



# CLEVELAND HEIGHTS

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**Council Committee of the Whole**

**Monday, February 14, 2022**

**6:00 p.m.**

**City Hall – Executive Conference Room**

## **Agenda**

1. Sustainability Committee Proposal
2. Charter Amendment – Article III, Section 6 – Council Clerk and other Council employees etc.
3. Consideration of Special Charter Review Commission
4. Committee Meetings
5. Black History Month
6. Packet delivery issues
7. Laptops/iPads for Council
8. Other

**Resolution Declaring Climate Change an Emergency and  
Creating an Environmental Sustainability Committee**

**DRAFT FOR DISCUSSION PURPOSES**

**RESOLUTION** declaring climate change an emergency and establishing a Cleveland Heights Environmental Sustainability Committee.

WHEREAS, the United Nations Intergovernmental Panel on Climate Change (IPCC) has made clear that we are in a global climate emergency by documenting the extent, speed, and acceleration of global climate change and planetary warming, and their dramatic effects on our Earth; and

WHEREAS, the National Oceanic and Atmospheric Administration has determined that climate change is already increasing the frequency of extreme weather and other climate-related disasters, including fresh-water scarcity and droughts, floods, extreme weather events, increased heat, wildfires, accelerating ice mass loss that will result in sea-level rise, and species extinction; and

WHEREAS, the 2018 National Climate Assessment found that climate change due to global warming has caused, and is expected to cause additional, substantial interference with and growing losses to infrastructure, property, industry, recreation, natural resources, agricultural systems, human health and safety, the U.S. economy, and quality of life in the United States, underscoring the need for immediate climate emergency action at all levels of government; and

WHEREAS, climate-related natural disasters have increased exponentially over the past decade, costing the United States more than double the long-term average during the period of 2014 through 2018, with the National Centers for Environmental Information reporting total global costs of natural disasters from 2016 to 2021 exceeding \$100 billion each year; and

WHEREAS, in 2019, the United Nations Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services found that human-induced climate change is pushing the planet toward a sixth mass species extinction, with experts estimating our current species loss to be between 1,000 and 10,000 times higher than the natural extinction rate, and loss of biodiversity threatens the food security, water supply, and the health of humans, and has been proven to increase the likelihood of zoonotic diseases such as COVID-19; and

WHEREAS, critical tipping points must be avoided, as they will have cascading feedback effects that are predicted to cause an increasingly uncontrollable climate emergency, and with current greenhouse gas (GHG) emission levels, many of these tipping points will be passed by 2050; and

WHEREAS, the October 8, 2018 special report of the IPCC projected that curtailing warming to 1.5°C to reduce the risks to health, livelihoods, food security, water supply, human security, economic growth, and plant and animal life this century will require an unprecedented transformation of every sector of the global economy over the subsequent 12 years; and

WHEREAS, climate change is already inflicting and will continue to inflict substantial damages to the Northeast Ohio region's physical, social, and economic well-being, and our regional climate change impacts, such as increased flooding, will continue to worsen without immediate significant action; and

WHEREAS, to avoid irreversible, catastrophic climate change impacts, we cannot only focus on reducing emissions but must also dramatically increase and enable meaningful carbon sequestration while also preparing our community for significant climate impacts, and the current pace and scale of national climate action is not sufficient to avert substantial damage to the economy, environment, and human health over the coming decades; and

WHEREAS, biodiverse green spaces, notably forests, wetlands, and riparian setbacks, must be protected and enhanced, as they are vital for environmental sustainability and regeneration by providing greater carbon sequestration, diminishing urban heat islands, reducing the harmful effects of air pollution, increasing stormwater retention and filtration, and protecting against soil erosion; and

WHEREAS, marginalized communities worldwide, including people of color, immigrants, indigenous communities, low-income people, those with disabilities, and the unhoused, are disproportionately affected by climate change and must benefit from a just transition to reach zero GHG emissions with a sustainable and equitable economy; and

WHEREAS, the massive scope and scale of action necessary to stabilize the climate will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate crisis; and

WHEREAS, as part of the City's commitment to working toward racial equity in all its actions, and the City's established priorities, in particular housing quality and affordability as well as economic development, it is vital that the City's climate-related actions thoroughly integrate these commitments; and

WHEREAS, Cleveland Heights strives to be a leader in responding to the challenges of climate change and in reducing greenhouse gas (GHG) emissions through local policies and actions, including joining the Power a Clean Future Ohio coalition, installing solar panels on multiple City facilities, passing Resolution No. 138-2020 to encourage effective plans to address climate change, and passing Resolution No. 88-2017 opposing the withdrawal of the United States from the Paris Climate agreement; and

WHEREAS, other governments across the United States and the State of Ohio are taking action on climate change through measures such as hiring staff to oversee sustainability work, creating citizen Sustainability Committees, and composing and periodically updating local Climate Action Plans (CAPs); and

WHEREAS, a collaborative response to the climate crisis will require the City of Cleveland Heights to work with international, state, and local governments, as well as community partners such as non-profit organizations and businesses, to reverse the impacts of the climate crisis.

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

SECTION 1. The City of Cleveland Heights joins with communities across the United States and the world to declare that we are in a climate emergency that threatens our community and others in our nation and worldwide, and which requires mobilizing more aggressive action on all our parts.

SECTION 2. The City of Cleveland Heights does hereby require urgent and immediate mobilization of public and private resources to develop and implement a climate and sustainability plan that identifies and integrates current and future actions necessary to achieve an equitable, sustainable, and resilient

economy and transition to citywide carbon-free electricity by 2030, carbon neutrality of all City-owned properties by 2045, and citywide carbon neutrality by 2050; and

SECTION 3. There is hereby established the Cleveland Heights Environmental Sustainability Committee (“Sustainability Committee”). The Sustainability Committee shall work in two phases, the first to oversee the creation and adoption of a climate action plan and the second to oversee the plan’s implementation and to update and revise the plan as appropriate.

SECTION 4. Each City Council Committee will make available one (1) advisory, nonvoting seat for a member of the Sustainability Committee to serve as a designated liaison. The Sustainability Committee will recommend a designated liaison for each Council Committee, and no Sustainability Committee member shall serve concurrently on more than one Council Committee. City Council determines whether to accept the Sustainability Committee’s Council Committee recommendations. If Council declines any Sustainability Committee’s recommended designated liaison for any of the Council Committees, the Sustainability Committee shall appoint another member to serve as designated liaison of its own choosing. Each Council Committee shall include their appointed designated liaison in all Committee communications, except information that is confidential to Council.

SECTION 5. During the first phase of the Sustainability Committee, it shall be composed of twenty-five (25) members, who shall serve without compensation. All Sustainability Committee members shall be residents of the City. Interested residents will submit an application on a form prescribed by the City for this purpose. The members of the Sustainability Committee shall be appointed by Council by motion following a review process of applications from prospective members. The members of the Sustainability Committee shall select a chairperson, a vice chairperson to serve in the absence or unavailability of the Chair, and a Secretary. In the event of the resignation, death, or disability of a Sustainability Committee member, or removal by a majority vote of the Council for excessive absence, the City shall solicit applications, and the Sustainability Committee, after reviewing applications, will recommend applicants to Council for appointment; Council will then appoint the new member(s). Meetings of the Sustainability Committee shall be open to the public and shall be held according to a schedule to be determined by the Sustainability Committee, but in no event less frequently than monthly.

SECTION 6. The purpose of the first phase of the Sustainability Committee is to oversee either the creation of a Climate Action Plan (CAP) or the City’s certification from LEED for Cities and Communities; the Sustainability Committee will decide which is better suited for Cleveland Heights. The purpose of the CAP or certification is to provide for the City a comprehensive and detailed roadmap of goals and recommendations to support the City’s overall sustainability efforts. The CAP or certification should also integrate the City’s other priorities, including racial equity, housing development, and economic development. The CAP or certification shall include:

- 1) An updated GHG Inventory and Climate Vulnerability Assessment
- 2) Climate action goals and measurable objectives (targets) for both City operations and the community
- 3) Clear articulation of Cleveland Heights’ challenges and opportunities in meeting GHG reduction and climate adaption goals
- 4) A clear, feasible set of actions and goals that can be used both for City decision makers and community outreach and participation
- 5) A methodology for tracking and reporting progress
- 6) A plan for ensuring the actions address social and racial equity

- 7) The identification of community partnerships that can be fostered and used to help reach the City's sustainability goals

The City Council seeks results of this CAP or certification from the Sustainability Committee no later than two (2) years after the Sustainability Committee's first meeting.

SECTION 7. Upon completion of the CAP or certification and its adoption by City Council, the Sustainability Committee will enter the second phase, which will be its composition thereafter. In its second phase, the Sustainability Committee shall be composed of eleven (11) members, who shall serve without compensation. All Sustainability Committee members shall be residents of the City. Interested residents will submit an application on a form prescribed by the City for this purpose. The members of the Sustainability Committee shall be appointed by Council by motion following a review process of applications from prospective members. The members of the Sustainability Committee shall select a chairperson, a vice chairperson to serve in the absence or unavailability of the Chair, and a Secretary. In the event of the resignation, death, or disability of a Sustainability Committee member, or removal by a majority vote of the Council for excessive absence, the City shall solicit applications, and the Sustainability Committee, after reviewing applications, will recommend applicants to Council for appointment; Council will then appoint the new member(s). Meetings of the Sustainability Committee shall be open to the public and shall be held according to a schedule to be determined by the Sustainability Committee, but in no event less frequently than monthly.

SECTION 8. The purpose of the second phase is to oversee the implementation of the CAP or the certification's goals and to update and revise plans and targets as appropriate. The Sustainability Committee shall provide the Mayor and Council with an annual review of the City's progress toward reaching its sustainability goals, and providing action items for the Mayor and Council to complete in the coming year to stay on track with the City's established sustainability targets.

SECTION 9. 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 10. 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 the urgent need to obtain the advice and recommendations of the Environmental Sustainability Committee without delay. 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.

SECTION 11. The Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to President Joe Biden, Vice-President Kamala Harris, Governor Mike DeWine, U.S. Representative Shontel Brown, U.S. Senators Sherrod Brown and Rob Portman, State Senator Sandra Williams, and State Representative Janine Boyd.

Proposed: 02/07/2022

ORDINANCE NO. 15-2022 (AS), *Second Reading*

By Council Member

An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the May 3, 2022 ballot; and declaring an emergency.

WHEREAS, Article III-6 of the Charter of the City of Cleveland Heights provides, in part, that “the Director of Finance shall serve as ex officio Clerk of the Council”; and

WHEREAS, this Council recognizes the significant and important duties undertaken by the Director of Finance and wishes to eliminate the requirement that the position simultaneously serve as Clerk of Council, to allow the Director of Finance to focus solely and exclusively on the duties and responsibilities of the position of Director of Finance; and

WHEREAS, this Council believes that the duties of the position of Clerk of Council would be most effectively performed by ensuring this Council has the authority to hire and direct the work of its own Clerk directly, who shall serve at the pleasure of the Council; and

WHEREAS, this Council further wishes to ensure that it has authority to employ, appoint, hire, or otherwise engage any employee, consultant, independent contractor, or other persons as the Council deems necessary for the discharge of its duties under the Charter for the benefit of the City and its residents; and

WHEREAS, pursuant to Article XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, this Council has determined to authorize and direct the submission to the electors of the City of Cleveland Heights of proposed charter amendments at the primary election to be held on Tuesday, May 3, 2022, which election is not less than 60 nor more than 120 days from the effective date of this Ordinance, and that submitting the same to the electors is in the best interest of the City and its residents; and

WHEREAS, Article XIII of the Charter of the City of Cleveland Heights provides that amendments to the Charter may be submitted to the electors of the City of Cleveland Heights by a vote of five (5) or more members of this Council.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council directs that there shall be submitted to a vote of the electors of the City of Cleveland Heights, at the primary election to be held at the usual places of voting in said City on Tuesday, May 3, 2022, the question of whether the selected provision of the Charter of the City of Cleveland Heights should be amended to read as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

ORDINANCE NO. 15-2022 (AS), *Second Reading*

SECTION 2. The Cuyahoga County Board of Elections is hereby directed to submit the following question to the electors of the City of Cleveland Heights at the primary election on Tuesday, May 3, 2022 in substantially this form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

**“Shall Article III, Section 6 of the Charter of the City of Cleveland Heights be amended to provide that City Council may appoint, employ or otherwise engage its own Clerk of Council and any other employee, consultant, or person, and to remove the requirement that the Director of Finance serve as ex officio Clerk of the Council?**

       Yes        No”

SECTION 3. The Clerk of Council is hereby instructed to file forthwith a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not less than sixty (60) nor more than one hundred twenty (120) days prior to May 3, 2022, for the Board’s processing in the manner provided by the general laws of the State of Ohio.

SECTION 4. The Clerk of Council is hereby directed to provide notice of the proposed amendments pursuant to Article VIII-5 of the Charter of the City of Cleveland Heights, by either: (1) printing or mailing to each registered elector an official publicity pamphlet, or (2) publicizing official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City, at least once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to May 3, 2022. Such publicity pamphlet or publication shall contain a full text of the proposed Charter amendment, with the respective ballot title, together with any explanation or argument for or against such measure which may have been filed with the Clerk of Council.

SECTION 5. Pursuant to Article XIII of the Charter of the City of Cleveland Heights, if the majority of electors voting thereon vote in favor of adopting the proposed amendments to the Charter of the City of Cleveland Heights, it shall become a part of the Charter at the time fixed in the amendments, and if no time is fixed therein, then such amendments shall become a part of the Charter upon its approval by the electors.

SECTION 6. This Ordinance 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 the need to timely submit to the electors of the City of Cleveland Heights the proposed amendments to Charter of the City of Cleveland Heights amendments in time to meet Board of Elections deadlines. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Ordinance 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.

ORDINANCE NO. 15-2022 (AS), *Second Reading*

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

## **EXHIBIT A**

### **Article III-6 – Appointees**

~~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.~~

Council shall appoint a Clerk of Council, who shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council.

Council may appoint, employ, hire, or engage any other employees, consultants, independent contractors, or other persons as it deems necessary for the proper discharge of its duties. The Clerk of Council and any other person so appointed and employed, hired, or engaged by the Council shall serve at the pleasure of the Council and shall report to the President of Council as their supervisor.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the Mayor, nor in any manner interfere with or prevent the Mayor or the City Administrator from exercising 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 Mayor or the City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the 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 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, 2022~~