

Summary Guide to Charter Changes

Current Charter Provision	First Amended Charter Provision	Changes
Preamble	Preamble	No substantive change; edited for clarity and consistency.
Article 1 Name and Boundaries	Article One Name and Boundaries	
Single Paragraph	Single Paragraph	No substantive change; edited for clarity and consistency
Article II Powers	Article Two Form of Government and Powers	
No existing provision	2.1 Form of Government	Specifically identifies form of government as Council-Manager
Powers Single Paragraph	2.2 Powers	Council authority more specifically articulated; edited for clarity and consistency.
Article III The Council	Article Three The Council	
Section 1 Powers, Number, and Term	3.1 Powers, Number, and Term	Provides broader, more flexible authority to Council. Also edited for clarity and consistency.
Section 2 Qualifications	3.2 Qualifications	Eliminates employment with CH/UH and East Cleveland school districts as disqualification for service on Council. Also edited for clarity and consistency.
Section 3 Removal	3.3 Removal	No substantive change; edited for clarity and consistency

Section 4 Vacancies	3.4 Vacancies	Limits to 90 days the time for Council to fill a vacancy by appointment. Failure to make a timely appointment triggers an election to fill the vacancy, unless the unexpired term would expire in the meantime. Term of an appointee may vary from that of a person chosen in a vacancy election.
Section 5 Salaries	3.5 Salaries	Council must (not may) fix Council salaries every four (not two) years, in the year preceding the year of a U.S. presidential election. The Civil Service Commission must at that time assess and submit to Council for its use a report recommending Council salaries. The salary of the President of Council is specified as 25% greater than the salary of other members.
Section 6 Appointees First Paragraph	3.6(a) Appointments	Council is explicitly required to evaluate the City Manager at least annually and to announce publicly when the evaluation is complete.
Section 6 Appointees Second Paragraph	3.6(b) Appointments	No substantive change, but clarifies Council's authority to obtain outside services for assistance.
Section 6 Appointees Third Paragraph	3.6(c) Appointments	No substantive change; edited for clarity and consistency.
Section 6 Appointees Fourth Paragraph	3.6(d) Appointments	No substantive change; edited for clarity and consistency.
Section 6 Appointees Fifth Paragraph	3.6(e) Appointments	Accounts for the City's more expansive definition of protected classes than currently contained in state and federal law and provides that all classes protected under any applicable law must guide City employment decisions.
Section 7 Meetings	3.7 Meetings	No substantive change; edited for clarity and consistency

Section 8 General Provisions	3.8 General Provisions	Explicitly acknowledges the concept of open government, with principles to be interpreted and applied in the discretion of Council via ordinance; like ordinances covering other specific subjects in this paragraph, an open government ordinance can be repealed only by affirmative vote of at least 5 Council members, or by an initiative as defined in 8.1. Also edited for clarity and consistency.
Section 9 Franchises	3.9 Emergency Measures	Topic in existing Section 9 moved to 3.10. Replacement provision defines an <u>(which brings forward material currently found in fifth paragraph of Article IX)</u> retains the definition of emergency measure as one necessary for immediate preservation of the public peace, health, or safety; requires a specific <u>adds a requirement for “specificity” in</u> statement of reason for emergency; and requires <u>retains the requirement for an</u> affirmative vote of at least 5 Council members for passage.
Section 10 Interest in Contracts	3.10 Public Utilities and Franchises	Previous Section 10 eliminated, with its contents now covered elsewhere in charter. This provision, formerly in Section 9, expanded to include public utilities as well as franchises, and also to state the authority of Council to set applicable conditions and to renew them. Continues prohibition against granting a franchise or regulating a utility by an emergency ordinance.
Section 11 Mayor and Vice Mayor First Paragraph	3.11(a) Titles of President and Vice President	Removes the titles of Mayor and Vice Mayor, leaving only President and Vice President of Council, respectively. Also edited for clarity and consistency.
Section 11 Second Paragraph	3.11(b) Council Agenda and President Pro Tem	Specifically empowers the President and in the absence of the President, the Vice President, to set the Council agenda. Creates the office of President Pro Tem to preside at Council meetings from which both the President and Vice President are absent, and specifies terms of selection. President of Council or in the absence of the President, the Vice President, may (non-exclusively) represent the City for ceremonial purposes.

Article IV City Manager	Article Four City Manager	
Section 1 Appointment	4.1 Appointment, Tenure, Removal	Clarifies but does not substantively alter appointment/tenure/removal of City Manager. Continues at-will relationship but explicitly permits an employment agreement that provides post-employment payments and benefits.
Section 2 Residence Requirement	No provision	Requirement that City Manager reside in the City removed.
Section 3 Chief Administrative Officer First Sentence	4.2 Powers and Duties	Changes the designation of the City Manager to chief executive officer who provides general direction, supervision, management, and administration of all City affairs. Specific authority is listed in subsections as noted below.
No existing provision	4.2(a) Intergovernmental Relations	City Manager to represent the City in intergovernmental affairs.
No existing provision	4.2(b) Represent the City	City Manager to represent the City with business and residential interests, consistent with master plans and Council strategy and directions.
Section 3 Appointment Authority First Sentence	4.2(c) Appointment Authority	More explicit statement of City Manager's authority to appoint, suspend, discipline, or remove all City officers and employees except as otherwise provided.
Section 3 Participation in Council Second Sentence	4.2(e) Advice to Council	City Manager to develop and submit policy proposals and advice to Council.
No existing provision	4.2(f) Recommendations to Council	City Manager to recommend ordinances, resolutions, and other actions to Council.

Section 3 Budget Authority and Duties Third Sentence	4.2(g) Budget Authority and Duty	Expands and makes explicit City Manager's responsibility to prepare and submit comprehensive annual operating budget and multi-year capital budget and supporting materials to Council, to ensure they are publicly posted, and to deliver annual state-of-the-City message to Council.
No existing provision	4.2(h) Promote Plan and Vision	City Manager to promote and pursue vision and plan for the City as determined by Council in light of existing conditions.
No existing provision	4.2(i) Execution of Agreements	City Manager to execute all types of agreements on behalf of the City.
Section 3 Participation in Council Second Sentence	4.2(j) City Manager in Council	No substantive change, except that City Manager is explicitly authorized to bring matters up during Council meetings and can attend committee meetings without invitation. Also edited for clarity and consistency.
No existing provision	4.2(k) Represent non-exclusively City for ceremonial Purposes	City Manager may (non-exclusively) represent City for ceremonial purposes and is recognized by Courts and the Governor for certain formal purposes.
Section 3 Third Sentence Perform Other Duties	4.2(l) Perform Other Duties	No substantive change. Edited for clarity and consistency.
No existing provision	4.2(m) Delegation of Authority	Explicitly recognizes that the City Manager can delegate authority to another officer, who is subject to the City Manager's direction
Section 4 Vice Manager	4.3(a) Vice City Manager Appointment	Vice City Manager whose appointment by the City Manager must be confirmed by affirmative vote of at least 4 Council members and who explicitly serves at the pleasure of the City Manager, is empowered and directed to assist the City Manager on a daily operational basis (not just to fill in upon City Manager's unavailability).

Section 4 Vice Manager	4.3(b) Vice City Manager	If the Vice City Manager is called upon to, but cannot, perform the duties of the City Manager, the Director of Law is explicitly authorized to do so.
Section 5 Acting City Manager	4.4 Acting City Manager	Vice City Manager designated to serve as Acting City Manager if the Office of City Manager is vacant and Council does not designate someone else. If the Vice City Manager is unavailable to serve as Acting City Manager, the Director Law is explicitly authorized to serve.
Article V Administrative Officers and Departments	Article Five Administrative Officers and Departments	
Section 1 Departments	5.1 Departments	Comprehensive list of administrative departments corrected by name, elimination of a non-existing department, and adding additional departments created by Council. Any further new departments created by Council must be by codified ordinance. Also edited for clarity and consistency.
Section 2 Directors	5.2 Directors	Appointment of the directors of all departments in 5.1 must be approved by Council with at least four affirmative votes. Qualifications for Director of Law modified for flexibility, requiring only admission to practice of law in Ohio. Also edited for clarity and consistency.
Section 3 City Manager as Head of Departments	5.3 City Manager as Head of Departments	No substantive change; edited for clarity and consistency.
Section 4 Salaries and Bonds	5.4 Salaries and Bonds	No substantive change; edited for clarity and consistency.
Article Six Municipal Court	Article Six Municipal Court	
Sections 1, 2 and 3	6.1, 6.2 and 6.3	No substantive change; edited for clarity and consistency.

Article VII Nominations and Elections	Article Seven Nominations and Elections	
Section 1 Time of Holding Elections	7.1 Time of Holding Elections	No substantive change; edited for clarity and consistency.
Section 2 Ballots	7.2 Ballots	All aspects of the official ballot to be controlled by the election laws of the State of Ohio. Non-partisan elections retained.
Section 3 Petition for Places on the Ballot	7.3 Petition for Places on the Ballot	The term, “elector,” replaced by the phrase phrases, “registered voter,” ²² or “ <u>person who voted in [a certain] election,</u> ” as applicable to the <u>context</u> , in this section and all other sections of the charter. Removes provision restricting persons from signing more petitions than number of positions to be filled. Otherwise, no substantive change, but edited for clarity and consistency.
Section 4 Acceptance	7.4 Acceptance	No substantive change; edited for consistency and clarity <u>and consistency</u> .
Section 5 Who Elected	7.5 Write in Candidates	Title of section changed to, “Write-in Candidates;” edited for clarity and consistency.
Section 6 Conduct of Election and Canvass of Votes	7.6 Conduct of Election and Canvass of Votes	No substantive change; edited for clarity and consistency.
Section 7 Voting by a Member of the Armed Forces and his Family	7.7 Voting by Members of the Armed Forces and their Families	No substantive change; plural substituted for singular in applicable categories.
Article VIII Initiative, Referendum and Recall	Article Eight Initiative, Referendum and Recall	Separate paragraphs throughout this article are labeled with small case letters
Section 1 Initiative First Paragraph	8.1(a) Initiative and Petition Signature Requirement	Reserves the right of initiative but, in clarification of current textual ambiguity, explicitly states that the number of signatures required is percentage (10%) of the total number of those voting in the most recent

		regular municipal election. Requires petitions to state names of petitioners' committee.
Section 1 Council Committee Actions Second Paragraph	8.1(b) Council Committee Actions	No substantive change; edited for clarity and consistency.
Section 1 Actions of Council and Timing Third Paragraph	8.1(c) Actions of Council and Timing	Prohibits substantively amending the original proposed initiative after affixing of signatures <u>and</u> delivery to Council and before submission to voters. Also edited for clarity and consistency.
Section 1 Two year prohibition of repealing an initiative Fourth Paragraph	8.1(d) Two year prohibition of repealing an initiative	No substantive change; edited for clarity and consistency.
Section 2 Referendum First Paragraph	8.2(a) Right to referendum; 30 day period before ordinance goes into effect	Reserves the right of referendum; substantively unchanged but edited for clarity and consistency.
Section 2 Referendum Second Paragraph	8.2(b) Petition requirements for Referendum	As with regard to the provision for initiative, signature requirement is clarified as percentage (15%) of those voting in the most recent regular municipal election. Also edited for clarity and consistency.
Section 2 Referendum Third Paragraph	8.2(c) Referendum only on first if more than one ordinance required for an action	No substantive change; edited for clarity and consistency.
Section 2 Referendum Fourth Paragraph	8.2(d) Subsequent ordinance for bonds not susceptible to referendum	No substantive change; edited for clarity and consistency.
Section 2 Referendum Fifth Paragraph	8.2(e) Ordinances not subject to referendum	Reference to emergency ordinances is eliminated because will be covered elsewhere in charter <u>Definition of, and procedures for adopting, emergency measures have been moved to Section 3.9, but this type of measure continues to be exempt from referendum.</u> Otherwise, no substantive change; edited for clarity and consistency.

Section 3(a) Recall First Paragraph	8.3(a) Right to Recall	Reserves the right of recall
Section 3(a) Recall Second Paragraph	8.3(b) Recall petition requirements	As with the provisions for initiative and referendum, signature requirement is clarified as percentage (25%) of those voting in the most recent regular municipal election. Provides that any signature affixed to a recall petition fewer than 180 days after the beginning of the term being challenged is invalid. Also edited for clarity and consistency.
Section 3(a) Recall Third Paragraph	8.3(c) Action of Clerk and Council	No substantive change; edited for clarity and consistency.
Section 3(b) Recall First Paragraph	8.3(d) Recalled by affirmative vote vacates Council seat	No substantive change; edited for clarity and consistency.
Section 3(b) Recall First and Second Paragraph	8.3(e) Seat vacant when official canvass confirms vote; how vacancy or vacancies filled	No substantive change; edited for clarity and consistency.
Section 3(b) Recall Third Paragraph	8.3(f) Reasonable expenses for unsuccessful recall	No substantive change; edited for clarity and consistency.
Section 4 General Provisions	8.4(a) through 8.4(h) General Provisions	The name of a Council member being recalled must be stated in the petition along with reasons for the removal. When four or more members are being recalled at the same time, the time bracket within which an election must be called is clarified as 120 to 180 days. Specifies that a second ruling of insufficiency of a petition, following submission of supplementary signatures to remedy a prior insufficiency, is final. Otherwise, no substantive change, but edited for clarity and consistency.
Section 5 Official Publicity	8.5(a) and (b) Official Publicity	Contains only mailing and publicity requirements, which are not substantively changed.

Section 5 Official Publicity	8.6(a) Statements in Support and Opposition	Newly numbered section titled, “Statements in Support and Opposition.” Reference to Mayor changed to President of City Council but otherwise no substantive change; edited for clarity and consistency.
Section 5 Official Publicity	8.6(b) Statements in Support and Opposition	Reference to Mayor changed to President of City Council. Permitted size of explanation or argument for an issue expanded from 300 to 500 words. Also edited for clarity and consistency.
Article IX Finances	Article Nine Finances	
No existing section	9.1 General	Statement that the laws of the State of Ohio generally control the City’s budget process and other fiscal matters. The <u>As noted immediately below, the</u> original language was an inaccurate and anachronistic that began this article was an incorrect statement of the state laws that control much of the municipal budget <u>budgeting</u> process.
Section 1 Budget	9.2 Budget	Continues the requirement for use of a budget system but replaces an inaccurate description of the process with a description that conforms to the manner in which budget activities actually and effectively occur, so as to permit Council <u>Council’s</u> consideration and adoption of an appropriation ordinance <u>ordinances</u> .
Section 2 Appropriation Ordinance	9.3 Appropriation Ordinance	Continues the requirement that appropriations be predicated on a budget and not exceed projected revenues, but clarifies the process for making an annual appropriation; explicitly provides for use of an interim appropriation ordinance and for amendment of both types of ordinances.
Sections 3 Transfer of Funds	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 4 Unencumbered Balances	No provision	Eliminated as unnecessary; topics effectively covered by state law.

Section 5 Payment of Claims	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 6 Certification of Funds	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 7 Money in the Funds	No provision	Eliminated as unnecessary; topics effectively covered by state law.
Section 8 Bond Issues	9.4 Bond Issues	No substantive change; edited for clarity and consistency.
Section 9 Maturity of Bonds	9.5 Maturity of Bonds	Limitation to using only serial bonds removed. Otherwise no substantive change, but edited for clarity and consistency.
Section 10 Temporary Loans	No provision	Eliminated as unnecessary; topic effectively covered by state law.
Section 11 Limitation on Rate of Taxation for Current Operating Expenses	9.6(a) Limitation on Rate of Taxation for Current Operating Expenses	Combined with Section 11(A) into new single Section 9.6 with two subsections, and redesignated <u>re-designated</u> 9.6(a); no substantive change but edited for clarity and consistency.
Section 11(A) Limitation on Rate of Taxation for Improvement and Maintenance of City Owned Parks, Recreation and Cultural Facilities	9.6(b) Limitation on Rate of Taxation for Improvement and Maintenance of City Owned Parks, Recreation and Cultural Facilities	Combined with Section 11 into new single Section 9.6 with two subsections, and redesignated <u>re-designated</u> 9.6(b); no substantive change but edited for clarity and consistency.
Section 12 Auditing Finances	9.7 Auditing Finances	Expressly requires an annual financial audit of the City which may be done by the state auditor or an authorized independent accountant or firm. Separately empowers Council to use the services of an independent accountant or firm to audit City finances as it deems necessary.
Article X Franchises	3.10	Existing provisions largely eliminated, with clauses that remain now treated in Article Three, Section 3.10.

No existing provision	Article X Ethics	Entirely new provisions.
No existing provision	10.1 General Expectations	General statement of behavior expected of all who work for the City.
No existing provision	10.2 Oath of Office	Establishes requirement for who must take an oath of office before setting to work for the City, and refers to state law for contents of oath.
No existing provision	10.3(a) Fiduciary Duty	States which officers owe a fiduciary duty. In addition, requires the named officers and the heads of administrative departments to avoid any actual or apparent conflict of interest and any action that would give the appearance of impropriety.
No existing provision	10.3(b) Ethical policy duty of City Manager	City Manager is tasked with seeing ethics policies are adopted, implemented, and communicated to all City employees.
No existing provision	10.3(c) Prohibitions against activities affecting City actions	Prohibits improper behavior by City personnel that affects hiring by the City, letting of a contract, or other City action that could secure something of value for the personnel, a relative, or a business associate.
No existing provision	10.3(d) Forfeiture and Ineligibility for Felony Conviction	Specifies offices for which a person convicted of specified felonies is ineligible. Specifies immediate forfeiture of office for City officers found guilty the felonies.
No existing provision	10.4 Council Authority on Ethics	Empowers Council to adopt additional ethics provisions.
Article XI City Planning Commission	Article Eleven City Planning Commission	
Section 1 Establishment	11.1 Establishment	No substantive change; edited for Clarity <u>clarity</u> and consistency.

Section 2 Powers	11.2 Powers	No substantive change; addition of the modifying phrase, “including but not limited to such factors as economic, environmental and social sustainability,” recognizes both current practice and newer notions of city planning. Also edited for clarity and consistency.
Article XII Civil Service Commission	Article Twelve Civil Service Commission	
Section 1 Establishment	12.1 Establishment	Prohibition against member of commission holding other municipal employment narrowed to prohibit only City employment. Also edited for clarity and consistency.
Section 2 Officers and Employees	12.2 President and Secretary	Title of section changed to, “President and Secretary” to conform to contents of text. No substantive change to text.
Section 3 Powers and Procedures	12.3 Powers and Procedures	Requires Council to provide the powers, duties and jurisdiction of the Commission by codified ordinance.
No existing provision	12.4 Council Compensation Review	In each year preceding a U.S. presidential election, the Commission is to assess and provide the Council a written report with recommendations for salary and other compensation for members of Council.
Article XIII Amendments	Article Thirteen Amendments	Article divided into two sections.
First Paragraph	13.1 Submission of Amendments	No substantive change; edited for clarity and consistency.
Second Paragraph	13.2 Effective Date	No substantive change; edited for clarity and consistency.
Article XIV Charter Review	Article Fourteen Charter Review	Moved from Article Fifteen, and renumbered.
Single Paragraph	Single Paragraph	Requires Council to establish a commission for a full charter review every 20 years. In the interim, every 5 years Council must consider whether to establish a charter review commission.

Article XV Savings Clauses	Article Fifteen Savings Clauses	Moved from Article Fourteen, and renumbered.
Section 1 Laws continued in force	15.1 Laws Continued in Force	No substantive change; edited for clarity and consistency.
Section 2 Partial Invalidity	15.2 Partial Invalidity	No substantive change; edited for clarity and consistency.
Section 3 Continuance of Present Officials	15.3 Continuation of Present Officials	No substantive change; title and text edited for clarity and consistency.
Section 4 Continuance of Contracts and Vested Rights	15.4 Continuation of Contracts and Vested Rights	No substantive change; title and text edited for clarity and consistency.
Article Sixteen When Charter Takes Effect	Article Sixteen Effective Date of Charter	
Single Paragraph	Single Paragraph	Date to be entered by Council depending upon timing of anticipated action by voters on the charter.

Summary report:	
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Modified filename: Summary Guide to Charter Changes Version 2.0 (003).docx	
Changes:	
<u>Add</u>	18
Delete	18
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	36