

# **Public Meeting**

**Proposed Amended City Charter**

**January 24, 2019**

**Charter Review Commission**



# Welcome

**John Newman Jr.**

Chair, Charter Review Commission

**Charter Review Commission**



# Purpose

To provide an opportunity for citizen comments on  
a proposed revised charter for the City

Charter Review Commission



# Agenda

1. Welcome and introduction of Commission members
2. Explanation of meeting process
3. Presentation of draft revised charter
4. Public comments on draft Revised Charter
5. Acceptance of Decisions & Rationales, 13 December, 2018
6. Set date for next meeting, including consideration of any necessary preparatory work
7. New Business



# Commission Members

- Patryca Ajdukiewicz
- Jessica Cohen
- Craig Cobb
- Michael Gaynier
- C. Randolph Keller
- Howard Maier
- John Newman Jr.
- David Perelman
- Carla Rautenberg
- Vince Reddy
- Maia Rucker
- Allosious Snodgrass
- Katherine Solender
- James Vail
- Sarah West

**Charter Review Commission**



# What is a Charter?

- Like a constitution
- Primary governing document for home rule cities
- Defines the relationship between the community and its government
- Charter and all changes to it must be approved by voters



# Core Elements of a Charter

- Form of government
- Structure, role, power, and process of city council
- The chief executive and other governmental offices and bodies, their powers, and their relation to council
- Financial authority, restrictions, and processes
- Candidate elections, initiative, and referendum
- Ethics, both substance and process



# History of Cleveland Heights Charter

- Originated in 1921
- Amended on occasion since then, but:
  - Basics of form of government have endured
  - Some provisions still speak from perspective of 1921
  - Never a major effort at updating structure or language of the Charter
- Most recent review commission was 1982



**Charter Review Commission**

# Charter Review Process

- 15 Commission members, appointed by City Council from among residents who applied
- Every geographic area of the City represented
- Charged with reviewing the City charter and determining if any changes are warranted
- Recommendations will be presented to City Council
- Council may accept recommendations, or not
- Any changes adopted by Council must be put to a citizen vote

**Charter Review Commission**



# Guiding Principles

- Overarching inquiry: What is in the best interest of the City?
- Operational questions:
  - Is there a problem, and if so, what is it, and would a charter change provide a solution?
  - How would a proposed change affect issues of representation, policy, leadership, and administrative efficiency?
  - What might be other consequences of change?



# Commission Activities

- Organizational meeting December 2017; generally, twice-monthly meetings since then
  - Multiple invited speakers
  - Reports of interviews
  - Consideration of interview reports and written submissions
  - Discussion and debate
  - Public comment



# Commission Activities (cont.)

- Documents and videos posted on Commission website
- Community meeting in April with results posted on website
- This public meeting, preceded by posting of proposed revised Charter and a table with guidance to changes
- Delivery to Council projected for February 2019



# Revised Charter

## GENERAL

- New Name: First Amended Charter
- Changes to structure, headings, and language (*e.g.*, gender neutrality), with focus on clarity, readability, internal consistency, and contemporary points of reference



# Revised Charter

## FORM OF GOVERNMENT

- Basic form of government remains the same: Council-Manager
  - City Manager as principal full-time staff member, appointed by and answerable to Council “at will”
  - Seven-member Council, elected at large; four-year staggered terms; no term limits
- But some notable adjustments...



# Revised Charter

## Council

- Flexible authority for Council, beyond pure “legislative”
- Employment by CH/UH and EC school districts no longer disqualifies for Council
- Council authority to fill vacancy limited to 90 days; otherwise, election required
- Council to fix its salaries every four years; Civil Service Commission to study and submit recommendations
- Salary of Council President 25% higher than for others
- Council to evaluate City Manager annually and publicly announce completion



**Charter Review Commission**

# Revised Charter

## Council, cont.

- More attention to “emergency” legislation with strengthened requirement for explanation
- Eliminates titles “Mayor” and “Vice Mayor”
- Establishes President Pro Tem, and procedures

## City Manager

- Designated as “Chief Executive . . . and official head of City government,” not just chief administrative officer
- Requirement for City residence eliminated



# Revised Charter

## City Manager, cont.

- Enumeration of powers, responsibilities, expectations expanded and better articulated
- Vice City Manager must be confirmed by Council
- Powers and expectations of Vice City Manager materially expanded
- Vice City Manager automatically becomes Acting City Manager upon a vacancy, unless Council determines otherwise
- Director of Law empowered when City Manager and Vice City Manager unavailable



# Revised Charter

## OTHER CHANGES

### Administration

- Establishes clear concept of “Administrative Departments” and their “Directors”
- Conforms to number and names of existing Administrative Departments
- Changes to Departments permitted, but only by codified ordinance of Council
- All Directors of Administrative Departments must be confirmed by Council



# Revised Charter

## Administration, cont.

- Expands/clarifies “protected classes” for equal opportunity in City employment
- Acknowledgment of “open government” concept, to be interpreted and applied by ordinance at Council’s discretion; 5 votes required to change ordinance



# Revised Charter

## Candidate Elections

- Terminology: “regular municipal election”; change “electors” to “registered voters” or, where appropriate, “persons who voted”
- Removes restriction on number of candidates whose petitions a person can sign
- Provisions on form and contents of ballot eliminated; default to state law



# Revised Charter

## Issue Elections: Initiative/Referendum/Recall

- Signature percentages for petitions retained, but denominator clarified as “persons who voted”
- Initiative proposition may not be substantively changed after signatures affixed
- 6-month waiting period to begin recall process
- Requires recall petition to state name of target and reasons
- Clarifies certain timing requirements when 4 or more being recalled simultaneously
- Permissible size of supporting/opposition statements increased to 500 words



# Revised Charter

## Finances

- Acknowledgment that state law governs
- Several provisions eliminated as unnecessary
- Correct statement of actual budget process
- Revised statement of appropriation process
- Expands type of bonds that can be issued
- Express requirement for annual financial audit



# Revised Charter

## Ethics

- Entirely new article
- General statement of expectations for all employees
- Requires oath of office for most employees
- Specifies fiduciary obligation for Council members, City Manager, Vice City Manager, and Directors of Law and Finance
- Forbids conflict of interest (actual or apparent) and profiting personally from City hiring or contracting decisions
- Specifies bases for ineligibility for, and forfeiture of, office
- Gives Council power to adopt additional provisions



# Revised Charter

## Planning Commission

Explicit recognition of “economic, environmental and social sustainability” as factors

## Civil Service Commission

Narrows municipal employment disqualification to City employment only

## Charter Review

- Commission must be established for full review at least every 20 years
- In interim, Council must consider at least every 5 years whether to establish a commission

# Charter Review Commission



# Revised Charter

## Effective Date

January 1 following election giving approval, or otherwise as Council may determine

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# Public Comment

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