

RESOLUTION NO. 176-2022(AS)
First Reading

By Council Member Hart

A Resolution establishing a Charter Review Commission, determining the number of members and method of appointment and charging said Commission; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, Article XV of the Charter of the City of Cleveland Heights requires the City Council to determine, at least once every ten (10) years, whether to appoint a Charter Review Commission; and

WHEREAS, the most recent Cleveland Heights Charter Review Commission was appointed in late 2017 and produced its final report on March 3, 2019; and

WHEREAS, Cleveland Heights City Council determined not to send the amendments recommended by the last Charter Review Commission to the City's voters at the November 2019 election due to the risk of confusing voters, given that an initiated Charter amendment to change the form of government from City Manager to elected Mayor, known as Issue 26, would be appearing on the ballot for the same election; and

WHEREAS, the electors of the City in November 2019 approved Issue 26, changing the City's form of government to an elected Mayor form of government effective January 1, 2022; and

WHEREAS, several unexpected consequences of Issue 26 have been identified since the elected Mayor form of government was implemented; and

WHEREAS, this Council believes that the recommendations of the prior Charter Review Commission, having never been placed on the ballot, merit further study and consideration generally; and

WHEREAS, the Council has determined that it is in the best interests of the City and its residents to convene a Charter Review Commission at this time to undertake a review of the City's Charter as described in Section 2, below.

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

SECTION 1. There is hereby established a Charter Review Commission to review the Charter of the City of Cleveland Heights. Said Commission shall be composed of nine (9) members, who shall be electors of the City of Cleveland Heights and shall be appointed by Council as provided herein.

(A) *Appointment of Charter Review Commission Members by Council*

The Charter Review Commission shall be composed of three (3) members who have been nominated by the Mayor, and another six (6) members appointed by Council. All appointees must be valid electors of Cleveland Heights, prior to the time of application and while serving as

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members of the Charter Review Commission. The nominations of the Mayor and all appointments by Council shall be made from a pool of applicants seeking to be appointed to the Charter Review Commission, who shall have submitted applications therefor and who may be asked to an interview with the Council. All appointments to the Commission shall require the affirmative vote of five (5) members of Council on a resolution for that purpose. In any case in which a nomination of the Mayor is not confirmed by Council appointment, the Mayor shall have the opportunity to nominate another applicant.

(B) *Experience, Diversity, Equity and Inclusion*

Council shall seek to appoint to the Charter Review Commission members whose education, training, work or profession, or other volunteer or life experiences will enable them to make meaningful contributions to the work of the Commission. Further, in making appointments to the Commission, Council shall make a good faith effort to ensure that the Commission is broadly reflective of the diversity of the City, taking into account important considerations including but not limited to geographic diversity and diversity of race, ethnicity, age, gender, sexual identity and orientation.

(C) *Vacancy; Removal*

In the event that an appointee no longer qualifies as required above, Council shall remove the appointee upon confirmation of disqualification by majority vote. Any vacancy on the Charter Review Commission shall be filled by passage of a resolution by Council that obtains the affirmative vote of at least five (5) members of Council. In addition, Council may remove a member for a failure to attend three (3) consecutive meetings of the Commission, or for conduct that is disruptive to the Commission's meeting or process. In the event a vacancy involves a member of the Commission appointed on the basis of the Mayor's nomination, the Mayor shall nominate another individual to fill the vacancy as described above.

SECTION 2. The charge of the Commission is to review the City's Charter and to develop recommendations for such amendments to the Charter, if any, as the Commission shall find to be in the best interests of the City, including amendments that the Commission may find necessary or advisable, in light of the passage of Issue 26, to better and further implement and effectuate the Mayor-Council form of government. The Commission is charged with providing a report of its review and recommendations to City Council by June 30, 2023, unless such time is extended by further action of Council. In developing any recommendations, the Commission shall conduct due diligence including, but not necessarily limited to, a review of the report of the 2017 Charter Review Commission and interviews or consultation with current and former staff, current and former elected officials, and any other persons it deems appropriate. The Commission may request that Council engage a facilitator or other consultants to aid it in the discharge of its responsibilities, and Council will give full and fair consideration to any such requests.

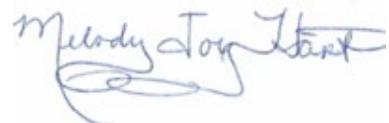
SECTION 3. All members of the Charter Review Commission shall serve without compensation. All meetings of the Charter Review Commission shall be open to the public in accordance with the City's Charter and Ordinances, unless an executive session is permitted under such Charter and Ordinances. The Commission shall elect a Chairperson who will preside at its meetings, and set the agenda for such meetings, and a Vice Chairperson who will perform the duties of the Chairperson in the absence of the Chairperson. In the event of a vacancy in the

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office of the Chairperson the Vice Chairperson shall become Chairperson. In the event of a vacancy of the Vice Chairperson, an election shall be held to fill the vacancy with another member of the Commission at the next meeting of the Commission.

SECTION 4. 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 5. 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 need to empanel a Charter Review Commission in time for said Commission to produce a report of its review and recommendations regarding the City's Charter to this Council by June 30, 2023. 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.



MELODY JOY HART
President of the Council



ADDIE BALESTER
Clerk of Council

PASSED: 12/05/2022

Presented to Mayor: 12/06/2022

Approved: 12/13/2022



KAHLIL SEREN
Mayor