Public Meeting
Proposed Amended City Charter
January 24, 2019
Welcome

John Newman Jr.
Chair, Charter Review Commission
Purpose

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

Charter Review Commission
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:
  o Basics of form of government have endured
  o Some provisions still speak from perspective of 1921
  o Never a major effort at updating structure or language of the Charter
• Most recent review commission was 1982
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
Guiding Principles

• Overarching inquiry: What is in the best interest of the City?
• Operational questions:
  o Is there a problem, and if so, what is it, and would a charter change provide a solution?
  o How would a proposed change affect issues of representation, policy, leadership, and administrative efficiency?
  o 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
  o City Manager as principal full-time staff member, appointed by and answerable to Council “at will”
  o 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
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

Charter Review Commission
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
Revised Charter

Effective Date

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