

Proposed: 7/15/2019

ORDINANCE NO. 67-2019 (SMS), *First Reading*

By Council Member

An Ordinance approving amendments to the Charter of the City of Cleveland Heights; providing for the submission to the electors of the City of Cleveland Heights a proposed First Amended Charter of the City of Cleveland Heights for placement on the November ballot; and declaring an emergency.

WHEREAS, on May 15, 2017, by resolution No. 43-2017, this Council unanimously charged a Charter Review Commission to review the entire Charter of the City of Cleveland Heights; and

WHEREAS, the Charter Review Commission was composed of fifteen (15) Commissioners, with each Councilmember and the Council appointing said Commissioners from dozens of applicants; and

WHEREAS, this Council, in making its appointments, made a good-faith effort to ensure that the Charter Review Commission was reflective of the City in terms of diversity, taking into account important considerations including, but not limited to, geographic diversity, racial, ethnic, age and gender diversity, relevant experience and qualifications, and stakeholder diversity; and

WHEREAS, this Council charged the Charter Review Commission, in its review of the Charter of the City of Cleveland Heights, to consider the overarching question “What is in the best interests of the City of Cleveland Heights?”; and

WHEREAS, the Charter Review Commission convened approximately twice a month for over a year and conducted its due diligence in reviewing the Charter of the City of Cleveland Heights by, in part, interviewing numerous persons, including current and former staff, current and former elected officials, and current business owners within the City; and

WHEREAS, pursuant to this Council’s charge, the Charter Review Commission conducted a comprehensive review of the entire Charter of the City of Cleveland Heights; and

WHEREAS, the Charter Review Commission submitted to this Council a proposed First Amended Charter and a report and recommendation of the same; and

WHEREAS, this Council has completed its review and revision of the Charter Review Commission’s proposed First Amended Charter, along with its report and recommendation of the same; and

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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) members of this Council; 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 a proposed First Amended Charter, attached hereto and incorporated herein as “Exhibit A,” at the general election to be held on Tuesday, November 5, 2019, which election is not less than 60 nor more than 120 days from the effective date of this Ordinance.

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

SECTION 1. This Council hereby approves the proposed First Amended Charter and authorizes and directs the submission to the electors of the City of Cleveland Heights, at the general election to be held at the usual places of voting in said City on Tuesday, November 5, 2019, the proposed First Amended Charter of the City of Cleveland Heights, attached hereto and incorporated herein as “Exhibit A.”

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 general election on Tuesday, November 5, 2019 in substantially this form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

“Shall the proposed First Amended Charter of the City of Cleveland Heights, as approved by the City Council of the City of Cleveland Heights, Ohio, be adopted? ___ 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 November 5, 2019, 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 First Amended Charter 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 November 5, 2019. Such publicity pamphlet or publication shall contain a full text of the proposed First Amended Charter, with the respective ballot title(s), together with any explanation or argument for or against such measure

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which may have been filed with the Clerk of Council.

SECTION 5. If the majority of electors voting thereon vote in favor of adopting the First Amended Charter of the City of Cleveland Heights, it shall become effective January 1, 2020 or as otherwise provided therein, and all prior charters shall be repealed, except as may otherwise be provided in such First Amended Charter.

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 timely need 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.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED: