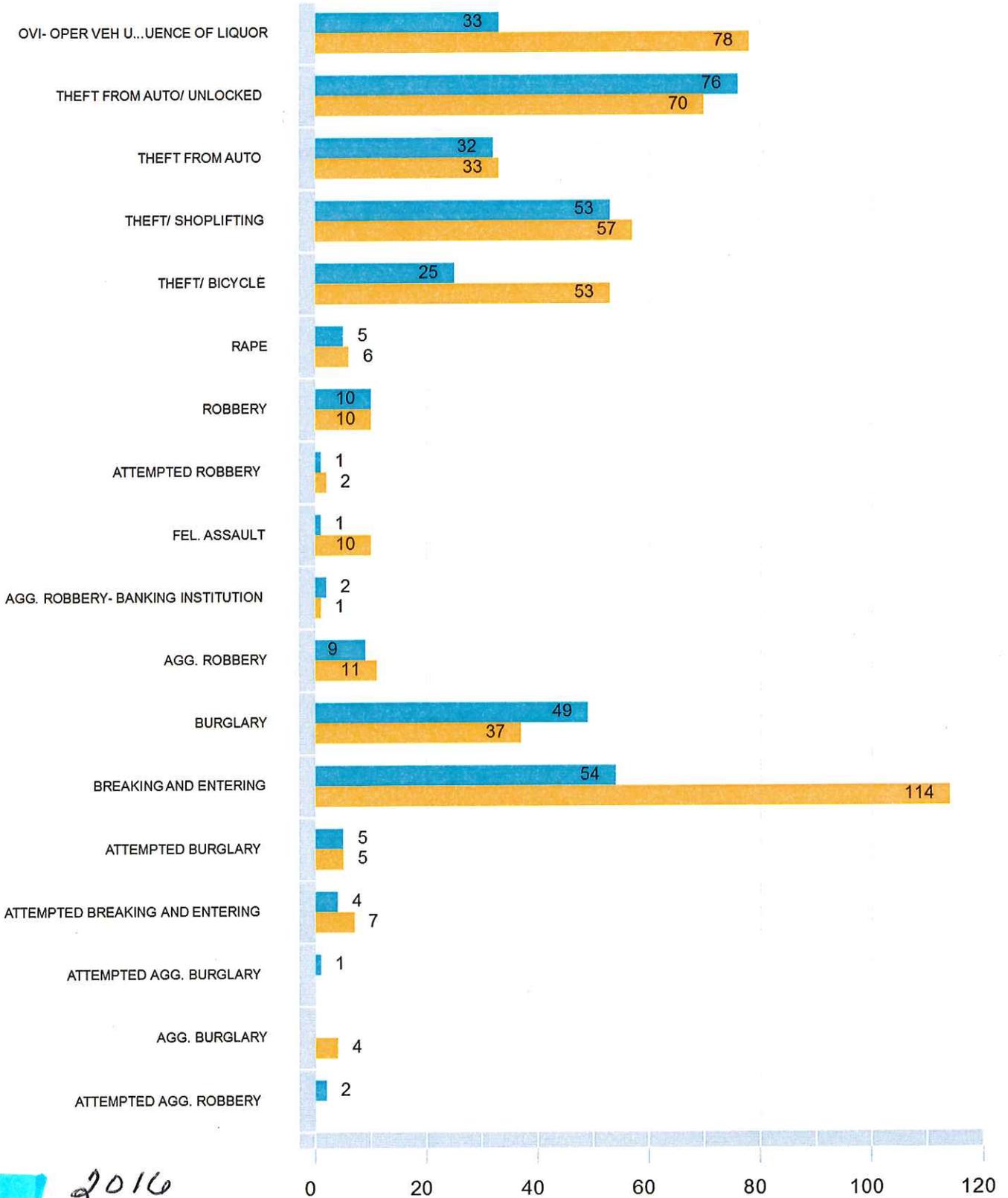
On Tuesday, July 5, 2016, 28 year old Stephen L. Johnson was indicted by the Grand Jury on charges of murder in the shooting death of Dejon Forbes at the Sunny Spot Lounge in May. In addition to murder, Johnson is charged with several counts of Felonious Assault and Discharging a firearm near a prohibited premises. On Friday, July 8th Johnson was arraigned at Cuyahoga County Court of Common Pleas. He remains in County Jail on a \$500,000 cash/surety bond. A second defendant in this case, Antonio Longino, was also indicted by the Grand Jury on charges of Tampering with Evidence. He is currently out of jail on bond.

On July 1st, the Fairfax triangle held their annual pancake breakfast. Officer Tom Harris and his partner K9 Jax were on hand for the festivities. A great time was had by all.



Dashboard Tab

Crime Type



2016
 2015

Friday, January 01, 2016 to Thursday, July 07, 2016 COMPARED TO Thursday, January 01, 2015 to Tuesday, July 07, 2015



Cleveland Heights Fire Department

Weekly Activity Report

Total Emergency Calls Year To Date	3,182
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Total Emergency Calls for Period	122
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Report Date Period: 07/01/2016 - 07/08/2016

Fire Data

	<u>Current Period</u>	<u>Year to Date</u>	<u>Last Year to Date</u>	<u>Current Year % of Run Count</u>
Emergency Fire Run Count	27	574	643	18.60 %
Emergency Structure Fire Count	2	34	34	
Emergency Non Structure Fire Count	25	530	603	
Emergency Vehicle Fire Count		10	6	

Emergency Medical Data

Total Emergency Run Count	95	2,608	2,500	81.40 %
Emergency Medical Run Count	88	2,515	2,397	
Automobile Accident Run Count	7	93	103	
Advanced Life Support Run Count	27	705	752	
Basic Life Support Run Count	68	1,891	1,722	
Total EMS Transports	58	1,697	1,631	
Total EMS Non Transports	37	776	775	

Mutual Aid Run Count to Date

Mutual aid received	SEFD A - 26 SHFD A - 23 ECFD A - 10 UHFD A - 14
Mutual aid given	SEFD A - 18 SHFD A - 20 ECFD A - 11 UHFD A - 10
Automatic aid received	SEFD A - 1 SHFD A - 7 ECFD A - 0 UHFD A - 2
Automatic aid given	SEFD A - 0 SHFD A - 5 ECFD A - 0 UHFD A - 6

<u>Fire Prevention Bureau</u>	<u>Current Period</u>	<u>Year to Date</u>
Total Completed Fire Inspections	30	295
Company Fire Inspections	25	54
Fire Prevention Fire Inspections		36
Fire Alarm Test Inspections		1
Kitchen Supression Test Inspections		7
Sprinkler Test Inspections		1
Other Inspections	5	196
Smoke Detectors Distributed		76

Fire Prevention Public Education

Date of Activity

Hours of Activity

07/07/2016

2.25

The Senior Center at the Community Center requested another "Friends and Family" CPR class. During the class, the students are taught how to assess an unresponsive person, call for help, get an AED, call 911, check for breathing and start doing continuous hands only CPR. The students are also taught how to use an AED. The class also covers children and infants.

Proposed: 7/5/2016

RESOLUTION NO. 56-2016 (F), *Second Reading*

By Council Member

A Resolution approving the adoption of the 2017 Tax Budget; and declaring an emergency.

WHEREAS, the City Manager has previously prepared and submitted to the Council a proposed 2017 Tax Budget for Council's review and evaluation; and

WHEREAS, the members of the Council have subsequently met with the City Manager and her staff for the purpose of review, evaluation and their recommendations on the proposed Budget; and

WHEREAS, a copy of the proposed 2017 Tax Budget is available for inspection by the general public at the office of the Director of Finance at the City Hall; and

WHEREAS, a notice of public hearing (which will be held July 18, 2016 at 7:00 p.m) will be given at least ten (10) days prior to the public hearing on said 2017 Tax Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby approves the adoption of the 2017 Tax Budget as is on file in the office of the Director of Finance, Clerk of Council.

SECTION 2. The Clerk of Council is hereby directed to make a copy of the approved 2017 Tax Budget a matter of record.

SECTION 3. The Director of Finance is hereby directed to file two (2) copies of the approved 2015 Tax Budget with the Cuyahoga County Budget Commission.

SECTION 4. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being to permit its timely filing with the Budget Commission within the period permitted by law. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 56-2016 (F)

CHERYL L. STEPHENS, Mayor
President of the Council

TOM RAGUZ
Clerk of Council

PASSED:

**CITY OF CLEVELAND HEIGHTS
LAW DEPARTMENT
MEMORANDUM**

TO: Members of Council:
Cheryl Stephens, Mayor
Jason S. Stein, Vice Mayor
Mary A. Dunbar
Melissa Yasinow
Kahlil Seren
Carol Roe
Michael N. Ungar

FROM: L. James Juliano, Jr., Law Director
Elizabeth Wells Rothenberg, Assistant Law Director

cc: Tanisha R. Briley, City Manager
Tom Raguz, Clerk of Council

DATE: July 7, 2016

RE: Request from BOE to Amend Charter Election Deadlines

CHARTER AMENDMENT REQUEST FROM BOARD OF ELECTIONS

The Cuyahoga County Board of Elections has requested that the City of Cleveland Heights file charter amendments for the November 8, 2016 General Election to amend its municipal candidate petition filing deadlines and to change its municipal initiative, referendum, and recall deadline requirements. The Board seeks to bring Cleveland Heights into uniformity with other municipalities within the county so the Board may meet its federal requirements. We are aware of eight (8) other communities to whom the Board has made similar requests: Bedford, Brooklyn Heights, East Cleveland, Lakewood, Maple Heights, North Royalton, Parma Heights, and Richmond Heights.

CANDIDATE DEADLINES

Currently, Cleveland Heights' candidate petition filing deadline is sixty (60) days prior to the general election, and its write-in deadline is forty (40) days prior. Charter Art. VII, Sections 3 and 5. Because the Board of Election is required by federal law to prepare and mail overseas and military ballots forty-five (45) days prior to the election, and because absentee voting begins twenty-eight (28) days prior to the election, the Board has little time to create, translate, and print the ballots.¹ Therefore, the Board of Election has requested that Cleveland Heights adjust the municipal election filing deadlines so as to be ninety (90) days before the election for petition candidates and seventy-two (72) days before for write-in candidates.

Additionally, the current language of the charter states that candidate petitions shall not be signed by any electors more than ninety (90) days prior to the date of the election. Charter, Art. VII, Section 3(e). If the filing deadline for candidate petitions is changed to ninety (90) days, the window to gather signatures should be correspondingly adjusted. Amending the Charter so that signatures do not pre-date one hundred twenty (120) days before the election would maintain the thirty day (30) window to collect signatures that is currently permitted by the Charter, since the filing deadline would be ninety (90) days.

Further, the current language of the Charter requires the candidate whose name was submitted for candidacy by a petition to file an acceptance of his or her candidacy with the election authorities by not later than fifty-five (55) days before the ballot, which is five (5) days after the current petition deadline. Charter, Art. VII, Sec. 4. Amending the acceptance deadline to eighty-five (85) days prior to the date of the election would maintain the five (5) days after the petition deadline window established by the current language of the Charter.

¹ The twenty-eight (28) day deadline for absentee voting is currently the subject of a lawsuit and may be changed to thirty-five (35) days. If this lawsuit is successful, a 35-day deadline would exacerbate the timing difficulties.

BALLOT ISSUE DEADLINES

Further, the Cleveland Heights Charter currently requires that ballot issues resulting from initiative or referendum petitions be submitted to a vote at an election forty to ninety (40-90) days from the filing of the petition. Charter, Art. VIII, Section 4. To meet the deadlines outlined above, the Board of Elections requests a ninety (90) day deadline. A ninety (90) day deadline, however, would require substantial changes to the Charter as the ballot issue deadlines are currently grouped with the recall deadlines which the Board has requested be amended to sixty (60) to one hundred-twenty (120) day deadline, as detailed below. *See* Charter, Art. VIII, Section 4.

The Board has represented that a sixty (60) to one hundred-twenty (120) day deadline also would be acceptable, as the Board could still meet its forty-five (45) day federal requirement to send ballots to overseas and military voters if a ballot issue was filed sixty (60) days before. Because it requires fewer changes to the Charter and is acceptable to the Board, we recommend a sixty (60) to one hundred-twenty (120) day deadline, not a ninety (90) day deadline, for the submission of ballot issues.

The Board of Elections has additionally requested that the reference to the “Board of Deputy Supervisors and Inspectors of Elections” be changed to the “Director of Elections” as the former is no longer in existence. Charter, Art. VIII, Section 4.

RECALL ELECTION DEADLINES

Finally, with respect to recall elections, the Charter currently calls for an election to be held between forty (40) and ninety (90) days after the filing of a recall petition. Charter, Art. VIII, Section 4. For all the same reasons stated above, the Board requests that the City amend its Charter to adjust the election to allow a sixty to one hundred twenty (60-120) day window to holding a recall election. The Board believes this would not only be beneficial for the elections

process, but also as a cost-effective way to reduce municipal costs. The Board believes it is more likely that a regularly scheduled election would occur within one hundred twenty (120) days of the date a petition would be filed, negating the need for the City to fund a special election.

PROCEDURE TO AMEND THE CHARTER

The Charter establishes two ways to initiate a charter amendment: (1) an ordinance passed by five (5) Council members placing a proposed charter amendment on the ballot during a primary, general, or special election; or (2) an initiative petition. An ordinance passed by five (5) Council members is the appropriate action to be taken here.²

Typically the Board of Election requires a separate ballot issue for amendments to each section of the Charter. Because the sections are directly related, the Board has agreed to let us cluster the changes together and group by article amendments instead. The Board has stated that it would permit proposed amendments (redlined in Appendix A below) to be collected into two ordinances and appear as two items on the ballot. The proposed amendments would be incorporated into the Charter if approved by a majority of the electors who voted on the issue.

CONCLUSION

The Board of Elections has requested several amendments to the City's Charter concerning election deadlines that are summarized in Appendix A, attached. The Board seeks to meet its federal deadlines and insure all registered voters have the opportunity to vote, particularly those overseas. If Council determines to meet the Board's request, the Law

²While the appointment of a Charter Review Commission has been formalized in the City Charter since 1972, nothing in the Charter mandates that a Commission must be convened before Council may place proposed amendments on the ballot. In other words, the Commission is not a mandatory component of amending the Charter. See City Charter Art. XIII, Art. XV.

Department will draft two ordinances to place these amendments on the ballot. We recommend that the first reading occur on July 18 and second reading on August 1.

Appendix A

Proposed Charter Amendments

SECTION VII-3. PETITION FOR PLACES ON BALLOTS.

Candidates for any elective office shall be nominated only by petition. The name of any elector of the City shall be printed upon the ballot if there is filed with the election authorities prescribed by general law a petition in accordance with the following requirements:

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

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

(c) Each elector signing a petition shall add to his signature his 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 be made with ink.

(d) The signature of all petitioners need not be appended to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, made under penalty of election falsification, stating the number of signers thereto, that each person signed in the circulator's presence on the date mentioned, and that the signature is that of the person whose name it appears to be.

(e) Such petition shall not be signed by any electors more than ~~ninety-one hundred~~ twenty (120) days prior to the day of such election, and such petition shall be filed with the election authorities prescribed by general law not less than ~~sixty-ninety (90)~~ sixty-ninety (90) days previous to the day of such election. This section shall become effective January 1, ~~1983~~2017.

SECTION VII-4. ACCEPTANCE.

Any person whose name has been submitted for candidacy by any such petition shall file an acceptance of such candidacy with the election authorities not later than ~~fifty-five~~eighty-five (85) days previous to said election; otherwise, the name of that person shall not appear on the ballot. The signature of a candidate upon a declaration of candidacy contained as part of petitions 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, ~~1983~~2017.

SECTION VII-5. WHO ELECTED.

In addition to those spaces having printed therein the names of the candidates for each office, blank spaces shall be provided equal in number to the positions to be filled at such election, wherein the voter may write the name of any person for whom he or she may wish to vote. However, only those votes for a candidate who has properly filed a declaration as a write in candidate with the election authorities on or before the ~~fortieth-seventy-second (72nd)~~ fortieth-seventy-second (72nd) day

before the election shall be counted. Such declaration shall state the name of the candidate, his or her place of residence, and the office for which he or she desires 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, ~~1983~~2017.

SECTION VIII-3. RECALL.

(a) The people reserve unto themselves the right to recall and 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.

When there shall have been filed a question signed by the aforesaid required number of electors, the Clerk shall certify the same to the Council at the next regular meeting and shall furnish a copy thereof 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 within five days after such certification the member of the Council shall have tendered his written resignation to the Clerk.

(b) If a majority of the votes cast at such 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 election to the Council, and a vacancy caused by such recall 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 members of the Council, candidates to succeed them for their unexpired terms shall be voted upon at the same election and shall be nominated by petitions dated and verified in the manner required for petitions presenting names of candidates for regular municipal elections and similar in form to such petitions and filed with the election authorities at least ~~forty-ninety~~ (90) days prior to such recall election, but no such nominating petition shall be signed or circulated until such recall petition has been certified to the Council, and any signatures ante-dating such time shall not be counted.

If a majority of the votes cast on the question of removal of any member of the Council are in the negative, the person whose removal is sought shall be allowed by the Council his reasonable expenses incident to such election. This section shall become effective January 1, ~~1983~~2017.

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.

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 place of residence by street and number. Each part of any such petition shall contain the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of signers of such part of such petition and shall state that to the best of the affiant's knowledge and belief each of the signatures contained on such part is the genuine signature of the person whose name it purports to be, and

that he believes such persons are registered electors of the City, and that they signed such petition with the knowledge of the contents thereof. Each part of such petition shall also have printed thereon the names and addresses of at least five registered electors, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose herein elsewhere named.

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

Within ten days after the filing of a petition the Clerk shall ascertain whether the same is signed by the required number of qualified electors. Upon the completion of his examination the Clerk shall endorse upon the petition a certificate of the result thereof.

If the Clerk's certificate shows that the petition is insufficient he shall at once notify each member of the committee of the petitioners herein elsewhere provided for, and the petition may be amended at any time within fifteen days from the date of the Clerk's certificate of examination by filing with the Clerk an additional petition in one or more parts in the same manner as provided for the original petition. In the event that it shall be determined by judicial proceedings that the certificate of the Clerk to the effect that the petition is sufficient is erroneous, a similar period of time shall be granted for additional petitions after the final determination of such question.

Upon the filing of any such additional petitions, the Clerk shall within ten days thereafter examine the petition as thus amended and attach thereto his 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. 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 initiative, referendum or recall petition by the Clerk with the Council within the times herein elsewhere provided shall be computed from the date of the attaching of the final certificate of the Clerk to such petition.

Whenever it becomes the duty of the Council to call an election by reason of the filing of an initiative or referendum petition or one for recall, the Council shall call an election for the submission of such question, or recall, at the next regular primary or general election occurring not less than ~~forty (40)~~sixty (60) days nor more than ~~ninety (90)~~one hundred twenty (120) days thereafter. If no such regular primary or general election is to be held within such time, the Council shall provide for calling a special election not less than ~~forty (40)~~sixty (60) days nor more than ~~ninety (90)~~one hundred twenty (120) days thereafter. In either event, the Council shall certify its action to the ~~Board of Deputy Supervisors and Inspectors~~Director of Elections. ~~Provided, however, that if the recall of more than three (3) members of the Council is sought by petition, the period of forty (40) days hereinbefore provided shall be changed to sixty (60) days.~~

When any legislative measure resulting from any initiative or referendum petition is approved by a majority of the electors voting thereon, such legislative measure shall become effective at the time fixed therein and if no time is fixed therein, then such legislative measure shall become effective upon its approval by the electors; provided, however, that in the event that two or more inconsistent legislative measures on the same subject are submitted at the same election, only the one receiving the largest affirmative vote, not less than a majority, shall become effective. This section shall become effective January 1, 2017.