

Charter Amendment for Cleveland Heights: For an Elected Mayor

NOTE: The Cuyahoga County Board of Elections and the Ohio Secretary of State have final approval authority for the language that appears on the ballot on election day. However, Citizens for an Elected Mayor will propose language to the BOE for consideration.

SECTION III-5. SALARIES.

Council may, by ordinance passed biennially in odd numbered years, fix the salaries of ~~the Mayor~~ all members of the Council for the two-year period commencing on January 1 of the second year following the year that this section shall become effective; provided that any such ordinance must be adopted at least sixty days prior to the filing date for the regular municipal election to be held in the year of adoption; and provided further that Council may, in the year in which this section shall become effective, pass an ordinance fixing, but not increasing, the salaries of ~~the Mayor and~~ all members of Council for the two-year period commencing on January 1 of the first year following the year in which this section shall become effective. This section shall become effective January 1, 1983.

~~(Amended 11-2-82.)~~ (Amended 11-05-2019)

SECTION III-6. APPOINTEES.

~~The Council shall appoint a City Manager.~~

Unless otherwise provided by ordinance of the Council, the Director of Finance shall serve as ex officio Clerk of the Council, and shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council. ~~The Council may also appoint and employ such other officers and employees of its body as it deems necessary, all such officers and employees to hold office at the pleasure of the Council.~~

~~The Council may create and establish any other offices and positions which it may deem necessary in connection with the administration of the City affairs and which are not herein otherwise provided for.~~

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the ~~City Manager~~ Mayor, nor in any manner interfere with or prevent the ~~City Manager~~ Mayor or the ~~City Administrator~~ from exercising ~~his own~~ their judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the ~~City Manager~~ Mayor or the ~~City Administrator~~ and neither the Council nor any member thereof shall give orders to any of the subordinates of the ~~City Manager~~ Mayor or the ~~City Administrator~~.

In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the ~~City Manager~~ Mayor shall submit a report to the Council for review concerning the carrying out of this policy. Council shall make this report public.

This section shall become effective January 1, ~~1983~~ 2022.

~~(Amended 11-2-82)~~ 11-05-2019.

SECTION III-10. INTEREST IN CONTRACTS.

No member of the Council, ~~nor the City Manager, nor any other officer or employee of the City~~ shall be directly or indirectly interested in any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City; and any contract with the City in which any officer or employee is or becomes interested may be declared void by the Council. This section shall become effective January 1, 2022.

(Amended 11-05-2019)

SECTION III-11. ~~MAYOR~~ PRESIDENT OF COUNCIL AND VICE PRESIDENT OF COUNCIL ~~MAYOR~~.

The Council shall, at the time of organizing, and every two years thereafter, elect one of its members as President ~~of Council, who shall also have the title of Mayor, and~~ The council shall elect another member as Vice President ~~of Council, who shall also have the title of Vice Mayor~~. In the event of a vacancy in either the office of ~~Mayor-President~~ or Vice ~~Mayor-President~~, or in the event the Council shall determine by at least four of its members that either the ~~Mayor-President~~ or Vice ~~Mayor-President~~ is unable to fulfill the duties of ~~his~~ their respective office, the Council shall immediately proceed to elect one of its members to serve in such office.

The President, ~~and~~ or in ~~his~~ the President's absence the Vice President, shall preside at all meetings of the Council and shall have a voice and vote in its proceedings, but no veto. ~~Except as the same are otherwise disposed of or provided for herein, the Mayor, or in the event he is unavailable, the Vice Mayor, shall exercise all powers and discharge all duties imposed upon Mayors of municipalities by the general laws of the State, which are not inconsistent with the provisions of this Charter; but nothing herein provided shall be construed as conferring upon him any administrative or executive functions herein conferred upon other officers.~~

The President or Vice President of Council may become acting Mayor in accordance with Article IV-10.

This section shall become effective January 1, 2021

~~(Amended 11-7-72)~~ 11-05-2019.

ARTICLE IV ~~CITY MANAGER~~ THE MAYOR

SECTION IV-1. APPOINTMENT.

~~—The City Manager shall be appointed by the Council to serve at the will of the Council, a majority of all the members of the Council being required for his appointment, suspension or removal.
(Amended 11-7-72.)~~

SECTION IV-2. RESIDENCE REQUIREMENTS.

~~—The City Manager need not be a resident of the City at the time of his appointment, but shall reside therein during his tenure of office.
(Amended 11-7-72.)~~

SECTION IV-3. POWERS AND DUTIES.

~~—The City Manager shall be the chief administrative officer of the City, and shall be responsible to the Council for the proper administration of all the affairs of the City and the enforcement of all the laws and ordinances, except as herein otherwise provided; and to that end he shall have authority to appoint and remove all other administrative officers and employees, except as otherwise provided herein. He shall attend all meetings of the Council, with the right to participate in its discussions, but without the right to vote; and he shall attend meetings of any committee of the Council when so required by such committee. He shall prepare and submit to the Council the annual budget, after receiving estimates made by the directors of the several departments, and shall perform such other duties as may be prescribed by this Charter or by the ordinances or resolutions of the Council.~~

SECTION IV-4. VICE MANAGER.

~~—The City Manager shall appoint a qualified City administrative officer as Vice Manager to exercise the powers and perform the duties of the City Manager during his temporary absence or disability. The City Manager shall certify such appointment in writing to the Council.
(Amended 11-7-72.)~~

SECTION IV-5. ACTING CITY MANAGER.

~~—If the Council suspends the City Manager or there is a vacancy in the office of the City Manager the Council may appoint an Acting City Manager to serve until such suspension ceases or until another City Manager is appointed and qualified. The Council may suspend or remove an Acting City Manager at any time.
(Amended 11-7-72.)~~

SECTION IV-1. TERM.

— The term of the Mayor shall begin the first day of January next following the election of the Mayor. The Mayor shall serve for a term of four years, unless removed from, recalled from, or disqualified for the office of Mayor, at which time the Mayor’s successor is chosen and qualified. The initial election of the Mayor shall occur at the regular municipal election occurring in the year 2021. This section shall become effective January 1, 2021.
(Amended 11-05-2019)

SECTION IV-2. QUALIFICATIONS.

— To serve as Mayor a person must have resided and been an elector in the City of Cleveland Heights for at least eighteen months immediately preceding that election, and must continue to be a resident and elector of the City while holding office. The Mayor shall serve the city on a full-time basis. No person shall be the Mayor who holds any employment with the City of Cleveland Heights, the Cleveland Heights-University Heights School District, or the East Cleveland School District, or who holds any elected public office other than that of precinct committee person or State Central committee person. While the Mayor’s primary responsibility, time and attention is to be directed to the business of the city, holding the office of Mayor does not necessarily preclude limited outside employment or other outside work by the person holding the office, provided that outside employment or work does not conflict or interfere with carrying out the duties assigned by this charter or general law, or otherwise violate any provision of this charter or general law. This section shall become effective January 1, 2021.
(Amended 11-05-2019)

SECTION IV-3. EXECUTIVE POWERS.

— The Mayor shall be the chief executive officer of the City, and shall maintain an office at the Cleveland Heights City Hall. The Mayor, together with a full-time qualified City Administrator, shall supervise the administration of the City’s affairs, and shall exercise control over all departments and divisions. The Mayor shall appoint, promote, transfer, reduce or remove all officers and employees of the City, except members of Council, judges, and any other persons whose terms of office are fixed by this Charter or law. The Mayor shall be the chief conservator of the peace within the City, shall serve as Director of Public Safety, and shall see that all laws and ordinances are enforced therein. The Mayor shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. The Mayor shall recommend to the Council such measures as the Mayor deems necessary or expedient. The Mayor shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed. The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party. The Mayor shall have custody of the seal of the City and shall affix it to all of the above

mentioned documents, but the absence of the seal shall not affect the validity of any such document. The Mayor shall be recognized as the official and ceremonial head of the City government by all civil and governmental entities, and by the courts for the purpose of serving civil processes. This section shall become effective January 1, 2022.
(Amended 11-05-2019)

SECTION IV-4. CITY ADMINISTRATOR.

The City Administrator shall be appointed by the Mayor on the basis of executive and administrative training and experience, subject to confirmation by a majority of members of Council, and shall serve at the pleasure of the Mayor.

The City Administrator shall assist the Mayor in the operation of the Mayor's office and, subject to the Mayor's supervision and control, be responsible for the preparation of the annual budget for presentation to the Council, and supervise the administration of personnel policies and practices in all departments. The City Administrator shall render advice to the Mayor regarding appointment, promotion, transfer, reduction and removal of all City personnel. The City Administrator shall, subject to the supervision and control of the Mayor, establish reporting procedures, require the submission and review of progress reports and operating goals, and generally assist in the coordination of activities of all departments, division, boards, commissions, officers and employees of the City, except for the professional activities and responsibilities of the Law Department.

The City Administrator shall make periodic written reports to the Mayor and Council, not less often than semiannually, with such recommendations as the Mayor deems appropriate, concerning the administration of all departments, division, boards and commissions of the City, and their needs and requirements for the future.

The City Administrator may serve as the Director of a department, and shall perform such other duties as may be required by the Mayor. This section shall become effective January 1, 2022.
(Amended 11-05-2019)

SECTION IV-5. LEGISLATIVE POWERS.

The Mayor may introduce ordinances and resolutions in the Council and may participate in all meetings of the Council, but shall have no vote therein.

Every ordinance or resolution of the Council shall be signed by the Clerk of Council or two members of the Council and presented within five days of passage by the Council to the Mayor for consideration before it goes into effect. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance, item, or resolution. If the Mayor approves such ordinance, item, or resolution, the Mayor shall sign and file it with the Clerk of Council. If the Mayor disapproves such ordinance, item or resolution, the Mayor shall return it to the Clerk of Council together with a written statement of the Mayor's objections. Unless an ordinance, item, or resolution is filed with the Clerk of Council, by the Mayor, with written notice of disapproval within ten days after its passage by the Council, it shall take effect as though the Mayor had signed it. When the Mayor has disapproved an ordinance, item, or a resolution, as herein provided, the Council may, at its next regular meeting reconsider the ordinance, item, or resolution. If upon such reconsideration the ordinance, item, or resolution is approved by the votes of five or more of the members of the Council, it shall take effect notwithstanding the disapproval of the Mayor.

This section shall become effective January 1, 2022.

(Amended 11-05-2019)

SECTION IV-6. JUDICIAL POWERS.

The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers. This section shall become effective January 1, 2022.

(Amended 11-05-2019)

SECTION IV-7. SALARY.

Council shall set the salary of the Mayor for the two-year period commencing on January 1 of the second year following the year that this section shall become effective; provided that any such ordinance must be adopted at least sixty days prior to the filing date for the regular municipal election to be held in the year of adoption; and provided further that Council may, in the year in which this section shall become effective, pass an ordinance fixing the salary of the Mayor for the two-year period commencing on January 1 of the first year following the year in which this section shall become effective. The Mayor's salary shall be comparable with the salaries of mayors of other cities of similar size and market conditions. This section shall become effective January 1, 2021.

(Amended 11-05-2019)

SECTION IV-8. INTEREST IN CONTRACTS.

The Mayor, or the City Administrator, or any other officer or employee of the City shall not be directly or indirectly interested in or have any financial gain from any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City. Any contract with the City in which any officer or employee is or becomes interested may be declared void by the Council. This section shall become effective January 1, 2022.

(Amended 11-05-2019)

SECTION IV-9. REMOVAL

If, at any time the Mayor shall cease to be qualified for the office, or shall be convicted of a felony, or shall be declared legally incompetent, the Mayor shall immediately forfeit office. This section shall become effective January 1, 2022.
(Amended 11-05-2019)

SECTION IV-10. ABSENCE AND VACANCY.

When the Mayor is absent and inaccessible, or is unable for any reason to perform the duties of Mayor, the President of Council shall act as the Acting Mayor with the same powers and duties as the Mayor, but shall not thereby cease to be a member of Council. If the President of Council is unable to assume the duties of Acting Mayor, the person designated by ordinance or resolution of Council shall be the Acting Mayor.

If the absence is deemed temporary, the Acting Mayor will continue to serve as Acting Mayor pending the return to duty of the Mayor. If the absence continues for more than sixty consecutive days, or in case of the death, disqualification, resignation or removal of the Mayor, the Council shall declare the office of the Mayor vacant, and the President of Council shall become Mayor, and shall cease to be a member of council. If the President of Council is unable to assume the duties of Mayor, the Vice President of Council shall become Mayor, and shall cease to be a member of council. If the President and Vice President are unable to assume the duties of Mayor, council shall elect from its members a Mayor, who will cease to be a member of Council. If none of the members of council are able to assume the duties of Mayor, the council shall appoint a Mayor.

If a vacancy is declared, and the absence commenced 180 days or less before the next regularly scheduled November election for Mayor, the person filling the vacancy shall serve until the end of the unexpired term of the former Mayor. Otherwise, if a vacancy is declared, the person filling the vacancy shall serve only until the Mayor's successor is elected at the next November election, occurring more than 180 days after the absence commenced, such November election occurring in any calendar year. The successor Mayor shall serve for the unexpired term of the former Mayor.

This section shall become effective January 1, 2022.
(Amended 11-05-2019)

SECTION IV-11. RECALL.

(a) The people reserve unto themselves the right to recall and remove the Mayor from office. The procedure to affect such recall or removal shall be as follows:

A petition demanding that the question of removal of the Mayor 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 that voted in the most recent mayoral election.

When such a petition signed by the aforesaid required number of electors has been filed, the Clerk shall certify the same to the Council at the next regular meeting and shall furnish a copy thereof to the Mayor. The Council shall call an election upon the question of the removal of the Mayor unless within five days after the Mayor has been furnished a copy of such certification the Mayor tenders a written resignation to the Clerk.

(b) If a majority of the votes cast at such election on the question of removal of the Mayor are affirmative, the Mayor shall thereupon be deemed removed from office upon the certification of the official canvass of that election to the Council, and the vacancy of the office shall be filled according to the provisions of this Article.

This section shall become effective January 1, 2022.
(Amended 11-05-2019)

SECTION V-1. DEPARTMENTS.

The following administrative departments are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning & Development; (4) Department of Public Safety; (5) Department of Public Service Works; ~~and (6) Department of Community Services; and (7) Department of Public Health Parks and Recreation.~~

The ~~Council~~ Mayor shall determine and prescribe the functions and duties of each department, and, ~~by vote of five of its members,~~ may create new departments, combine or abolish existing departments and establish temporary departments for special work.

The Mayor shall serve as Director of the Department of Public Safety without additional compensation.

This section shall become effective January 1, 2022.
(Amended 11-7-2019.)

SECTION V-2. DIRECTORS.

There shall be a director of each department who shall have the supervision and control thereof, and who shall be appointed by, and shall be ~~immediately~~ responsible to the ~~City Manager~~ Mayor for the administration of ~~his each respective~~ department. The ~~City Manager's~~ Mayor's appointment of the Director of Law, Director of Finance and Director of Planning shall be effective only upon the approval of a majority of the members of Council. The ~~City Manager~~ Mayor may remove the director of any department without the approval of Council.

The Director of Law shall be an attorney at law duly admitted to practice in the State of Ohio, and shall have been engaged in active practice of law continuously for a period of five years next preceding his appointment. The Director of Finance shall also have the title of City Auditor. Nothing herein shall be construed as preventing the same person from being director of more than one department.

This section shall become effective January 1, 2022.

(Amended 11-~~7-7206-2019~~.)

SECTION V-3. ~~CITY MANAGER-MAYOR~~ AS HEAD OF DEPARTMENTS.

Excepting the Departments of Law, Finance, and Planning ~~and Development~~, the ~~Mayor or City Manager-Administrator~~ as directed by ~~the Mayor~~ may be the director of each and every department of the City government ~~unless otherwise provided by the Council~~. This section shall become effective January 1, 2022.

(Amended 11-~~7-7206-2019~~.)

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.

When there exists a vacancy in the office of the Mayor, an election for Mayor shall be held on the first Tuesday after the first Monday in November, occurring in any calendar year, and in accordance with the requirements specified in Article IV, section 10.

In the event there are three or more certified candidates for the office of Mayor, a non-partisan primary election shall be held for that office in accordance to the laws of the State of Ohio on the second Tuesday after the first Monday in September, in the year that an election is held for the office of Mayor. The names of the two candidates for Mayor receiving the highest number of votes in the non-partisan primary election shall appear at the subsequent November election.

This section shall become effective January 1, 2021.

(Amended 11-05-2019.)

SECTION VII-2. BALLOTS.

The ballots used in all elections provided for in this Charter shall be paper ballots or mechanical or other devices for voting not inconsistent with the general election laws of the State of Ohio.

The ballots used in all elections provided for in this Charter shall be without party marks or designations. The names of all candidates for any office shall be placed upon the same ballot and the names shall be rotated in the manner provided by the laws of the State of Ohio.

The full names of all candidates shall be printed on the ballots. If two or more candidates for the same office have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

(Amended 11-7-72.)

Write-in votes for Mayor in elections shall be permitted only if a duly nominated candidate cannot participate due to death or other disqualification, or if a candidate does not have an opponent, or if no candidate has been nominated.

Declarations of candidacy for write-in candidates shall be made on standard forms provided by the county board of elections and submitted within a period of time prescribed by the general law of the state.

This section shall become effective January 1, 2021.

(Amended 11-05-2019.)

SECTION IX-1. BUDGET.

The finances of the City shall always be conducted upon the budget system. The ~~City Manager-Mayor~~, with the assistance of the Director of Finance, shall furnish to the Council at such time prior to the first Monday in June of each year (or such other date as may from time to time be fixed by general law for the certifying of the budget of the Municipality, to the Budget Commissioners of the County or other similar officials having charge of taxation matters), as may be required by Council, an annual budget setting forth in itemized form an estimate stating the amount of money needed for the various departments in the Municipality for the succeeding calendar year, which shall be the fiscal year of the Municipality, and for each month thereof. Such annual budget shall set forth specifically such items as may be required by general law or by ordinance of the Council and the Council shall thereupon and within such time as may be prescribed by general law approve or revise such budget and submit the same to the County Budget Commissioners or similar officials.

On or before the fifteenth day of November of each year, the ~~City Manager-Mayor~~ shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from the detailed information obtained from the several departments, on uniform blanks to be furnished by the ~~City Manager-Mayor~~ and approved by the Council; and the Director of Finance shall assist the ~~City Manager-Mayor~~ in the preparation of such information. Such information shall be furnished in detail for each department, and in such form as the City Council may from time to time require; and shall contain the recommendations of the ~~City Manager-Mayor~~ as to the amounts to be appropriated, with the reasons therefor, in such detail as the Council may require.

This section shall be effective January 1, 2022.

(Amended 11-05-2019)

SECTION IX-2. APPROPRIATION ORDINANCE.

Upon receipt of such estimate, the Council shall at once prepare an appropriation ordinance, in such manner as may be provided by general ordinance or resolution, using the ~~City Manager's-Mayor's~~ estimate as a basis, and such appropriations shall not exceed the estimated revenues of the Municipality. This section shall be effective January 1, 2022.

(Amended 11-05-2019)

SECTION IX-3. TRANSFER OF FUNDS.

Upon request of the ~~City Manager~~ Mayor, the Council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year as proved insufficient, or may authorize a transfer of money to be made between items appropriated to the same office or department. This section shall be effective January 1, 2022.
(Amended 11-05-2019)

SECTION IX-5. PAYMENT OF CLAIMS.

No warrant for the payment of any claim shall be issued by the Director of Finance until such claim shall have been approved by the director for the department for which the indebtedness was incurred, and by the ~~City Manager~~ Mayor. Such officers and their sureties shall be liable to the Municipality for any loss or damage sustained by the Municipality by reason of the corrupt approval of any such claim against the Municipality. Whenever any claim shall be presented to the Director of Finance, he shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance; and for that purpose he may summon before him any officer, agent or employee of any department of the Municipality, or any other person, and examine him upon oath or affirmation relative thereto. This section shall be effective January 1, 2022.
(Amended 11-05-2019)

SECTION XI-1. ESTABLISHMENT.

The Council shall establish a City Planning Commission of seven voting members, all of whom shall be residents of the City of Cleveland Heights appointed by the Council and not employed by the City of Cleveland Heights. A vacancy occurring during the term of any voting member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. There shall be the following nonvoting members of the Commission: The Chairman of the City Planning and Development Committee of the Council; the ~~City Manager~~ Mayor; the Director of the Department of Planning and Development, who shall serve as ex officio secretary of the Commission; and such other persons as the Council shall from time to time appoint by ordinance. The voting members shall serve for a term of six years except that, of the members first appointed, two shall be appointed for a term of two years, and two shall be appointed for a term of four years, and two shall be appointed for a term of six years, beginning January 1, 1955. ~~On or after the effective date of this section, the Council shall appoint a replacement for the position on the Commission previously occupied by the City Manager. The person so appointed shall serve for the remainder of an unexpired six year term that shall commence on January 1, 1983. This section shall become effective January 1, 1983. This section shall be effective January 1, 2022.~~
(Amended 11-2-82) (Amended 11-05-2019)

SECTION XI-2. POWERS.

The City Planning Commission may make recommendations to the Council and ~~City Manager~~ the Mayor on all matters affecting the physical development of the City. In addition the Commission shall perform all other duties and responsibilities provided by ordinance. This section shall be effective January 1, 2022.
(Amended 11-7-2019.)

SECTION XII-1. ESTABLISHMENT.

The Civil Service Commission shall consist of three electors of the City not holding other municipal office or employment, to be appointed by the ~~City Manager~~ Mayor, which appointment shall be confirmed by the Council. Each Civil Service Commissioner shall serve for a term of six years and until his successor shall have been appointed and qualified. Any vacancies occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment. This section shall be effective January 1, 2022.
(Amended 11-05-2019)
(Amended 11-7-72.)

SECTION XII-2. OFFICERS AND EMPLOYEES.

The Civil Service Commission shall elect one of its members as President. The ~~City Manager~~ Mayor shall appoint a City employee to serve as secretary of such Commission. This section shall be effective January 1, 2022.
(Amended 11-05-2019)
(Amended 11-7-72.)