

Final Report

August 1, 2008



Cleveland City Council

City Hall, Room 220

501 Lakeside Avenue, N.E., Cleveland, Ohio 44114





CITY OF CLEVELAND
Charter Review Commission
Phyllis Cleveland
Chairwoman

August 1, 2008

The Honorable Martin J. Sweeney
President of Cleveland City Council
Office of the Council, Room 216
City Hall, 601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Sweeney:

It is the pleasure of the 2008 Charter Review Commission to present to you the Final Report of the Cleveland Charter Review Committee. This report contains specific recommendations for amending the Charter of the City of Cleveland, Ohio. It is the belief of the Cleveland Charter Review Commission that the recommended changes will enhance and improve the effectiveness of local governance for the citizens of our City and will improve City's ability to provide and deliver services to Cleveland residents.

Implementation of these recommended changes to the Charter will enable Cleveland to capitalize on opportunities that will emerge in the future, thus allowing our City to become more socially and economically viable in the Northeast Ohio region. For example, Recommendation #65 would amend Section 108(b) of the Charter allowing the City to enter into cooperative purchasing agreements with any governmental agency with the approval of City Council. As you are aware, of course, the City can currently enter into cooperative agreements only with the State of Ohio.

The members of the Charter Review Commission have devoted much time and effort over the past six (6) months to reviewing, examining and debating the recommended changes to the City Charter. It was an enormous task considering that the last Charter Review process took place in 1988, and few significant changes have been made to the Charter since then. The dedication and commitment demonstrated by my fellow Commission members was exemplary. The Commission met every Thursday morning from January 31, 2008 until July 31, 2008. During the later weeks of our term, our meetings were longer and more frequent.

In addition, several Commission members chaired or sat on subcommittees that met outside of our regular meeting times. Further, each member spent considerable outside time reading the Charter, proposals and recommendations and supporting materials. Each Commission member attended most of the meetings, and actively participated in the meetings and discussions. Sadly, due to illness, Sister Alicia Alvarado was unable to complete her term as a Commission member and did not vote on any of the proposed amendments. She was a valuable member during the time that she was able to participate.

Throughout the process, the Commission took testimony and received proposed Charter recommendations from various individuals representing different city departments, organized labor

union organizations and citizens. The Commission received more than 150 proposals and Commission members reviewed and voted on each of these proposals. Due to the large number of recommendations made by the Commission, it is impractical to summarize them here. Later sections of this report are devoted to Recommended Charter Changes, Policy Recommendations and Charter and Policy Changes Submitted but not Recommended by the Commission. The Executive Summary of this report provides a detailed account of our deliberative process.

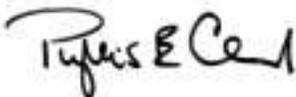
Several members of the Charter Review Commission have submitted individual reports regarding particular amendments or Charter sections or the Charter Review process itself. While I have not submitted a separate report, I take this opportunity to express my desire that the discussions that began during this process continue. I believe that Cleveland City Council should establish a timetable for placing proposed amendments on the ballot in subsequent elections. Further, many of the recommendations proposed may be achieved by methods other than amendment to the Charter. Finally, some recommendations were not Charter issues, in that they were governed by Sections of the Codified Ordinances of the City of Cleveland not contained in the Charter, or some other rule, regulation or procedure. Many of these recommendations can, however, improve the way we govern ourselves or provide services to the residents of this City.

I want to take this opportunity to thank all of those individuals who served on the Charter Review Commission. I am deeply indebted to each of them for the time, energy and effort that they expended in this endeavor. It made serving as Chairperson an honor and a pleasure. I thank them for entrusting me with the Chairmanship. I am deeply grateful to our staff. Chief Corporate Counsel Richard Horvath, worked harder than all of us, to prepare the materials for each meeting and crafting the recommendations submitted into amendment form. Without him and the rest of the staff, Katherine Bulava, John James, who took copious minutes and notes over the entire six months, and Rachel Nigro-Scalish, the Commission could not have successfully completed its task. Also, I thank those individuals who appeared before the Commission to advocate Charter changes. Each presenter was thoroughly prepared and eloquently presented his or her arguments to the Commission.

Finally, Mr. President, I thank you for allowing me to serve my fellow citizens in such an important capacity. Participating in this process has been a personal and professional high point in my life. It is rare that we have an opportunity to influence a process that may affect the lives of thousands of people. I am humbled by the trust that you placed in me.

As you and the rest of Cleveland City Council proceed in examining and reviewing this report along with its recommendations, the Charter Review Commission is ready to assist in Council in fulfilling its duty under the Charter.

Sincerely,



Phyllis Cleveland, Chairperson
Charter Review Commission
Councilperson, Ward 5

Executive Summary

Introduction

The 2008 Charter Review Commission of the City of Cleveland, Ohio began on Thursday, January 31, 2008 and concluded on Thursday, July 31, 2008. The Charter Review Commission met every Thursday morning from 8:30 AM to 10:30 AM. The commission met every Thursday without missing any meetings. During the last few weeks, the Commission met more frequently and for longer periods of time.

The Charter Review Commission organized a meeting calendar that outlined the agenda for the six month term of the Commission. During its regular meeting sessions, the Charter Review Commission reviewed specific sections of the City Charter and heard testimony from various individuals representing city departments, Cuyahoga County agencies, labor unions, the business community and interested private citizens on proposed changes to the Charter. Under the Direction of Chairperson Phyllis Cleveland the Charter Review Commission closely followed the agenda timeline and completed its review of the City Charter on schedule. The Commission reviewed, thoroughly examined and debated each of the proposed Charter amendments that were presented to it. When it determined the necessity, the Commission formed subcommittees to review and analyze testimony and information regarding the more complex sections of the Charter.

Upon the conclusion of the fact-gathering phase of the process, Commission members deliberated and voted on every proposal or recommendation submitted that pertained to a section of the Charter. It is important to note that some of the recommendations submitted were not Charter issues. These recommendations related to matters that may be subject to legislative action by City Council or administrative or executive action by the Mayor's office. These recommendations will be referred to the appropriate body or city department.

Commission members voted 'Yes', 'No', or 'Undecided' for each proposed Charter change. The recommendations that are presented in this report are those for which a majority of the Commission members cast a 'Yes' vote. This report also contains those proposed Charter amendments that were rejected by the Charter Review Commission members. The number of votes cast for and against each proposed amendment is shown in the sections of this report entitled 'Recommended Charter Changes' and "Charter and Policy Changes Submitted but Not Recommended by the Commission".

Organization of the Charter Review Commission

Cleveland City Council President Martin J. Sweeney appointed the 15 member Charter Review Commission. These individuals brought a broad range of skill and expertise in various disciplines. During its organizational meeting on January 31, 2008, the members selected Ward 5 Councilperson Phyllis Cleveland as Chairperson of the Charter Review Commission; Robert Triozzi, Director of the City of Cleveland Law Department as Vice-Chairperson; and Colleen M. Gilson, Executive Director of the Cleveland Neighborhood Development Coalition as Secretary. The other Commission member are: Sister Alicia Alvarado, Executive Assistant to Ward 14 Councilperson Joseph Santiago; Patricia J. Britt, Clerk of Cleveland City Council; Bill Callahan, Director of Cleveland Digital Vision; Roosevelt Coats, Ward 10 Councilperson; Anton Farmby, City Director of SEIU Local 3; Gregory C. Huth, Of Counsel

for Kahn Kleinman, L.P.A; Honorable Mabel M. Jasper, retired Judge of Cleveland Municipal Court; Kenneth L. Johnson, Ward 4 Councilperson; Vickie Eaton Johnson, Executive Director of Fairfax Renaissance Development Corporation; Ward 16 Councilperson and Majority Whip of Cleveland City Council Kevin J. Kelley; Patrick V. Mangan, Battalion Chief, Cleveland Division of Fire; and Matthew P. Silversten, Esq., of Jones Day.

**It must be noted that due to illness, Sister Alicia Alvarado was unable to continue as a member of the Charter Review Commission and did not participate in the deliberation or voting process. Her position on the Commission was not replaced.

Staffing assistance was provided to the Charter Review Commission by the following individuals: Katherine Bulava, Communications Manager, Cleveland City Council; Richard Horvath, Chief Corporate Counsel, Department of Law; John James, Manager of Policy and Research, Cleveland City Council; and Rachel Nigro-Scalish, Esq., Special Counsel for Cleveland City Council.

Process of the Charter Review Commission

Under the direction of Chairperson Phyllis Cleveland the Charter Review Commission heard various proposals that were brought before the Commission every week. During each meeting the presenters seeking to revise or change the Charter presented proposed Charter amendments and provided various materials and documents to the Commission members supporting their positions. The Commission members reviewed the proposals and asked questions of the presenters, and requested additional information, when necessary, in order to determine the necessity for or justifications for a proposed Charter change. Chief Corporate Counsel Richard Horvath of the Law Department prepared draft legislative documents for the proposed amendments to the City Charter. These documents were provided to each Committee member at the following meeting.

After 90 days, the Commission conducted a three month review of its own process. Staff member John James prepared a report documenting the progress of the process, including a review of the proposals submitted up to that point. This report helped the Commission to restructure its agenda and timeline for the remaining 90 days of its term.

The Commission determined that it was efficient to organize subcommittees to examine and review certain Charter proposals or sections in more depth. The subcommittee process allowed active participation from interested parties who were not Commission members. The subcommittees are as follows: (1) Civil Service – chaired by Anton Farmby, (2) Purchasing – chaired by Patricia Britt, (3) Recall of Local Elected Officials and Election Reform – chaired by Roosevelt Coats, (4) Campaign Finance Contributions and Council Rightsizing – chaired by Kevin Kelley. Each subcommittee was responsible for reviewing the relevant sections in the Charter. The subcommittees met at different times than the full Commission. After concluding its work, each subcommittee made recommendations to the full Commission.

In order to make the meetings and deliberations of the Charter Review Commission more transparent and open to the general public, meeting locations, dates and times were listed on the city council website and advertised in the local media. All meetings were open to the public and the media. A City Council website page was created that provided weekly information on the Charter Review proceedings. The City Council website page contained the weekly agenda, meeting minutes and other materials, as well as proposed Charter changes that were submitted to the Commission each week. This information could be downloaded from the Council website allowing the general public to print out the various documents for

2

their own use. The website allowed citizens to send in their suggestions or proposals by e-mail to the Charter Review Commission. Commission member Bill Callahan independently created a website that made accessing Charter materials easier for the average citizen.

The Charter Review Commission held public forums that allowed direct citizen participation in the process. Three community meetings were held at: Cuyahoga Community College Metropolitan Campus on June 18, 2008; Gunning Recreation Center, on the west side of Cleveland, on June 24, 2008; and Harvard Community Center, on the east side of Cleveland, on June 26, 2008. These hearings were well attended and the citizens in attendance provided many comments and recommendations on proposed Charter changes. Staff members took notes of the comments made at the meeting for consideration of the Commission members.

These three public hearings were recorded by TV-23, the City of Cleveland cable channel.

During the proceedings of the Charter Review Commission, Richard Horvath established a format for collating and synthesizing materials and information submitted to the Commission into a ballot. Each proposal or recommendation was transcribed into a proposed amendment. This ballot form made it easier for Mr. Horvath to compile and track the members' votes on the various proposals.

The 2008 Charter Review Commission spent dozens of hours receiving testimony, reading materials, meeting, discussing, deliberating and reviewing more than 150 proposals. Of those proposals, the Commission is recommending 116 proposed amendments to the Charter to the Cleveland City Council. In addition, the Commission is making several recommended policy considerations to the Cleveland City Council. Those proposals that are not being recommended have been provided as well. Commission members believe that the all of the materials submitted will assist City Council in its deliberative process.

Individual Commission Report Bill Callahan

1. First off, I want to compliment my fellow Commission members, especially Commission Chair Cleveland, for their diligence, seriousness and candor in this Charter Review process. I also want to mention the terrific staff support we received, especially from City Corporation Counsel Rick Horvath, whose work has been literally indispensable.

2. The Commission has given majority support to more than 115 proposed revisions to the City Charter, and I've concurred with the vast majority of these. In casting these votes I've been conscious that there are (at least) two standards I could apply. The higher of these standards is: *Is this change urgently needed for the good of the City and its citizens?* The second, lower standard is: *All other things being equal, would this change probably improve the functionality, openness or fairness of City government?*

Speaking only for myself, my votes were based on the lower standard. I voted for proposals that I think are good ideas on balance, not necessarily urgent priorities. In fact, I can't think of a single proposal in the Final Report which I consider a really urgent priority for action by City Council and consideration by the voters -- i.e. something for which I would get out with a petition to put it on the ballot this Fall.

In general I consider this a good thing. It means that no one in this process has pointed out ways in which City government is terribly broken and must be fixed right away. With all the truly urgent crises this community faces (foreclosures, vacancies, unsafe streets, poor educational attainment, unemployment, etc.), I'm happy that the need for Charter reform is probably not one of them.

3. What I wrote in point 2 applies specifically to proposals for City Council reduction, including Proposal 147, for which I voted. There are reasonable arguments for creating a long-term balance between Council size and population. But no persuasive evidence was presented to the Commission that reduction is an urgent need, nor have I heard any substantive (i.e. non-political) reason for City Council to rush it onto the ballot this Fall. Furthermore, I'm deeply skeptical that reliable population data will be available to the City for redistricting purposes before the 2010 decennial Census information arrives in 2012. And I believe strongly that citizens will pay a real price for Council reduction in government access and effective neighborhood advocacy -- effectively a cutback in the City's democracy resources -- which needs to be recognized and addressed as part of any Council reduction package. (This last point is the reason I introduced Proposal 139, which the Commission majority is recommending, as well as Proposal 144, which it isn't.)

4. I want to mention two other recommendations by the majority on which I cast a "No" vote, each of which would affect the referendum power of Cleveland voters.

- Proposals 28 and 35 (Recommendations 40 and 50) operate together to shorten from forty days to thirty days the waiting period between passage of a non-emergency ordinance and its effective date -- thus reducing by 25% the time available to citizens to gather and file signatures seeking a referendum. This proposal originated with the Finance Director, with the reasonable rationale that the existing 40 day referendum window is an obstacle to certain types of bond refinancing. ("Streamlines the City bond financing process" is still the rationale given for both proposals in the Final Report.) But the proposed changes apply to every ordinance on every subject, not just a handful of bond refinancing measures. The Commission has not considered other ways to

address its very limited stated goal without compromising the broad right of citizens to seek a vote of the people on legislation. (In fact, we haven't even discussed changing the referendum signature requirement to reflect the shorter petitioning window.) I think this is a mistake which I hope City Council will correct.

- Proposal 140 (Recommendation 44) eliminates the current requirement in Charter Section 45 for a popular vote on any City sale or lease ("alienation") of City-owned land- filled property on the lakefront (e.g. Burke Lakefront Airport). The point here is to reduce a potential obstacle to unspecified lakefront developments, and I don't have a problem with this general goal. But this proposal was introduced by the Greater Cleveland Partnership very late in the Commission process and approved by a close vote (8 to 6) with no subcommittee fact-finding, no opportunity for comment by other potentially interested parties (environmental advocates, airport or port authorities, aviation businesses, etc.), and very little discussion of alternative approaches. I respect the intent of this proposal, but I'm very uncomfortable about recommending it to City Council with so little due diligence.

5. Like other Commission members, I participated in a discussion of "priorities" at our July 31 meeting which is reflected in a section at the end of the Final Report. In line with point 2 above, I want to be clear that my "priorities" on this list are not things I consider *more important* than all the other items on which I voted "yes". Rather, they're proposals which seem to me to be *sensible candidates for the November 2008 ballot*, if City Council decides to put anything on the ballot immediately. Specifically:

- If the City is going to go ahead with creating a separate airport police force, we should make that decision sooner rather than later.
- Revisions in the campaign finance and Council residency requirements of the Charter should take place this year if they are going to apply to the 2009 City elections.
- Proposals 63-64 and 62 are fairly noncontroversial but substantive operational changes that I think fit in the category of "the sooner the better".
- Finally, I think it probably makes sense to consider changes in the Charter Review process while the experience is fresh in everyone's mind.

Thanks to everyone involved for the opportunity to participate in the 2008 City Charter Review.

Individual Commission Report
Colleen M. Gilson

To Council President Sweeney:

Thank you for the opportunity to serve on the 2008 City of Cleveland Charter Review Commission. It has been my pleasure and honor to be part of this group and commend you on your selection of my fellow commissioners. While we certainly had our moments of disagreement and difference, each and every member practiced extreme professionalism and courtesy in this process. Further, I would be remiss in not mentioning one individual in particular. Chairwoman Phyllis Cleveland's leadership and guidance spawned an environment rich with ease. It is my opinion that her manner and approach to this process offered those present a comfortable place to express their opinions.

I also want to take this opportunity to share with you how incredibly impressed I have been with the work of Cleveland City Council staff members Katherine Bulava and John James. Managing the operations and recordation of this process has to have been a daunting task. They handled their duties quite capably.

The work of Rick Horvath – City of Cleveland Department of Law throughout the Charter Review process deserves special mention. Simply, he amazed me. His command of the mechanics of the City of Cleveland Charter and ability to synthesize sometimes broad and/or varying concepts was so incredibly helpful to our work.

As you will read in our report, the Commission is putting forth to Cleveland City Council 116 recommended changes to the City of Cleveland Charter. From those being offered I submit to you those I consider highest priority:

- Proposal 51 – Campaign Financing Laws
- Proposal 60 – Mandatory Referral
- Proposal 62 – Director as Prosecuting Attorney
- Proposal 63 – Authorization of Contracts
- Proposal 129 – Public Improvements by Contract or Direct Labor
- Proposals 133 & 134 – Charter Review
- Proposal 147 – Council Size

Lastly, I offer dissenting opinions of two items being offered by the Commission:

Proposal 69 – Airport Police Force. Testimony offered by the City Administration, Director of Port Control and positive commentary on the subject made by fellow Commissioners failed to change my view on this matter. I am of the opinion that police duties at the airport should remain with the Division of Police and under the command of the Police Chief. I feel the creation of an Airport Police Force creates redundancy. One of the points offered by Director Smith supporting this proposal was that he has had trouble in the past increasing levels of security officer presence in a timely manner because of a chain of command process he must undertake to do so. I do not feel the creation of a new police force in the manner in which to solve communication issues. Further, it was never sufficiently explained to me how the officers currently stationed at the airport would be paid for when returned to the districts in patrol officer capacity. It is my understanding that officer staffing at the airport is paid via reimbursement from the Airport Enterprise Fund.

2

Proposal 70 – Airport Rescue and Fire Force. Again, testimony and commentary failed to change my view of this matter. For similar reasons mentioned above, I feel the creation of such a force is duplicative as there exists a very capable Cleveland Fire Department and Airport Rescue and Fire Force to handle fire safety related issues at the airport.

Again, thank you for the opportunity to serve on the 2008 City of Cleveland Charter Review Commission.

Individual Commission Report Patrick V. Mangan

To the members of City Council:

The purpose of this communication is simple: consideration. The attached report represents countless hours of dedication by your co-workers and the citizens of the Cleveland. Whether a retired judge, or I with 5 children and two jobs, all of the members of the Charter Review Commission have set aside time for Thursday meetings, sub-committee groups, and countless research hours. We have received information from the city administration, unions, council, citizen groups and the general public. **Please do not discount this effort!**

Alas, my concern is only a “secondary” consideration. The “primary” consideration is the citizens and employees of the City of Cleveland. Most of these 150+ proposals came from a Director, Commissioner, or Union representative. Each consulted those individuals directly affected by charter language. Many presenters have 30 to 40 years of service to the city and have served many administrations and councils (McGrath, Stubbs, Szabo and Flask). They have come to us the citizens and said, “This is what is needed...” **Now let us give it to them!**

Before concluding I would like to express my opinion on the “volume” of reform. There have been some discussions that although much of what has been proposed is a “good idea”, realistically only three to seven proposals might make it to the ballot. This may occur because of the political process, amount of items, time and/or concerns of a large voter turnout. **I strongly disagree with this approach.** At the national level the leading candidate has as a mantra “Change candidate”. The democrats took back the state offices under a banner of “change and ethics reform”. Presently the state is in the process of examining reforms of county government in size and structure. The scope of reform is **now** on our municipal government.

During Thursday’s meetings I have learned the difficulties in your profession. I have witnessed the constituent crush of potholes, vacant homes and the “dope boys on the corner”. These issues can occupy most of your waking hours. I do **not** envy you or your position. The citizen that considers your position as “part-time” is ill informed. I understand your plight on the difficulties of seeing the big picture clearly. More importantly, I empathize with your ability to find time to repair the big picture. I do **not** want to see a repeat of what happened to this process in 1988 (see report). The fact that 20 years have passed and the same issues are unsettled is unnerving. The grammar errors and sexist language is embarrassing. If I understand the process, Council could have addressed these issues but was too busy with the items of the day. I say to you, **“Your chance is now!”** Your colleagues, citizens and commissioners have spoken. We have listened, debated, and compromised. Take **all** of the unanimously passed proposals to the citizens. Let them vote up or down. For every proposal that you decide to delay or shelve, you look into the eye of that commissioner and say “Sorry, even with diminishing resources we are going to ask you to do more with less. We can not give you the basic word changes that you have respectfully requested”. Or, look into the voter’s eyes and say, “Sorry too many things on the ballot. We do not need that much reform right now. We are going to take it slow.” **Combine and/or condense the proposals. Put as many as possible in front of the voters this year! Let this be a watershed event that occurs every 20 years. You have asked for it. We have provided it. The City of Cleveland needs every bit of reform that increases efficiency and improves the quality of life.**

Individual Commission Report
Matthew P. Silversten

Dear Council President Sweeney:

I would like to thank you for giving me the opportunity to serve the City of Cleveland as a member of the Charter Review Commission; working with the other members of the Commission was a truly rewarding experience. Over the course of the Commission's deliberations, one set of proposals struck me as both deserving particular attention and easily overlooked, and so I write separately to highlight these proposals.

Proposals #63 and 64 -- Section 108 requires that all contracts involving expenditures in excess of \$10,000 be authorized and directed by ordinance of Council. Section 108 establishes what is known as the "Small Purchase Exception," and has not been modified in approximately twenty years. The Commission overwhelmingly approved moving the Small Purchase Exception from \$10,000 to \$50,000, and granting Council the authority to adjust this amount in the future based on changing circumstances. These proposals give the City more flexibility in entering into contracts and make it easier to do business with the City. The Commission received a significant amount of evidence showing that the current Small Purchase Exception makes it difficult for small businesses, particularly minority- and women-owned businesses, to bid on contracts with the City because the transaction costs associated with the bid process for relatively small contracts is so high for them. The result is that the same few businesses bid on contracts covered by the Small Purchase Exception. By adopting proposals #63 and 64, the City will expand the opportunities for small business to bid on the contracts falling within the Small Purchase Exception; the increased number of companies submitting proposals for these contracts should result in more competitive bids and lower prices.

In addition, I hope that Council will strongly consider placing proposals #133, 134, and 135 on the November ballot. These proposals will revise Charter Section 200-1, which sets forth the framework for the Charter Review process. While we worked hard to complete our charge in six months, I believe that this is not enough time to do all that is asked of the Commission. I believe that, by expanding the length of the Commission, it will make it easier for private citizens and civic organizations to provide input to the Commission. These proposals will also provide Council with a longer period of time to consider the Commission's report before having to decide whether recommendations should be placed on the ballot. In my opinion, for a review that takes place only once every twenty years, the current Charter requirements seem to compress into much too small a timeframe the period for which the Commission and Council have to do their jobs. Proposal # 133, 134, and 135 will help alleviate this time crunch and lead to a more deliberative process.

Finally, over the last several months, many members of the Commission expressed concern over what Council would do with the large volume of changes that the Commission looked likely to suggest be made to the Charter. In the end, the Commission considered more than 150 proposals and approved approximately 100 recommendations for changes to the Charter. While it certainly is not reasonable to expect that every proposal in the Commission's report will find its way on to this November's ballot, I hope that, over the course of the next several years, the Commission's report is discussed and debated by Council on many occasions. Through my experience on the Commission, it has become clear to me that, while the formal Charter Review Commission process may be required only once every twenty years, the dialogue regarding how the Charter may best serve the people of Cleveland should be constant.

Again, thank you for the opportunity to serve on the 2008 Charter Review Commission.

Individual Commission Report Robert J. Triozzi

Upon my appointment to the position Newton D. Baker once held as Law Director of the City of Cleveland, I accepted the torch he passed as the defender of the Home Rule doctrine he successfully advocated during the early years of the previous century. At the heart of that doctrine is the simple notion that our democracy works best at the local level and that the people have the right to define for themselves the fundamental nature and workings of their municipal government. During my tenure we have taken the battle in the defense of the Home Rule doctrine to court and we will continue to fight every attempt by the state legislature to interfere with Clevelanders' right to local self government. It is in this context that I was particularly honored to be appointed to serve our community as a member of the Charter Review Commission by Council President Martin Sweeney and the Members of City Council. I have been impressed by the commitment and dedication of the members of this Commission to both respect the traditions established during the last century and at the same time be open to ideas that allow the City to meet the challenges we face in this century.

As is evident by the number of proposals we reviewed, the Charter Review Commission took seriously its obligation to review every section of the Charter. While we were methodical in our approach, I believe that our review and recommendations fall basically into five categories: Governmental Processes, Civil Service, Governmental Structure, Elections and Referendum, and the Charter itself. At the request of the Commission Chair, within each of these categories I will outline what I believe to be the overall ten highest priorities with an asterisk *.

Governmental Processes

We reviewed several proposals that dealt primarily with governmental processes in which the City routinely engages. Mayor Jackson has made improving the efficiency of governmental operations a top priority in his administration. The following amendments are designed to improve the efficiency of governmental operations. Each of these amendments received enthusiastic support from the Commission members except for the Section 45 amendment regarding the Alienation of Public Lands. I also did not support the change to Section 45.

- * Section 108 Small Purchase Exception – raise to \$50,000.
Cooperative Purchasing – expand to other governmental entities
- * Section 167 Design-Build authorization
- * Section 36 Ordinance Effective Date – 30 days instead of 40
- * Section 76-3 Mandatory Referral to Planning Commission – streamlining
- Section 83 Law Department Instrument Review – streamlining
- Section 39 Appropriations Ordinance – expediting from 15 to 7 days
- Section 45 Alienation of Public Lands – Sale of lakefront property by vote
of Council not by the electorate

Civil Service

One of the more interesting aspects of our Charter from an historical perspective is the amount of detail that is included in the Charter with respect to Civil Service and workforce issues. Given that Civil Service reform was a paramount issue during the time our Charter first came into existence it is not surprising that our Charter contains an amount of detail not reflected in other municipal charters across

the state. It is my belief that the citizens of Cleveland in 2008 share the concerns of the framers of our Charter in insisting that we have a fair and open merit based system of public employment free of the abuses inherent in the patronage or “spoils” system it replaced. As much as it was designed to protect many public employees from arbitrary employment actions in hiring, promotions, demotions, suspensions and terminations based upon political rather than performance based considerations, the civil service system was also designed to ensure that the public received what it richly deserves, a highly competent, accountable and efficient workforce dedicated to the public good.

The relationship between the City as a public employer and our workforce was significantly altered since the last time any changes were made to the City Charter. Beginning in 1984, public employees were ensured the right to collective bargaining. Now under a uniform state-wide public employee collective bargaining law, the City and its unions bargain over core areas affecting terms and conditions of employment such as hours of work, overtime, bids procedures, promotions and transfers, grievances from disciplinary actions, wages and benefits. These agreements by law supersede our Charter. Since the last Charter changes, 77% of our workforce now belong to unions.

Even with the state collective-bargaining law, Civil Service remains the critical means of selecting, retaining, and growing, an efficient and competent government workforce. As the Charter Review Commission discovered, there is an inherent tension between the fairness values the Civil Service system is designed to protect and the need to ensure that the public is being served by the most competent and efficient work force possible. The citizens of Cleveland deserve both and to that end, the Charter Review Commission has made the following recommendations with regard to our workforce:

- * Section 126 Division into Classified and Unclassified Services
 - Proposal 83 – Assistant Directors to be unclassified
 - Proposal 88 – Executive Assistants to be unclassified
 - Proposal 89 – Temporary Employees to be unclassified
 - Proposal 86 – Fire Commanders to be unclassified
 - Proposal 90 – Students to be unclassified
 - Proposal 94 – Non-competitive class defined
 - Proposal 93 – General Labor class renamed
 - Proposal 95 – General Labor class defined
- * Section 130 Temporary Appointments –Mandate to test within one year
- * Section 131-1 Grandfathering of Temporary Appointments to Regular
- * Section 131 Appointments – Choice from list of 5 instead of 3
- * Section 128 Rules
 - Proposal 97 – Standardized classifications
 - Proposal 98 – Knowledge and abilities
 - Proposal 99a – Establishing lists
 - Proposal 100 – Rejection of candidates
 - Proposal 101a –Appointments
 - Proposal 102 – Employment without test
 - Proposal 103 – Repeal
 - Proposal 104 – Qualification in noncompetitive class
 - Proposal 106 – Probationary employees
 - Proposal 107 – Transfer
 - Proposal 108 -- Suspension
 - Proposal 110 -- Discharge or Demotion
 - Proposal 113 -- Publication

Section 127	Rules Enactment
Section 137-1	Appeal to Civil Service Commission – Disciplinary actions more than 3 days; hearings within 30 days
Section 134	Eligible Lists -- open for inspection
Section 135	Lists of Persons in Classified Service -- open for inspection
Section 141	Violations and Penalties -- 1 st degree misdemeanor
Section 191	Compensation of Employees – Wages in accordance with collective bargaining agreements

Governmental Structure

In addition to the work and the workforce of the City, the Charter outlines the basic structure of city government. It not only provides for the two basic branches of government, the executive and legislative, but also provides detail as to the various departments and commissions of the City. It is through these governmental structures that the work of the city gets accomplished. The Charter Review Commission heard proposals from both City Council and the Administration that amended charter requirements with regard to how departments or commissions were defined, governed or conducted its business. Generally, the goal of these proposals appeared to be aimed at increasing operational responsiveness or operational efficiency. The recommendations made were as follows:

Administration:

Port Control

- * Section 116-1 Airport Police – authorization
- Section 118-1 Airport Rescue and Fire Force

Public Safety

- Section 115-1 Office of Professional Standards – Staffing
- Section 115-2 Police Review Board – Increase in members
- Section 118 Fire Force – Command Staff

Finance

- Section 94 Director as Chief Financial Officer
- Section 95 Accounting Procedures
- Section 96 Reports
- Section 98 Audits

Civil Service

- Section 125 Appointment of Staff and Salaries

Law

- Section 84 Appointment of Prosecutors

City Planning

- Section 76 Commission membership
- Section 76-1 Appointment of Director and staff

Board of Zoning & Appeals

- Section 76-6 Board membership

City Council:

- Section 25 Dividing the City into Wards (Council Size)
Policy Recommendation to create Neighborhood Districts
- Section 26 Qualification of Council Members – residency in ward

	Clarification of public employment
Section 28	Meetings of Council
	Executive Session – authorization
Section 38	Mayor’s Estimate – number of copies
Section 47	Financial audit
Section 29	Rules in electronic form
Section 31	Records in electronic form
Section 33	Ordinances in electronic form
Section 34	Codifications in electronic form
Section 48	Resolutions in electronic form
Section 75	City Record in electronic form

Elections and Referendum & Initiative

The Charter sets forth how we conduct our local elections for our public officials, for recall of public officials, and for referendum and initiative actions on local issues. Given that all elections are conducted through the County Board of Elections there is often some confusion due to the differences between what our Charter mandates and what is typically required under the state election laws. To that end, the Charter Review Commission made the following recommendations generally to provide consistency where warranted and to conform our election process to modern technology:

Section 3	Elections -- timing
Section 4	Date of Primaries – consistency with other municipalities
Section 6	Petition Form – consistency with state law
Section 7	Nominating Petition Papers – consistency with state law
Section 8	Filing and Verification of Petitions – deadline Additional time – deleted
Section 9	Acceptance of Nomination -- repealed
Section 11	Ballots – consistency with state law
Section 14	Write-in – consistency with state law
Section 15	Voting Machines – consistency with state law
Section 15-1	Ballots by Armed Forces repealed -- consistent with state law
Section 18	Recall Election Ordered – petitions
Section 20	Recall Ballots – consistency with state law
Section 21	Result of Recall Election – selection of successor
Section 23	Vacancies – special election
Section 23-1	Campaign Finance – Rules to be determined by Council
Section 50	Initiative Petition – affidavit of circulator
Section 51	Initiative Petition – deadline
Section 57	Proposed Ordinance for Vote– timing of election
Section 59	Referendum – deadline
Section 66	Form of Ballots – Consistency with state law

THE CHARTER

2

That there is a necessity to periodically breathe new life into our City Charter is evidenced by the language used to convey its principles. Not only is there a need to make some grammatical changes, there is a need to make this document which represents the desires of all our citizens, gender neutral.

Lastly, as I indicated at the outset I have been impressed by the commitment and effort put into the work of this Commission. We have all learned much about our local government and have had the rare opportunity to review its finer points in great detail. Given the need to ensure that our City has the sufficient flexibility to change with the times, I join with those who believe that a similar review of the Charter should take place every ten years instead of twenty and that a longer time be allowed for the Charter Review Commission to conduct its work. As new experts in the field of Charter Review, the Charter Review Commission makes the following recommendations:

- Section ALL Gender neutral language and grammatical changes
- Section 200-1 Charter Review Commission – time for appointment and work

It has been a privilege to be selected and serve as a member of the Charter Review Commission. I am grateful to our Chairperson Phyllis Cleveland who gracefully solicited ideas from all quarters and allowed each of us an ample opportunity to be heard and ask questions. We received the benefit of the knowledge many members of the Administration, members of City Council, our employees and the general public who shared their insight and views on the proposals before us. The future of any city depends on the depth of the affection its people has for their city. The work of this commission and the people who contributed to its work suggests Cleveland's future is bright. Finally, the assistance and hospitality of City Council staff was both welcome and appreciated and the contributions made by Chief Corporate Counsel Rick Horvath were immeasurable. I have had the benefit of working side by side with Rick during my time as Law Director and I am grateful that my colleagues had the opportunity to see in this public setting, the commitment and dedication to the people of the City of Cleveland that I see behind the scenes every single day.

**CITY OF CLEVELAND
2008 CHARTER REVIEW COMMISSION
Final Report to City Council
August 1, 2008**

PART I—RECOMMENDED CHARTER CHANGES

PART II—RECOMMENDED POLICY CONSIDERATIONS

**PART III—CHARTER AND POLICY CONSIDERATIONS SUBMITTED BUT NOT RECOMMENDED
BY THE COMMISSION**

VOTE TALLIES OF INDIVIDUAL COMMISSION MEMBERS

PRIORITY LISTS OF INDIVIDUAL COMMISSION MEMBERS

**CITY OF CLEVELAND
2008 CHARTER REVIEW COMMISSION
Final Report to City Council
August 1, 2008**

TABLE OF CONTENTS

PART I—RECOMMENDED CHARTER CHANGES

<u>Number</u>	<u>Section #</u>	<u>Title</u>	<u>Vote (Y/N/U)</u>	<u>Page</u>
PART I— RECOMMENDED CHARTER CHANGES				
1	3	Elections.....	(13/01/00)	20
2	4	Nominations.....	(14/00/00)	20
3	4	Nominations.....	(14/00/00)	21
4	6	Petition Form.....	(12/02/00)	21
5	7	Nominating Petition Papers.....	(10/04/00)	21
6	7	Nominating Petition Papers.....	(12/02/00)	22
7	8	Filing and Verification of Petitions.....	(14/00/00)	23
8	8	Filing and Verification of Petitions.....	(14/00/00)	23
9	8	Filing and Verification of Petitions.....	(10/04/00)	23
10	9	Acceptance of Nomination.....	(12/02/00)	23
11	11	Ballots.....	(13/01/00)	24
12	13	Blank Spaces on Ballots.....	(13/01/00)	24
13	15	General Laws to Apply; Voting Machines and Counting Devices;.....	(13/01/00)	24
14	15-1	Balloting by Armed Forces.....	(10/04/00)	24
15	16	Removal Procedure of Mayor or Member of Council.....	(14/00/00)	25
16	17	Filing Recall Petition.....	(12/02/00)	25
17	17	Filing Recall Petition.....	(10/03/01)	25
18	17	Filing Recall Petition.....	(12/01/01)	25
19	18	Recall Election Ordered.....	(13/01/00)	26
20	20	Ballots in Recall Elections.....	(13/01/00)	26
21	21	Result of Recall Election.....	(14/00/00)	27
22	21	Result of Recall Election.....	(14/00/00)	27
23	21	result of Recall Election.....	(14/00/00)	27
24	23	Limitations on Recall Petitions.....	(11/03/00)	28
24	23	Limitations on Recall Petitions.....	(11/03/00)	28
26	23-1 to 23-7	Campaign Financing Laws.....	(11/03/00)	28
27	24	Powers, Terms and Vacancies.....	(14/00/00)	29
28	24	Powers, Terms and Vacancies.....	(14/00/00)	29
29	24	Powers, Terms and Vacancies.....	(14/00/00)	30
30	25	Dividing the City into Wards.....	(13/00/01)	30
31	26	Qualifications of Council Members.....	(09/03/02)	31
32	26	Qualifications of Council Members.....	(12/02/00)	31
33	28	Meetings of Council.....	(13/01/00)	32
34	28	Meetings of Council.....	(14/00/00)	32
35	29	Rules of Council.....	(14/00/00)	32
36	31	Clerk of Council.....	(14/00/00)	33
37	33	Enactment of Ordinances and Resolutions.....	(14/00/00)	33
39	34	Revision and Codification of Ordinances.....	(14/00/00)	33
40	36	Emergency Ordinances.....	(13/01/00)	34
41	37	Mayor's Veto.....	(14/00/00)	34
42	38	Mayor's Estimate.....	(11/03/00)	34
43	39	Appropriation Ordinance.....	(12/02/00)	35
44	45	Alienation of Water Front Lands.....	(08/06/00)	35
45	47	Audit and Examination.....	(12/02/00)	36
46	48	Publication of Ordinances and Resolutions.....	(14/00/00)	36
47	50	Signing Petition.....	(13/01/00)	36
48	51	Filing Petition.....	(14/00/00)	37
49	57	Ordinance Certification and Submission for Vote.....	(14/00/00)	37
50	59	The Referendum.....	(12/02/00)	37
51	66	Form of Ballots; Election Results.....	(14/00/00)	38
52	75	City Record.....	(14/00/00)	38
53	76	City Planning Commission.....	(13/01/00)	38
54	76-1	Directors and Staff.....	(09/05/00)	39
55	76-1	Directors and Staff.....	(08/06/00)	39
56	76-3	Mandatory Referral.....	(12/02/00)	39
57	76-4	Co-ordinating Board and Advisory Committee.....	(12/02/00)	40
58	76-6	Board of Zoning Appeals; Board of Building Standards.....	(10/04/00)	40

59	83	Director of Law; Qualifications and Duties.....	(14/00/00)	41
60	84	Director as Prosecuting Attorney.....	(11/03/00)	41
61	94	Director of Finance.....	(12/02/00)	42
62	95	Accounting Procedure.....	(12/02/00)	42
63	96	Monthly Financial Statements.....	(14/00/00)	42
64	98	Special Audits.....	(14/00/00)	43
65	108	Authorization of Contracts.....	(12/02/00)	43
66	108	Authorization of Contracts.....	(13/01/00)	43
67	108	Authorization of Contracts.....	(11/03/00)	44
68	115-1	Office of Professional Standards.....	(11/01/02)	44
69	115-2	Police Review Board.....	(12/01/01)	44
70	116-1[NEW]	Airport Police Force; Control by Director of Port Control.....	(10/03/01)	45
71	118-1[NEW]	Airport Rescue and Fire Force; Control by Director of Port Control.....	(10/02/02)	45
72	118	Fire Force; Control by Chief.....	(09/05/00)	46
73	121[137-1]	Appeal to Civil Service Commission.....	(13/01/00)	46
74	121[137-1]	Appeal to Civil Service Commission.....	(13/01/00)	46
75	121[137-1]	Appeal to Civil Service Commission.....	(10/04/00)	46
76	121[137-1]	Appeal to Civil Service Commission.....	(11/01/02)	47
77	125	Officers of Commission; Salaries.....	(11/01/02)	47
78	125	Officers of Commission; Salaries.....	(11/03/00)	47
79	126	Division into Classified and Unclassified Service.....	(12/02/00)	48
80	126	Division into Classified and Unclassified Service.....	(08/05/01)	48
81	126	Division into Classified and Unclassified Service.....	(12/02/00)	48
82	126	Division into Classified and Unclassified Service.....	(13/01/00)	48
83	126	Division into Classified and Unclassified Service.....	(14/00/00)	48
84	126	Division into Classified and Unclassified Service.....	(14/00/00)	49
85	126	Division into Classified and Unclassified Service.....	(13/01/00)	49
86	126	Division into Classified and Unclassified Service.....	(10/02/02)	49
87	127	Enactment of Civil Service Rules.....	(14/00/00)	49
88	128	Required Provisions of Rules.....	(10/04/00)	50
89	128	Required Provisions of Rules.....	(14/00/00)	50
90	128	Required Provisions of Rules.....	(12/01/01)	50
91	128	Required Provisions of Rules.....	(14/00/00)	51
92	128	Required Provisions of Rules.....	(13/00/01)	51
93	128	Required Provisions of Rules.....	(13/01/00)	51
94	128	Required Provisions of Rules.....	(12/02/00)	51
95	128	Required Provisions of Rules.....	(14/00/00)	51
96	128	Required Provisions of Rules.....	(11/01/02)	51
97	128	Required Provisions of Rules.....	(11/02/01)	51
98	128	Required Provisions of Rules.....	(13/00/01)	51
99	128	Required Provisions of Rules.....	(13/00/01)	52
100	128	Required Provisions of Rules.....	(13/00/01)	52
101	128	Required Provisions of Rules.....	(13/00/01)	52
102	128	Required Provisions of Rules.....	(12/02/00)	52
103	130	Eigible Lists; Temporary Appointments.....	(13/00/01)	53
104	131	Appointments.....	(09/03/02)	53
105	131	Appointments.....	(12/00/01)	54
106	131-1[NEW]	Employees Hired Without Test before August 6, 2008.....	(11/00/03)	54
107	134	Eligible Lists Open to the Public.....	(12/01/01)	54
108	135	List of Persons in Classified Service.....	(09/04/01)	54
109	135	List of Persons in Classified Service.....	(09/03/02)	55
110	135	List of Persons in Classified Service.....	(10/03/01)	55
111	141	Violations and Penalties.....	(11/03/00)	55
112	167	Public Improvements by Contract or Direct Labor.....	(13/01/00)	56
113	191	Compensation of Officers and Employees.....	(11/01/02)	56
114	200-1	Charter Review Commission.....	(12/02/00)	57
115	200-1	Charter Review Commission.....	(13/01/00)	57
116	200-1	Charter Review Commission.....	(13/01/00)	57

PART II—RECOMMENDED POLICY CONSIDERATIONS

1	X	Grammatical Edits.....	(14/00/00)	58
2	X	Gender Neutrality.....	(14/00/00)	58
3	X	Neighborhood Service Districts.....	(10/00/04)	58

**PART III—CHARTER AND POLICY CHANGES
SUBMITTED BUT NOT RECOMMENDED BY THE COMMISSION (Pgs. 60-71)**

**CITY OF CLEVELAND
2008 CHARTER REVIEW COMMISSION
Final Report to City Council
August 1, 2008**

(Note: The following recommendations are listed in numerical order by Charter section number. Since the members of the Charter Review Commission voted on proposals to amend the Charter at various times, the proposal numbers on the attached vote tally sheet do not correspond to the recommendation number in this final report. For that reason, the proposal number on the vote tally sheet has been included after each recommendation number in parenthesis.)

**PART I
RECOMMENDED CHARTER CHANGES**

RECOMMENDATION #1 (Proposal #3):

Amend Section 3 to clarify that elections in Cleveland are held every four years commencing in 1981 and not "in odd numbered years."

Proposed Language:

3 Elections

A general election for the choice of elective officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November every four years commencing in November 1981. Elections so held shall be known as regular Municipal elections. The other elections shall be held as may be required by law, or provided for in this Charter.

Reason: When the Charter was amended in 1980 to change the terms of office of Cleveland's elected officials, this Charter section was not amended. Cleveland does not hold a regular municipal election in every odd numbered year.

Vote:	Yes:	13
	No:	1
	Undecided:	0

RECOMMENDATION #2 (Proposal #4):

Amend Section 4 to provide that the primary for regular Municipal elections shall be held on the second Tuesday in September.

Proposed Language:

§ 4 Nominations

Candidates for all offices to be voted for at any regular Municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the second Tuesday in September prior to the regular municipal election. Candidates for all offices to be voted for at any other Municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the fifth Tuesday prior to the other Municipal elections.

Reason: The Cuyahoga County Board of Elections asked Cleveland and other municipalities in Cuyahoga County to hold primaries on the second Tuesday in September rather than stage multiple primary elections each fall. This change would implement the request made by the Board.

Vote:	Yes:	14
	No:	0
	Undecided:	0

RECOMMENDATION #3 (Proposal #5):

Amend Section 4 to provide that the primary for all other Municipal elections shall be held on the eighth Tuesday before the other Municipal election.

Proposed Language:

§ 4 Nominations

Candidates for all offices to be voted for at any regular Municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the second Tuesday in September prior to the regular municipal election. Candidates for all offices to be voted for at any other Municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the eighth Tuesday prior to the other Municipal elections.

Reason: This recommendation is the same as Recommendation #2 with the exception that the primary at special elections to fill vacancies should be eight weeks before the special election instead of five weeks before the special election. An eight week time period is consistent with the Board of Elections proposal in Recommendation #2.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #4 (Proposal #6):

Amend Section 6 to remove the requirement that nominating petitions be accompanied with an affidavit from the circulator and add language that "the circulator shall indicate the number of signatures contained on the petition, and shall sign a statement made under penalty of election falsification that the circulator witnesses the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose name it purports to be."

Proposed Language:

§ 6 Petition Form

The signatures to a nominating petition need not all be appended to one paper, but on each separate paper the circulator shall indicate the number of signatures contained on the petition, and shall sign a statement made under penalty of election falsification that the circulator witnesses the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose name it purports to be. Each signer of a petition shall sign his or her name in ink or indelible pencil, and shall place on the petition after his or her name the signer's place of residence by street and number, or other description sufficient to identify the place, and give the date when the signor's signature was made.

Reason: This change conforms City election procedure to current state law requirements for nominating petitions, including no requirement that the circulator's signature be notarized.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #5 (Proposal #7):

Amend Section 7 to remove the requirement that nominating petitions be accompanied with an affidavit from the circulator?

Proposed Language:

§ 7 Nominating Petition Papers

The form of nominating papers shall be substantially as follows:

"We, the undersigned qualified electors of the City of Cleveland (or _____ ward of the City of Cleveland), and residing at the places set opposite our respective names, do hereby request that the name of _____ be placed upon the primary election ballot as a candidate for nomination for the office of _____ at the primary election to be held in said city (or in said ward) on the _____ day of _____, 19 _____ .

Names of Qualified Electors	Residence Address	Date
_____	_____	_____
_____	_____	_____

State of Ohio
County of Cuyahoga

} ss:

(Name of Circulator of Petition), declares under penalty of election falsification that the circulator of the petition is a qualified elector of the state of Ohio and resides at the address appearing below the circulator's signature; that the circulator is the circulator of the foregoing petition paper containing _____ (Number) signatures; that the circulator witnessed the affixing of every signature;

that all signers were to the best of the circulator's knowledge and belief qualified to sign; and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose signature it purports to be.

(Signature of Circulator)

(Address of Circulator)

The nominating petition shall contain the penalty for election falsification as prescribed by the general law of the State.

Reason: This change conforms City election procedure to current state law requirements for nominating petitions by removing the requirement that the circulator's signature be notarized.

Vote: Yes: 10
No: 4
Undecided: 0

RECOMMENDATION #6 (Proposal #8):

Amend Section 7 to conform the form of the City's nominating petition to state law and combine the statement of candidacy and the nominating petition and, thus, eliminate the need for a candidate to accept the nomination.

Proposed Language:

§ 7 Candidacy and Nominating Petition Papers

The form of statement of candidacy and nominating petition papers shall be substantially as follows:

STATEMENT OF CANDIDACY

I, _____ (Name of Candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence is in _____ precinct of Ward _____ of the City of Cleveland; that my voting residence is _____ (Street and Number); and that I am a qualified elector in the precinct in which my voting residence is located. I hereby declare that I desire to be a candidate for nomination to the office of _____ at the primary election to be held on the ___ day of _____, _____.

Dated this ___ day of _____, _____.

(Signature of candidate)

The statement of candidacy shall contain the penalty for election falsification as prescribed by the general law of the State.

NOMINATING PETITION

We, the undersigned, qualified electors of the City of Cleveland (or ___ ward of the City of Cleveland) state of Ohio, whose voting residence is at the street address, ward, and precinct set opposite our names, request that _____ (Name of Candidate) be placed upon the primary election ballot as a candidate for nomination for the office of _____ at the primary election to be held in the City (or the ward) on the _____ day of _____, _____.

Signature Street Number Ward Precinct Date of Signing
(Must use address on file with the board of elections)

The undersigned being first duly sworn, deposes and says that he (or she) is the circulator of the foregoing petition paper and that the signatures appended thereto were made in his (or her) presence and that he (or she) believes they are the genuine signatures of the persons whose names they purport to be.

Subscribed and sworn to before me this _____ day of _____, 19 _____.

Notary Public.

Reason: This change conforms City election procedure to current state law requirements for nominating petitions, including no requirement that the circulator's signature be notarized. The statement of candidacy replaces the requirement that nominees must accept nomination after nominating petitions are filed.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #7 (Proposal #9):

Amend Section 8 to provide that petition papers should be filed no later than four p.m. on the fortieth day prior to the primary election.

Proposed Language:

§ 8 Filing and Verification of Petitions

All separate papers comprising a nominating petition shall be assembled and filed with the election authorities as one instrument no later than four p.m. on the fortieth day prior to the day of the primary election. Within ten days after the filing of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to be signed by the required number of qualified electors. If insufficient, the person named therein as candidate may, amend the petition by filing within five (5) days after notification of insufficiency by the election authorities, additional petition papers. Within five (5) days after the filing of the additional petition papers, the election authorities shall notify the person named therein as candidate whether the amended petition is found to be signed by the required number of qualified electors.

Reason: This change removes ambiguity and clarifies that the deadline for filing petition papers is 4:00 p.m. on the fortieth day before the primary election.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #8 (Proposal #10):

Amend Section 8 to provide that the filing deadline for nominating petitions shall be the seventy-fifth day prior to the primary election?

Proposed Language:

§ 8 Filing and Verification of Petitions

All separate papers comprising a nominating petition shall be assembled and filed with the election authorities as one instrument no later than four p.m. on the seventy-fifth day prior to the day of the primary election. Within ten days after the filing of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to be signed by the required number of qualified electors. If insufficient, the person named therein as candidate may, amend the petition by filing within five (5) days after notification of insufficiency by the election authorities, additional petition papers. Within five (5) days after the filing of the additional petition papers, the election authorities shall notify the person named therein as candidate whether the amended petition is found to be signed by the required number of qualified electors.

Reason: The Cuyahoga County Board of Elections asked that Cleveland provide more time between the filing deadline and the primary. The Board’s representative recommended seventy-five days instead of forty days.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #9 (Proposal #11):

Amend Section 8 to strike the final two sentences that give the candidate additional time to amend the nominating petition papers if the Board of Elections finds insufficient signatures.

Proposed Language:

§ 8 Filing and Verification of Petitions

All separate papers comprising a nominating petition shall be assembled and filed with the election authorities as one instrument at least forty days prior to the day of the primary election.

Reason: This amendment removes any authority to amend petition papers once they are filed. This is consistent with state law

Vote: Yes: 10
No: 4
Undecided: 0

RECOMMENDATION #10 (Proposal #12):

Repeal Section 9 to eliminate the requirement of candidate acceptance.

Proposed Language:

§ 9 Acceptance of Nomination—REPEALED

Reason: This change removes the necessity of a candidate to accept his or her nomination. It is consistent with the state law process for nominating candidates.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #11 (Proposal #13):

Amend Section 11 to remove the requirement that ballots be printed to provide an opportunity to mark the ballot with an “X” and replace with a provision that voters “shall record their choices in the manner prescribed by the general law of the State.”

Proposed Language:

§ 11 Ballots

All ballots used in elections held under authority of this Charter shall be without part marks or designations. Ballots used for the nomination or election of candidates shall contain a complete list of the offices to be filled, and the names of candidates for each office shall be arranged under the title thereof. Voters shall record their choices in the manner prescribed by the general law of the State.

Reason: In its present form, this section contemplates voting only by paper ballots. As revised, the section recognizes all methods of voting authorized by state law.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #12 (Proposal #14):

Amend Section 13 to provide that write-in spaces on the ballot shall be provided “in the manner prescribed by the general law of the state.”

Proposed Language:

§ 13 Write-in Spaces on Ballots

A write-in space shall be provided on the ballot in the manner prescribed by the general law of the State.

Reason: In its present form, this section contemplates voting by paper ballots. As revised, this section recognizes the procedure for write-in candidates authorized by state law.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #13 (Proposal #16):

Amend Section 15 to remove the second paragraph that provides that the Council has the power to provide for election devices, the forms of ballots and the method of counting ballots.

Proposed Language:

§ 15 General Laws to Apply

All elections provided for by this Charter, whether for the choice of officers or the submission of questions to the voters, shall be conducted by the election authorities prescribed by general law of the State; and the provisions of the general election laws of the State shall apply to all the elections except as provision is otherwise made by this Charter, and except further that the Council may, by ordinance, provide measures to promote and insure the purity and integrity of the ballot, and against corrupt practices in elections.

Reason: Elections are managed by the Board of Elections under state law. Cleveland does not determine the types of election devices, the forms of ballots and the method of counting ballots.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #14 (Proposal #17):

Repeal Section 15-2 to remove the Council's authority to provide for balloting of members of the armed forces.

Proposed Language:

§ 15-1 Balloting by Armed Forces—REPEALED

Reason: This provision is obsolete. Balloting by members of the armed services is governed by state and federal law.

Vote: Yes: 10
 No: 4
 Undecided: 0

RECOMMENDATION #15 (Proposal #46):

Amend Section 16 to provide that the Clerk shall deliver copies of the petition papers to the elector by “no later than 4:00 p.m. on the next business day” after the filing of the recall affidavit?

Proposed Language:

§ 16 Removal Procedure of Mayor or Member of Council

The Mayor or any member of the Council may be removed from office by the electors of the City. The procedure for effecting such a removal shall be as follows:

Any elector of the City may make and file with the Clerk of the Council an affidavit stating the name of the officer whose removal is sought and the grounds alleged for the removal. The Clerk shall no later than 4:00 p.m. on the next business day deliver to the elector making the affidavit copies of petition papers for demanding the officer’s removal, printed copies of which the Clerk shall keep on file for distribution as herein provided. In issuing any petition paper, the Clerk shall enter in a record to be kept in the Clerk’s office the name of the elector to whom issued, the date of issuance, and the number of papers issued, and shall certify upon each paper the name of the elector to whom issued and the date of issuance. No petition paper shall be accepted as part of a petition unless it bears the certificate of the Clerk and unless filed as hereinafter provided.

Reason: This proposed amendment clarifies that the Clerk has until the close of business on the next day to deliver petition papers to the elector filing a recall affidavit. If an affidavit is filed late in the day, there is often insufficient time to complete the petition papers that same day. This change gives the Clerk needed time to properly prepare the petition papers and, when paired with Recommendation #16, protects the elector’s 30-day time period within which to obtain signatures on the recall petition.

Vote: Yes: 14
 No: 0
 Undecided: 0

RECOMMENDATION #16 (Proposal #48):

Amend Section 17 to provide that recall petitions must be returned 30 days after the “delivery of the petition papers” instead of 30 days after the filing of the recall affidavit?

Proposed Language:

§ 17 Filing Recall Petition

A petition demanding the removal of the Mayor or a member of the Council shall be known as a recall petition. A recall petition to be effective must be returned and filed with the City Clerk within thirty days after delivery of the petition papers to the elector making the affidavit as provided in Charter Section 16, and to be sufficient, must bear the signatures of not less than twenty percent of those who voted in the City or ward respectively at the last preceding regular Municipal election. Within ten (10) days from the date of the filing of the petition, the Clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of the Clerk’s examination. If the Clerk shall certify that the petition is insufficient, the Clerk shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in the petition to receive it. The recall petition may be amended at any time within twenty (20) days after the return of a copy of the certificate of insufficiency by filing a supplementary petition upon additional petition papers, issued, signed and filed as provided herein for the original petition. The Clerk shall, within ten (10) days after the amendment is filed, make like examination of the amended petition, and if the Clerk’s certificate shall show the same to be still insufficient, the Clerk shall return it to the person designated in the petition to receive it, without prejudice, however, to the filing of a new petition for the same purpose.

Reason: When paired with Recommendation #15 this amendment insures that an elector filing a recall petition has a full 30 days to obtain the required signatures.

Vote: Yes: 12
 No: 2
 Undecided: 0

RECOMMENDATIONS #17 and #18:

There are two substantive recommended amendments to existing Charter Section 17.

Proposed Language:

§ 17 Filing Recall Petition

A petition demanding the removal of the Mayor or a member of the Council shall be known as a recall petition. A recall petition to be effective must be returned and filed with the City Clerk within forty-five days after the filing of the affidavit as provided in the next preceding section, and to be sufficient, must bear the signatures of not less than thirty percent of those who voted in the City or ward respectively at the last preceding regular Municipal election. Within ten (10) days from the date of the filing of the petition, the Clerk shall determine the sufficiency thereof and

attach thereto a certificate showing the result of the Clerk's examination. If the Clerk shall certify that the petition is insufficient, the Clerk shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in the petition to receive it. The recall petition may be amended at any time within twenty (20) days after the return of a copy of the certificate of insufficiency by filing a supplementary petition upon additional petition papers, issued, signed and filed as provided herein for the original petition. The Clerk shall, within ten (10) days after the amendment is filed, make like examination of the amended petition, and if the Clerk's certificate shall show the same to be still insufficient, the Clerk shall return it to the person designated in the petition to receive it, without prejudice, however, to the filing of a new petition for the same purpose.

Recommendation #17 (Proposal #136): Amend section to extend the time in which recall petitions must be returned and filed with the Clerk to forty-five days, instead of thirty days.

Reason: Since the Commission determined that the number of signatures required for a recall election needed to be increased (Recommendation #18), the Commission also felt that additional time should be provided obtain the required signatures.

Vote: Yes: 10
No: 3
Undecided: 1

Recommendation #18 (Proposal #137): Amend section to increase the number of signatures on recall petitions to thirty percent of those voted in the last election, instead of twenty percent who voted in the last election.

Reason: In order to justify the expense and disruption caused by a recall election, 30% of those who voted in the last election should support this extraordinary action.

Vote: Yes: 12
No: 1
Undecided: 1

RECOMMENDATION #19 (Proposal #18):

Amend Section 18 to strike the requirement on the Clerk to submit a certified recall petition "at once" and instead provide that the Clerk shall submit the certificate at the next regular meeting of the Council but "if no regular meeting of the Council is to be held with ten days" the Council President shall call a special meeting of the Council within the 10 day period.

Proposed Language:

§ 18 Recall Election Ordered

If a recall petition, or amended petition, shall be certified by the Clerk to be sufficient the Clerk shall at once submit it to the Council with the Clerk's certificate to that effect at its next regular meeting and shall notify the person whose removal is sought by the action; provided however, that if no regular meeting of the Council is to be held within ten days after the clerk certifies the sufficiency of the petition or amended petition, the President of Council shall call a special meeting of the Council to be held within the ten-day period, and the Clerk shall submit the petition to the Council. If the person whose removal is sought does not resign within five days after the receipt of the Clerk's notice the Council shall thereupon order and fix a day for holding a recall election. The election shall be held not less than forty nor more than sixty days after the petition has been presented to the Council, at the same time as any other general or special election held within the period but, if no election be held within the period, the Council shall call a special election to be held within the time aforesaid.

Reason: The "at once" standard for the Clerk is meaningless. The Clerk can only submit the petition to the Council at one of its meetings. The proposed amendment clarifies this fact and also requires that the Council meet within ten days of the Clerk's certification.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #20 (Proposal#19):

Amend Section 20 to remove the requirement that ballots be printed to provide an opportunity to mark the ballot with an "X" and replace with a provision that voters shall record their choices "in the manner prescribed by the general law of the State."

Proposed Language:

§ 20 Ballots in Recall Elections

Ballots used at a recall election shall conform to the following requirements: With respect to the officer whose removal is sought the question shall be submitted, "Shall (name of person) be removed from the Council (or from the office of Mayor) by recall". Immediately below the question there shall be printed on the ballots the two following propositions, one above the other, in the order here indicated:

"For the recall of (name of person)."
"Against the recall of (name of person)."

The elector shall record the elector's choice for either of the propositions in the manner prescribed by the general law of the State.

Reason: In its present form, the section contemplates voting only by paper ballots. As revised, the section applies to the methods of voting provided in state law.

Vote:	Yes:	13
	No:	1
	Undecided:	0

RECOMMENDATION #21 (Proposal #20):

Amend Section 21 to provide that the nomination and election of a person to succeed a person removed by recall shall be held 180 days after the date of the recall election and conducted in the same manner as provided "for other Municipal elections under this Charter."

Proposed Language:

§ 21 Result of Recall Election

If a majority of the votes cast on the question of recalling a member of the Council or Mayor shall be against his recall he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of the votes be for the recall of the member indicated on the ballots he shall, regardless of any defect in the recall petition, be deemed removed from office. When a person is removed from office by recall, Council shall immediately provide for the nomination and election of his successor for the unexpired term by fixing the time of the elections. The nomination and election of a person to succeed a person so removed shall be held within one hundred and eighty days after the date of the recall election and shall be conducted in the same manner as provided for other Municipal elections under this Charter.

Reason: In order to provide sufficient time for nominations, primary and general elections in light of recommended amendments to Charter Sections 4 and 8, the time period for recall elections should be extended by 60 days.

Vote:	Yes:	14
	No:	0
	Undecided:	0

RECOMMENDATION #22 (Proposal #21):

Amend Section 21 to insert the following provision: "When the office of Mayor becomes vacant by reason of recall election or resignation within five days after the notice required by Section 18 of this Charter, the duties of the office of Mayor shall be discharged by the head of one of the departments provided for in this Charter under the title of Acting Mayor until the successor for the unexpired term of Mayor shall be elected and qualified; provided, however that the Acting Mayor must otherwise meet the qualifications for Mayor. For purpose of this provision, the order of succession as Acting Mayor shall be as follows: Director of Law, Director of Finance, Director of Public Utilities and Director of Port Control."

Proposed Language;

§ 21 Result of Recall Election

If a majority of the votes cast on the question of recalling a member of the Council or Mayor shall be against his recall he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of the votes be for the recall of the member indicated on the ballots he shall, regardless of any defect in the recall petition, be deemed removed from office. When a person is removed from office by recall, Council shall immediately provide for the nomination and election of his successor for the unexpired term by fixing the time of the elections. The nomination and election of a person to succeed a person so removed shall be held within one hundred and twenty days after the date of the recall election and shall be conducted in the same manner as provided for regular Municipal elections.

When the office of Mayor becomes vacant by reason of recall election or resignation within five days after the notice required by Section 18 of this Charter, the duties of the office of Mayor shall be discharged by the head of one of the departments provided for in this Charter under the title of Acting Mayor until the successor for the unexpired term of Mayor shall be elected and qualified; provided, however that the Acting Mayor must otherwise meet the qualifications for Mayor. For purpose of this provision, the order of succession as Acting Mayor shall be as follows: Director of Law, Director of Finance, Director of Public Utilities and Director of Port Control.

Reason: At present no one is authorized by Charter to perform the duties of Mayor between the time of recall or resignation as result of a recall petition and the election to fill the vacancy. To fill the gap, the proposed amendment provides for an Acting Mayor consisting of one of the heads of the departments to continue to manage the City government until the new Mayor is elected.

Vote:	Yes:	14
	No:	0
	Undecided:	0

RECOMMENDATION #23 (Proposal #22):

Amend Section 21 to insert the following provision: "When the office of a member of Council becomes vacant by reason of recall election or resignation within five days after the notice required by Section 18 of this Charter, the duties of the office of member of Council shall be discharged by a person other than the person removed from office by recall chosen by a majority vote of the Council under the title of Acting Council Member until the successor for the unexpired term of member of Council shall be elected and qualified; provided, however that the Acting Council Member must otherwise meet the qualifications for a member of Council."

Proposed Language:

§ 21 Result of Recall Election

If a majority of the votes cast on the question of recalling a member of the Council or Mayor shall be against his recall he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of the votes be for the recall of the member indicated on the ballots he shall, regardless of any defect in the recall petition, be deemed removed from office. When a person is removed from office by recall, Council shall immediately provide for the nomination and election of his successor for the unexpired term by fixing the time of the elections. The nomination and election of a person to succeed a person so removed shall be held within one hundred and twenty days after the date of the recall election and shall be conducted in the same manner as provided for regular Municipal elections.

When the office of a member of Council becomes vacant by reason of recall election or resignation within five days after the notice required by Section 18 of this Charter, the duties of the office of member of Council shall be discharged by a person other than the person removed from office by recall chosen by a majority vote of the Council under the title of Acting Council Member until the successor for the unexpired term of member of Council shall be elected and qualified; provided, however that the Acting Council Member must otherwise meet the qualifications for a member of Council.

Reason: At present no one is authorized by Charter to perform the duties of member of Council between the time of recall or resignation as result of a recall petition and the election to fill the vacancy. To fill the gap, the proposed amendment provides for an Acting Council Member chosen by a majority vote of Council excluding the Council member who was recalled until the new member of Council is elected.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #24 (Proposal #49):

Amend Section 23 to extend the time period during which recall petitions cannot be filed against the Mayor or a member of the Council after taking office from three months to one year.

Proposed Language:

§ 23 Limitations on Recall Petitions

No recall petition shall be filed against the Mayor or a member of the Council within one year after he or she takes office nor, in case of a person subjected to a recall election and not removed thereby, until at least six months after that election.

Reason: A City elected official should be in office for at least a year before facing the extraordinary remedy of a recall election.

Vote: Yes: 11
No: 3
Undecided: 0

RECOMMENDATION #25 (Proposal #50):

Amend Section 23 to extend the time period during which recall petitions cannot be filed against the Mayor or a member of the Council after a recall election from six months to one year.

Proposed Language:

§ 23 Limitations on Recall Petitions

No recall petition shall be filed against the Mayor or a member of the Council within three months after he takes office nor, in case of a person subjected to a recall election and not removed thereby, until at least one year after that election.

Reason: After a ward or the City has experienced the disruption of a recall election, at least one year should pass before the subject of a recall election should face the possibility of another recall election.

Vote: Yes: 11
No: 3
Undecided: 0

RECOMMENDATION #26 (Proposal #51):

Amend Section 23-1 to provide that the Council shall by ordinance provide for limitations on campaign contribution contributions for City elections and penalties and an appeal process for any violations of the limits; and the Council shall make campaign finance reports of all candidates for city office readily available to the public. Also, Section 23-2 thru 23-7 should be repealed.

Proposed Language:

§ 23-1 Campaign Financing Laws

The Council shall provide by ordinance for limitations on campaign contributions made to the campaign committees for all candidates in all primary, regular and special elections for the office of Mayor and the office of member of Council. The Council shall by ordinance provide penalties for exceeding the campaign contribution limitations and an appeal process for persons alleged to have violated the campaign contribution limitations. Council shall make readily available to the public the campaign finance reports filed in accordance with the general laws of the State for candidates for the office of Mayor and the office of member of Council. . § 23-

2 Comprehensive Disclosure Rules—REPEALED

§ 23-3 Fair Campaign Finance Commission—REPEALED § 23-4 Penalties—REPEALED

§ 23-5 Appeals Process—REPEALED

§ 23-6 Review of Campaign Financing Laws—REPEALED

§ 23-7 Passage of Legislation—REPEALED

Reason: This amendment mandates that the Council must enact contribution limitations during campaigns for City offices but removes some of the more cumbersome processes associated with the City's campaign finance procedures.

Vote: Yes: 11
No: 3
Undecided: 0

RECOMMENDATION #27 (Proposal #23):

Amend Section 24 to provide that vacancies on the Council do not need to be filled with a special election if the vacancy occurs within two years of the next regular municipal election.

Proposed Language:

§ 24 Powers, Terms and Vacancies

The legislative powers of the City, except as reserved to the people by this Charter, shall be vested in a Council, each member of which shall be elected from a separate ward. Members of Council shall be elected for a term of four years and shall serve until their successors are chosen and have qualified.

If at any time, the office of a member is vacant by reason of non-election, death, resignation, removal of residence from the ward represented or from any other cause whatsoever, except when the vacancy is caused by a recall petition, such vacancy shall be filled by the Council for the unexpired term; provided, however, that if the vacancy occurs at any time which is more than two years before the next regular municipal election, the person selected by the Council to fill the vacancy shall hold office until the person's successor is elected at special municipal elections to be held in accordance with this section and is qualified. The aforesaid special municipal elections shall be held on the first Tuesday after sixty days from the day on which the vacancy first occurs, at which time the primary election shall be held, and on the fifth Tuesday following the primary election, at which time the final special municipal election shall be held, and all the provisions in this Charter contained as to nomination and election of

candidates for member of Council at regular municipal elections shall apply to the special municipal elections. The person so elected shall hold office for the unexpired portion of the term in which the vacancy in the office of member of Council occurred and until the person's successor is elected and qualified and shall assume office immediately upon election and qualification.

Reason: This amendment is recommended in order to avoid the expense of a special election to fill a vacancy in the Council when there is a regular municipal election within two years of the occurrence of the vacancy.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #28 (Proposal #24):

Amend Section 24 to provide that the provision regarding special elections to fill vacancies in the Council read as follows: "If a general election is to be held upon a date not less than 160 days nor more than one year after the occurrence of the vacancy, the special municipal election shall be held at the general election and a special primary election to nominate candidates for the vacancy shall be held on the eighth Tuesday prior to the general election."

Proposed Language:

§ 24 Powers, Terms and Vacancies

The legislative powers of the City, except as reserved to the people by this Charter, shall be vested in a Council, each member of which shall be elected from a separate ward. Members of Council shall be elected for a term of four years and shall serve until their successors are chosen and have qualified.

If at any time, the office of a member is vacant by reason of non-election, death, resignation, removal of residence from the ward represented or from any other cause whatsoever, except when the vacancy is caused by a recall petition, such vacancy shall be filled by the Council for the unexpired term; provided, however, that if the vacancy occurs at any time which is more than one year before the next regular municipal election, the person selected by the Council to fill the vacancy shall hold office until the person's successor is elected at special municipal elections to be held in accordance with this section and is qualified. If a general election is to be held upon a date not less than 160 days nor more than one year after the occurrence of the vacancy, the special municipal election shall be held at the general election and a special primary election to nominate candidates for the vacancy shall be held on the eighth Tuesday prior to the general election. Otherwise, the aforesaid special municipal elections shall be held on the first Tuesday after sixty days from the day on which the vacancy first occurs, at which time the primary election shall be held, and on the fifth Tuesday following the primary election, at which time the final special municipal election shall be held, and all the provisions in this Charter contained as to nomination and election of candidates for member of Council at regular municipal elections shall apply to the special municipal elections. The person so elected shall hold office for the unexpired portion of the term in which the vacancy in the office of member of Council occurred and until the person's successor is elected and qualified and shall assume office immediately upon election and qualification.

Reason: This amendment provides that, if possible, a special election to fill a vacancy in the office of member of Council office should coincide with a general election. The proposal seeks to avoid unnecessary election expense.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #29 (Proposal #25):

Amend Section 24 to provide that special elections to fill a vacancy in the office of Council shall be conducted on the first Tuesday after 75 days (not 60 days) from the date on which the vacancy occurs, at which time the primary shall be held, and on the 8th Tuesday (not the 5th Tuesday) following the primary the special municipal election to fill the vacancy shall be held.

Proposed Language:

§ 24 Powers, Terms and Vacancies

The legislative powers of the City, except as reserved to the people by this Charter, shall be vested in a Council, each member of which shall be elected from a separate ward. Members of Council shall be elected for a term of four years and shall serve until their successors are chosen and have qualified.

If at any time, the office of a member is vacant by reason of non-election, death, resignation, removal of residence from the ward represented or from any other cause whatsoever, except when the vacancy is caused by a recall petition, such vacancy shall be filled by the Council for the unexpired term; provided, however, that if the vacancy occurs at any time which is more than one year before the next regular municipal election, the person selected by the Council to fill the vacancy shall hold office until the person's successor is elected at special municipal elections to be held in accordance with this section and is qualified. The aforesaid special municipal elections shall be held on the first Tuesday after seventy-five days from the day on which the vacancy first occurs, at which time the primary election shall be held, and on the eighth Tuesday following the primary election, at which time the final special municipal election shall be held, and all the provisions in this Charter contained as to nomination and election of candidates for member of Council at regular municipal elections shall apply to the special municipal elections. The person so elected shall hold office for the unexpired portion of the term in which the vacancy in the office of member of Council occurred and until the person's successor is elected and qualified and shall assume office immediately upon election and qualification.

Reason: These changes are necessary to be consistent with proposed amendments to Charter Sections 4 and 8.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #30 (Proposal #147):

Amend Section 25 to provide that the number of City wards be determined by using a ratio of one ward for every 25,000 people based on the estimated City population.

Possible language:

§ 25 DIVIDING THE CITY INTO WARDS

The Council not later than April 1, 2009, shall redivide the City into wards based on the City's population as of February 15, 2009 as determined by estimated population figures compiled by the U.S. Census Bureau as of that date. The number of wards shall be determined using a ratio of one ward for every 25,000 people based on the estimated population figure, provided however that if dividing 25,000 into the total estimated population figure results in an even number of wards, the total number of wards shall be increased by one. The wards so formed shall be as nearly equal in population as may be fair and equitable, composed of contiguous and compact territory, and bounded by natural boundaries or street lines. When any territory is annexed to the City the Council shall by ordinances declare it a part of the adjacent ward or wards. If the Council fails or neglects to redivide the City into the required number of wards by April 1, 2009, the Mayor shall within 7 days thereafter submit to Council the plan for redividing the City into the required number of wards, which division plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as provided in Section 25-1 using the above ratio and formula to determine the number of wards based on the City's population at that time.

The members of Council to be elected under the terms herein shall be elected at the next regular Municipal election in accordance with the provisions of Chapter 3 of the Charter of the City of Cleveland. The division of the City into wards existing at the time of the adoption of this amendment shall continue until changed as provided herein.

Reason: A persuasive case has not been made for simply reducing the number of City wards; creation of "at-large" Council members is contrary to the public's expectation that City Council members handle citizen complaints and the voters previously rejected a proposal to elect an "at-large" Council President in the 1980s; and relating the size of Council to the City's population and allowing the size of Council to increase or decrease with the population is a logical approach and the best approach of all the suggested alternatives.

Vote: Yes: 13
No: 0
Undecided: 1

A majority of the Commission (8 members) felt that this proposal would be clearer if a table was inserted in the Charter section. An example of this type of language is as follows: [Proposal #147A]

§ 25 DIVIDING THE CITY INTO WARDS

The Council not later than April 1, 2009, shall redivide the City into wards based on the City's population as of February 15, 2009 as determined by estimated population figures compiled by the U.S. Census Bureau as of that date. The number of wards shall be determined using the following table based on the estimated population figure:

If the City's population is: The City shall be divided into the following number of wards:

More than 575,000.....	25
575,000 or less but more than 525,000.....	23
525,000 or less but more than 475,000.....	21
475,000 or less but more than 425,000.....	19
425,000 or less but more than 375,000.....	17
375,000 or less but more than 325,000.....	15
325,000 or less but more than 275,000.....	13
275,000 or less	11

The wards so formed shall be as nearly equal in population as may be fair and equitable, composed of contiguous and compact territory, and bounded by natural boundaries or street lines. When any territory is annexed to the City the Council shall by ordinances declare it a part of the adjacent ward or wards.

If the Council fails or neglects to redivide the City into the required number of wards by April 1, 2009, the Mayor shall within 7 days thereafter submit to Council the plan for redividing the City into the required number of wards, which division plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as provided in Section 25-1 using the above table to determine the number of wards based on the City's population at that time.

The members of Council to be elected under the terms herein shall be elected at the next regular Municipal election in accordance with the provisions of Chapter 3 of the Charter of the City of Cleveland. The division of the City into wards existing at the time of the adoption of this amendment shall continue until changed as provided herein.

RECOMMENDATION #31 (Proposal #131):

Amend Section 126 to provide that, “commencing with the election for members of Council in 2013 and except for any election for a member of Council in the year when Council reapportions ward boundaries under Section 25-1 of this Charter, candidates for the office of member of the Council must have been a resident of the ward which they seek to represent for at least twelve months prior to filing nominating petitions for election as member of Council, excluding a person who while serving as a member of Council is moved outside his or her ward due to reapportionment and a person who is elected to office in the year when Council reapportions ward boundaries under Section 25-1 of this Charter.”

Proposed Language:

§ 26 Qualifications of Council Members

Members of the Council shall be residents of the City and have the qualifications of electors of the City. Commencing with the election for members of Council in 2013 and except for any election for a member of Council in the year when Council reapportions ward boundaries under Section 25-1 of this Charter, candidates for the office of member of the Council must have been a resident of the ward which they seek to represent for at least twelve months prior to filing nominating petitions for election as member of Council, excluding a person who while serving as a member of Council is moved outside his or her ward due to reapportionment and a person who is elected to office in the year when Council reapportions ward boundaries under Section 25-1 of this Charter. A member of the Council, who at the time of his election, was a resident of the ward which he represents shall forfeit his or her office if the member removes from the ward. Members of Council shall not hold any other public office or employment except that of notary public or member of the State militia, and shall not be interested in the profits or emoluments of any contract job, work or service of the Municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his or her office, and any contract in which any member is or may become interested may be declared void by the Council. No member of the Council shall, except in so far as is necessary in the performance of the duties of his or her office, directly or indirectly interfere in the conduct of the administrative department, or directly or indirectly take any part in the appointment, promotion or dismissal of any officer, or employee in the service of the City other than the officers or employees of the Council.

Reason: This amendment creates a ward-residency requirement for persons elected to City Council but recognizes exceptions for incumbent Council members who are relocated out of their ward due to reapportionment and candidates during an election year in which reapportionment occurs.

Vote: Yes: 9
No: 3
Undecided: 2

RECOMMENDATION #32 (Proposal #132):

Amend Section 126 to clarify that members of Council shall not hold any other public office or “public employment” while serving as a member of Council.

Proposed Language:

§ 26 Qualifications of Council Members

Members of the Council shall be residents of the City and have the qualifications of electors therein. A member of the Council, who at the time of his election, was a resident of the ward which he represents shall forfeit his office if he removes therefrom. Members of Council shall not hold any other public office or public employment except that of notary public or member of the State militia, and shall not be interested in the profits or emoluments of any contract job, work or service of the Municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office, and any such contract in which any member is or may become interested may be declared void by the Council. No member of the Council shall, except in so far as is necessary in the performance of the duties of his office, directly or indirectly interfere in the conduct of the administrative department, or directly or indirectly take any part in the appointment, promotion or dismissal of any officer, or employee in the service of the City other than the officers or employees of the Council.

Reason: This amendment clarifies past interpretations of this section that members of Council can hold other employment as long as it is not with another governmental entity.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #33 (Proposal #26):

Amend Section 28 to provide that if the first Monday in January is a legal holiday that the first meeting of a new term shall be held "at seven o'clock p.m. on the next business day at the usual place for holding meetings to assume the duties of their offices"

Proposed Language:

§ 28 Meetings of Council

At seven o'clock p.m., on the first Monday in January following a regular Municipal election, the Council shall meet at the usual place for holding meetings, at which time the newly-elected members of the Council shall assume the duties of their offices, provided however if the first Monday in January is a legal holiday, the Council shall meet at seven o'clock p.m. on the next business day at the usual place for holding meetings to assume the duties of their offices. Thereafter the Council shall meet at times as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any five members thereof may call special meetings of the Council upon at least twelve (12) hours' written notice to each member of the Council, served personally on each member or left at the usual place of residence of the member. Any notice of a special meeting shall state the subjects to be considered at the meeting and no other subjects shall be there considered. All meetings of the Council or committees shall be public and any citizen shall have access to the minutes and records at all reasonable times.

Reason: If the first Monday in January is a holiday, the organization meeting at the beginning of a new term for the Council shall be moved to the next business day.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #34 (Proposal #27):

Amend Section 28 to provide that all meetings of the Council shall be open to the public "except that the Council or any committee of the Council may exclude the public from executive sessions held for the purpose of considering matters that other public bodies may discuss in executive session under the general laws of the State and matters subject to attorney-client privilege."

Proposed Language:

§ 28 Meetings of Council

At seven o'clock p.m., on the first Monday in January following a regular Municipal election, the Council shall meet at the usual place for holding meetings, at which time the newly-elected members of the Council shall assume the duties of their offices. Thereafter the Council shall meet at times as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any five members thereof may call special meetings of the Council upon at least twelve (12) hours' written notice to each member of the Council, served personally on each member or left at the usual place of residence of such member. Any notice of a special meeting shall state the subjects to be considered at the meeting and no other subjects shall be there considered. All regular and special meetings of the Council or the Council's committees shall be open to the public, except that the Council or any committee of the Council may exclude the public from executive sessions held for the purpose of considering matters that other public bodies may discuss in executive session under the general laws of the State and matters subject to attorney-client privilege. Any citizen shall have access to the minutes and records of all public meetings of the Council at all reasonable times.

Reason: This amendment authorizes the Council to conduct executive sessions to discuss matters that other public bodies can discuss in executive session under state law.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #35 (Proposal #53):

Amend Section 29 to provide that Council's Journal may be kept in an electronic form and shall be available to the public in printed form upon request of the Clerk.

Proposed Language:

§ 29 Rules of Council

The Council shall determine its own rules and order of business and shall keep a Journal of its proceedings. The Journal may be kept in an electronic form and shall be kept on file and made available to the public in printed form upon request to the Clerk. It may punish or expel any member for disorderly conduct or violation of its rules. No expulsion shall take place without the concurrence of two-thirds of all the members elected nor until the delinquent member shall have been notified of the charge against the member and been given an opportunity to be heard.

Reason: This amendment recognizes new technology that allows records to be kept in an electronic format.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #36 (Proposal #54):

Amend Section 31 to provide that records of the Council may be kept in an electronic form and shall be available in printed form to the public upon request of the Clerk.

Proposed Language:

§ 31 Clerk of Council

The Council shall choose a Clerk and other officers and employees of its own body as are necessary. The Clerk shall keep the records of the Council and perform all other duties as may be required by this Charter or by the Council. Records of the Council may be kept in an electronic form and shall be kept on file and made available in printed form to the public upon request to the Clerk. All officers and employees chosen by the Council shall serve during the pleasure thereof.

Reason: This amendment recognizes new technology that allows records to be kept in an electronic format.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #37 (Proposal #55):

Amend Section 33 to permit ordinances and resolutions to be kept in an electronic form and that if kept electronically, printed copies shall be available to the public in printed form upon request of the Clerk; and that electronic copies of ordinances and resolutions shall include any files attached to the legislation?

Proposed Language:

§ 33 Enactment of Ordinances and Resolutions

Ordinances and resolutions shall be introduced in the Council in written, printed or electronic form. All ordinances or resolutions, except ordinances making appropriations, shall be confined to one subject which shall be clearly expressed in the title, except as provided in the next section. Ordinances making appropriations shall be confined to the subjects of appropriation. No ordinance shall be passed until it has been read on three separate days unless the requirement of reading on three separate days has been dispensed with by a two-thirds vote of all the members of the Council. The final reading shall be in full unless a written, printed or electronic copy of the measure shall have been furnished to each member of the Council prior to the reading. The enacting clause of all ordinances passed by the Council shall be "Be it ordained by the Council of the City of Cleveland." The enacting clause of all ordinances submitted by the initiative shall be "Be it ordained by the people of the City of Cleveland." Electronic copies of ordinances and resolutions shall include any files attached to the legislation. Copies of ordinances and resolutions which are kept electronically shall be kept on file and made available to the public in a printed form upon request to the Clerk.

Reason: This amendment recognizes new technology that allows records to be kept in an electronic format.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #39 (Proposal #56):

Amend Section 34 to provide that the Codified Ordinances can be kept in electronic form provided that the code is available in printed form to the public upon request of the Clerk as the Council may determine.

Proposed Language:

§ 34 Revision and Codification of Ordinances

Ordinances may be revised, codified, rearranged and published in book form or electronically under appropriate titles, chapters and sections and the revisions and codification may be made in one ordinance containing one or more subjects. The book form or electronic publication of the revisions and codification shall be a sufficient publication of the ordinance or several ordinances contained in the revisions and codification. Any electronic publication or publication in book form of a revision or codification of ordinances shall contain a certificate of the President of Council and the Clerk of the correctness of the revision, codification and publication and the electronic copy or the book so published shall be received in evidence in any court for the purpose of proving the ordinance or ordinances therein contained, the same and for the same purpose as the original book, ordinances, minutes or journals would be received. Copies of the book form of a revision or codification

of ordinances which is kept electronically shall be kept on file and made available in printed form to the public upon request to the Clerk as the Council may determine.

Reason: This amendment recognizes new technology that allows records to be kept in an electronic format.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #40 (Proposal #28):

Amend Section 36 to provide that all ordinances and resolutions, except for emergency measures, shall be in effect from and after "thirty (30) days" of passage instead of the current forty (40) days of passage.

Proposed Language:

§ 36 Emergency Measures

All ordinances and resolutions shall be in effect from and after thirty (30) days from the date of their passage by the Council except as otherwise provided in this Charter. The Council may by a two-thirds vote of the members elected to the Council, pass emergency measures to take effect at the time indicated in the emergency measure. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a Municipal department, in which the emergency is set forth and defined in a preamble to the emergency measure. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be so passed.

Reason: This amendment shortens the time period for ordinances to become effective and, when paired with the amendment to Charter Section 59, streamlines the City bond financing process. The City cannot sell bonds until the referendum period has passed. By reducing this period to 30 days, the Finance Department will be able to react more quickly to changing financial conditions.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #41 (Proposal #57):

Amend Section 37 to provide that the Mayor's veto objections may be entered by the Council electronically provided that printed copies are available to the public upon request of the Clerk?

Proposed Language:

§ 37 Mayor's Veto

Any ordinance or resolution passed by the Council shall be signed by the President or other presiding officer and presented forthwith to the Mayor by the Clerk. If the Mayor approves the ordinance or resolution, the Mayor shall sign it within ten (10) days after its passage or adoption by the Council but if the Mayor does not approve it, the Mayor shall return it to the Council with his or her objections within the ten (10) days, or if the Council be not then in session, at the next regular meeting thereof, which objections the Council shall cause to be entered, electronically or in writing, in full on its Journal. Copies of the Mayor's objection which are entered electronically shall be kept on file and made available in printed form to the public upon request to the Clerk. If the Mayor does not sign or veto an ordinance or resolution after its passage or adoption, within the time specified, it shall take effect in the same manner as if the Mayor had signed it. The Mayor may approve or disapprove the whole or any item or part of any ordinance or resolution appropriating money. When the Mayor refuses to sign an ordinance or resolution or part thereof and returns it to the Council with his or her objections, the Council shall, after the expiration of not less than one week, proceed to reconsider it and, if upon reconsideration, the resolution or ordinance or part or item thereof disapproved by the Mayor is approved by the vote of two-thirds of all the members elected to the Council it shall take effect without the signature of the Mayor. In all cases the votes shall be taken by "yeas" and "nays" and entered on the Journal in writing or electronically.

Reason: This amendment recognizes new technology that allows records to be kept in an electronic format.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #42 (Proposal #29):

Amend Section 38 to remove the requirement of printing at least 1,000 copies of the Mayor's Estimate and instead provide that the Mayor "shall cause a sufficient number of copies of the estimate to be printed to provide copies to the newspapers of the City, the public library and each of its branches, and to citizens of the City who may request copies. In addition, a copy shall be made available electronically on a City website."

Proposed Language:

§ 38 Mayor's Estimate

The fiscal year of the City shall begin on the first day of January. On or before the fifteenth day of November in each year the Mayor shall prepare an estimate of the expense of conducting the affairs of the City for the following year and shall submit such estimate to Council no later than February 1 of the following year. This estimate shall be compiled from detailed information obtained from the various departments on uniform blanks prepared by the Director of Finance, and shall set forth:

- (a) An itemized estimate of the expense of conducting each department.
- (b) Comparisons of the estimates with the corresponding items of expenditure for the last two complete fiscal years and with the expenditures of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.
- (c) Reasons for proposed increases or decreases in the items of expenditure compared with the current fiscal year.
- (d) A separate schedule for each department showing the things necessary for the department to do during the year and which of any desirable things it ought to do if possible.
- (e) Items of payroll increases as either additional pay to present employees, or pay for more employees.
- (f) A statement from the Director of Finance of the total probable income of the City from taxes for the period covered by the Mayor's estimate.
- (g) An itemization of all anticipated revenue from sources other than the tax levy.
- (h) The amounts required for interest on the City's debt, for sinking funds and for maturing serial bonds.
- (i) The total amount of outstanding City debt with a schedule of maturities of bond issues.
- (j) Any other information as may be required by the Council.

The Mayor shall cause of sufficient number of copies the estimate to be printed to provide copies to the newspapers of the City, the public library and each of its branches, and to citizens of the City who may request copies. In addition, a copy shall be made available electronically on a City website.

Reason: This amendment removes the requirement of printing 1,000 copies of the Mayor's Estimate and substitutes a sufficient number to meet the public's requests for copies. Copies should also be provided to the newspapers, public libraries and the document should be available on the City's website.

Vote: Yes: 11
No: 3
Undecided: 0

RECOMMENDATION #43 (Proposal #30):

Amend Section 39 to provide that the Council shall not pass the appropriation ordinance until 7 days (instead of 15 days) after it publication or before the first Monday in January.

Proposed Language:

§ 39 Appropriation Ordinance

Upon receipt of the Mayor's estimate the Council shall at once prepare an appropriation ordinance, in the manner as may be provided by ordinance or resolution, using the Mayor's estimate as a basis. Provisions shall be made for public hearings upon the appropriation ordinance before a committee of the Council or before the entire Council sitting as a committee of the whole. Following the public hearings and before the third reading and final passage, the appropriation ordinance shall be published in the City Record with a separate schedule setting forth the items asked for in the Mayor's estimate which were refused or changed by the Council, and the reasons for such change or refusal. The Council shall not pass the appropriation ordinance until seven (7) days after its publication or before the first Monday in January. Upon passage of the appropriation ordinance by the Council it shall be published in the manner provided for other ordinances.

Reason: This amendment shortens the time for "holding over" the appropriation ordinance to seven days prior to passage rather than 15 days prior to passage.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #44 (Proposal #140):

Amend Section 45 to permit the sale or lease of any rights of the City to lakefront property by a majority vote of the Council, instead of by a vote of the electors.

§ 45 ALIENATION OF WATER FRONT LANDS

The Council may surrender or release any rights of the City of Cleveland in or to the territory now covered by the waters of Lake Erie within the territorial limits of the City of Cleveland, or formerly covered thereby but now or hereafter filled, by approval of a majority of Council. The alienation, surrender or release of such rights shall be done by proper instrument executed in the name of the City of Cleveland by the Mayor. Any and all proceedings designed to carry into execution the provisions of Ordinance No. 37904-A, approved by the electors on

November 2, 1915, and Ordinance No. 47814, adopted by the electors on January 6, 1919, or amendatory of or supplementary to said ordinances are hereby expressly authorized, ratified, approved and confirmed.

Reason: This amendment removes the extraordinary requirement of a public vote before the City can implement a proposal to develop the City's lakefront property and leaves the decision to the City's elected officials like any other City-owned land.

Vote: Yes: 8
No: 6
Undecided: 0

RECOMMENDATION #45 (Proposal #31):

Amend Section 47 to provide that the Council shall cause "a comprehensive annual audit" to be made of the City's financial statements; the City's financial statements shall be performed by the office of the Ohio Auditor of State or one or more independent firms of certified public accountants; the audit "shall present fairly the financial position of the City at the end of each fiscal year and the results of the operations and changes in its financial position for the fiscal year, all in conformity with generally accepted accounting principles"; and a copy shall be provided the office of the Ohio Auditor of State.

Proposed Language:

§ 47 Audit and Examination

The Council shall cause a comprehensive annual audit to be made of the financial statements of the City and the supporting books of account, records and transactions of all departments of the City. The financial statements, during each fiscal year, shall be performed by the office of the Ohio Auditor of State or one or more independent firms of certified public accountants. The audit shall present fairly the financial position of the City at the end of each fiscal year and the results of its operations and changes in its financial position for the fiscal year, all in conformity with generally accepted accounting principles. The report of the accountants for each fiscal year shall be printed and a copy thereof furnished to the office of the Ohio Auditor of State, to the Mayor, to each member of the Council and to each citizen who may request a copy.

Reason: This amendment modernizes and generalizes the requirements of the City's financial statements and incorporates the standard of generally accepted accounting principles that is used today in all City audits.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #46 (Proposal #58):

Amend Section 48 to provide that final passage of legislation may be done electronically and that copies shall be available in printed form to the public upon request of the Clerk as determined by the Council.

Proposed Language:

§ 48 Publication of Ordinances and Resolutions

Every ordinance or resolution upon its final passage shall be recorded electronically or in book form and shall be authenticated by the presiding officer and Clerk of the Council in a manner determined by the Council. Every ordinance or resolution shall be published at least once in the City Record within ten (10) days after its final passage. Copies of ordinances and resolutions that are kept electronically shall be kept on file and made available in a printed form to the public upon request to the Clerk as determined by the Council.

Reason: This amendment recognizes new technology that allows records to be kept in an electronic format.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #47 (Proposal #32):

Amend Section 50 to remove the requirement that initiative petitions be accompanied with an affidavit from the circulator and add language that each signer should "give the date when the signature is made" and that "the circulator shall indicate the number of signatures contained on the petition, and shall sign a statement made under penalty of election falsification that the circulator witnesses the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose name it purports to be."

Proposed Language:

§ 50 Signing Petition

Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition paper after his name his place of residence by street and number, or by other description sufficient to identify the place, and give the date when the signature was made. The signatures to any petition paper need not all be appended to one paper but on each separate paper the circulator shall indicate the number of signatures contained on the petition, and shall sign a statement made under penalty of election falsification that the circulator witnesses the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose name it purports to be.

Reason: This amendment conforms City practice to current state law requirements for petitions, including no requirement that the circulator's signature be notarized.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #48 (Proposal #33):

Amend Section 51 to provide that initiative petitions must be filed with the Clerk "during regular business hours."

Proposed Language:

§ 51 Filing Petition

All papers comprising a petition shall be assembled and filed with the Clerk of the Council as one instrument during regular business hours. Within ten (10) days from the filing of a petition the Clerk shall ascertain whether it is signed by the required number of qualified electors. Upon the completion of the Clerk's examination the Clerk shall endorse upon the petition a certificate of the result thereof.

Reason: This amendment removes ambiguity and clarifies that initiative petition papers must be filed with the Clerk of Council during normal business hours.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #49 (Proposal #34):

Amend Section 57 to provide that a referendum election cannot occur sooner than 60 days after receipt of the Clerks' certificate that sufficient signatures have been collected.

Proposed Language:

§ 57 Ordinance Certification and Submission for Vote

Upon receipt of the certificate and certified copy of the proposed ordinance, the Clerk shall certify the fact to the Council at its next regular meeting. If an election is to be held not more than six months nor less than sixty (60) days after the receipt of the Clerks certificate by the Council, the proposed ordinance shall then be submitted to a vote of the electors of the City. If no election is to be held within the time aforesaid, the Council may provide for submitting the proposed ordinance to the electors of the City at a special election to be held not sooner than sixty days after the receipt of the Clerk's certificate. If a supplemental petition, signed by five thousand (5,000) qualified electors, in addition to those who signed the original petition, be filed with the Clerk asking that the proposed ordinance be submitted to the voters at a time indicated in such petition, the Council shall provide for a special election at the time. The sufficiency of any such supplemental petition shall be determined, and it may be amended in the manner provided for original petitions for proposing ordinances to the Council. If no other provision be made as to the time of submitting a proposed ordinance to a vote of the electors of the City, it shall be submitted at the next election.

Reason: This amendment was recommended by representatives of the Board of Elections since it would take at least 60 days to organize a referendum election after the Clerk's certificate.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #50 (Proposal #35):

Amend Section 59 to provide that no ordinance, except for emergency measures, shall go into effect until 30 days after passage and that within that 30 day period referendum petitions may be filed.

Proposed Language:

§ 59 The Referendum

No ordinance passed by the Council, unless it be an emergency measure, shall go into effect until thirty (30) days after its final passage by the Council. If at any time within said thirty (30) days, a petition signed by electors equal in number to ten percent (10%) of the total vote cast at the last preceding regular Municipal election of the City be filed with the Clerk of the Council requesting that the ordinance, or any specified part thereof, be repealed or submitted to a vote of the electors, it shall not become operative until the steps indicated herein have been taken. The petition shall be prepared and filed in the manner and form prescribed in the foregoing sections of this Charter for an initiative petition for an ordinance.

Reason: This amendment shortens the time period for filing referendum petitions and, when paired with the amendment to Charter Section 36, streamlines the City bond financing process.

Vote:	Yes:	12
	No:	2
	Undecided:	0

RECOMMENDATION #51 (Proposal #36):

Amend Section 66 to remove the requirement that initiative and referendum ballots be printed to provide an opportunity to mark the ballot with an “X” and replace with a provision that voters shall record their choices "in the manner prescribed by the general law of the State."

Proposed Language:

§ 66 Form of Ballots; Election Results

Ordinances, or parts thereof, submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title. There shall appear upon the official ballot a ballot title, which may be distinct from the legal title of the proposed or referred ordinances, and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of the ordinance, or part thereof. The ballot title shall be prepared by the committee of petitioners if for an initiated ordinance, and in all other cases by the Director of Law. The ballots used in voting upon the ordinance, or part thereof, shall have below the ballot title thereof the two following propositions, one above the other, in the order indicated: "For the ordinance" and "Against the ordinance." The elector of the City shall record the elector's vote for or against the ordinance or part of an ordinance, if part only of an ordinance is submitted in the manner prescribed by general law. Any number of ordinances, or parts thereof, may be voted upon at the same election and may be submitted on the same ballot, but the ballot used for voting thereon shall be for that purpose only. If a majority of the electors of the City voting on any ordinance, submitted in accordance with the initiative provisions of this Charter, shall vote in favor thereof, it shall thereupon become an ordinance of the City. If an ordinance or part of an ordinance, submitted in accordance with the referendum provisions of this Charter, be not approved by a majority of those voting thereon, it shall be deemed repealed.

Reason: In its present form, this section contemplates voting by paper ballots. As revised, this section recognizes the procedure for voting authorized by state law.

Vote:	Yes:	14
	No:	0
	Undecided:	0

RECOMMENDATION #52 (Proposal #59):

Amend Section 75 to permit the City Record to be kept in an electronic format and that copies shall be available in printed form to the public upon request of the Clerk as determined by the Council; and that copies of the City Record shall be furnished in printed form to the public library and each of its branches.

Proposed Language:

§ 75 City Record

The City shall compile weekly a City Record which shall contain the transactions and proceedings of the Council, the legal advertising of the City and any other information relating to the affairs of the City as shall be determined by ordinance. The City Record shall be compiled, distributed and sold in the manner and on the terms as the Council may determine, which may include an electronic format. If the City Record is kept in an electronic format, copies of the City Record shall be kept on file and made available in a printed form to the public upon request to the Clerk as the Council may determine. Copies of the City Record shall also be furnished in printed form to the public library and each of its branches. No unofficial advertisements shall be published in the City Record.

Reason: This amendment recognizes new technology that allows records to be kept in an electronic format but hard copies of the City Record should be furnished to all branches of the public library.

Vote:	Yes:	14
	No:	0
	Undecided:	0

RECOMMENDATION #53 (Proposal #37):

Amend Section 76 so that the six members of the City Planning Commission appointed by the Mayor "shall include one architect, one attorney, and one real estate or real estate development professional."

Proposed Language:

§ 76 City Planning Commission

There shall be a City Planning Commission composed of seven (7) members. One shall be a member of the Council of the City of Cleveland chosen by each Council to serve during the term of that Council, and six members shall be appointed by the Mayor, with the approval of Council, and may be removed by the Mayor. The six members appointed by the Mayor shall include one architect, one attorney, and one real estate or real estate development professional. The term of the members, other than Council members, shall be six (6) years, except that of the initial appointments, the terms of two members shall be two (2) years, and the terms of two members shall be four (4) years. Vacancies in the Commission shall be filled in the same manner for the unexpired term. The Chairman of the Commission shall be appointed annually by the Mayor from the members and may be removed as Chairman at the Mayor's pleasure.

Reason: This amendment requires the inclusion of appointees with applicable professional expertise to the City Planning Commission.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #54 (Proposal #38):

Amend Section 76-1 to have the Planning Director serve at the pleasure of the Mayor without nomination by the Commission for appointment or concurrence of the Commission for removal.

Proposed Language:

§ 76-1 Directors and Staff

There shall be a Planning Director who shall be appointed by and serve at the pleasure of the Mayor. The Planning Director shall be ex-officio Secretary of the City Planning Commission and shall serve until removed by the Mayor. Upon nomination of the Planning Director the Commission shall appoint as its staff technical and office personnel and assistants as it may deem necessary within the appropriation made available for that purpose. All appointments, except the Planning Director and the Planning Director's secretary, shall be made in conformity with the civil service provisions of this Charter. Under the direction of the Commission the Director shall supervise and control the planning staff.

Reason: Under the revised language, the Mayor appoints the Planning Director.

Vote: Yes: 9
No: 5
Undecided: 0

RECOMMENDATION #55 (Proposal #39):

Amend Section 76-1 to have the Planning Director be the appointing authority for the Commission's staff, not the Commission.

Proposed Language:

§ 76-1 Directors and Staff

There shall be a Planning Director who shall be nominated by the Commission and appointed by the Mayor at the Mayor's discretion. The Planning Director shall be ex-officio Secretary of the City Planning Commission and shall serve until removed by the Mayor with the concurrence of a majority of the Commission. The Planning Director shall appoint as the Commission's staff technical and office personnel and assistants as the Planning Director may deem necessary within the appropriation made available for that purpose. All appointments, except the Planning Director and the Planning Director's secretary, shall be made in conformity with the civil service provisions of this Charter. Under the direction of the Commission the Director shall supervise and control the planning staff.

Reason: Under the revised language, the Planning Director appoints the Commission's staff.

Vote: Yes: 8
No: 6
Undecided: 0

RECOMMENDATION #56 (Proposal #60):

Amend Section 76-3 to revise the language concerning mandatory referral of legislation to the City Planning Commission to read as provided in the proposed language below.

Proposed Language:

§ 76-3 Mandatory Referral

All ordinances or resolutions of Council prior to their passage or adoption, or acts or orders of any administrative official or agency of the City of Cleveland prior to their implementation, which establish zoning or other land use regulations; acquire, sell, transfer, or lease publicly owned land; vacate, dedicate, accept, widen, extend, narrow, relocate, reconstruct or encroach upon public rights-of-way; plan, design, locate or enter into contract for public improvements, except for the maintenance or repair of an existing public improvement that does not substantially alter the exterior conditions of the property or substantially alter public areas within public buildings; authorize public funding of development projects that change land use or the exterior conditions of the property, or other matters as Council by ordinance determines, shall be submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by the Planning Commission within thirty (30) days from the date of referral, unless a longer time is allowed by Council. If the Commission shall fail to act within the time aforesaid, it shall be deemed to have approved the matter. Any provision of any ordinance, resolution or order disapproved by formal action of the Planning Commission shall require a two-thirds vote of all the members of Council for adoption of authorization. If any plan, design, or other proposal concerns the location or use of any public improvement or public property or change thereof within the territorial limits of the City of Cleveland but does not under the law or Charter provision governing the same fall within the province of the Council or other

official agency of the City of Cleveland, then the submission to the Planning Commission shall be by the State, County, district, school, township or other official, board, commission or body having jurisdiction over the public improvement or property, in accordance with the provisions of the general law of the State of Ohio; and the City Planning Commission's disapproval may be overruled not earlier than one week after communicating to the Commission the reasons therefor, by the official, or by the board, commission or body by a vote of not less than two-thirds of its membership.

Reason: This change clarifies and better defines the types of legislation and administrative decisions to be referred to the City Planning Commission.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #57 (Proposal #40):

Repeal Section 76-4 regarding the creation of Co-ordinating Boards and Advisory Committees.

Proposed Language:

§ 76-4 Co-ordinating Board and Advisory Committee—REPEALED

Reason: This board and committee have not existed for many years and have been replaced by various design review advisory committees.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #58 (Proposal #41):

Amend Section 76-6 so that the five members of the Board of Zoning Appeals "shall include one attorney and one real estate or real estate development professional."

Proposed Language:

§ 76-6 Board of Zoning Appeals; Board of Building Standards and Building Appeals

Within 30 days after this section becomes effective, there shall be established a Board of Zoning Appeals which shall be constituted and shall have jurisdiction as hereinafter provided. The members of the then existing Board of Appeals shall remain in office as the Board of Zoning Appeals for the terms for which the members were appointed, subject to the terms and conditions as to tenure of office set forth in the Charter at the time of their appointment, and shall retain jurisdiction of and dispose of all matters then pending before the Board of Appeals.

Within 30 days after this section becomes effective, there shall be established a Board of Building Standards and Building Appeals which shall be constituted and shall have jurisdiction as hereinafter provided.

(a) *Board of Zoning Appeals.* There shall be a Board of Zoning Appeals composed of five (5) members appointed by the Mayor. The five members appointed by the Mayor shall include one attorney and one real estate or real estate development professional. The members of the Board shall be appointed for a term of five years each. The Mayor may remove any member for cause and vacancies shall be filled in the same manner for the unexpired term. The Chairman of the Board shall be appointed annually by the Mayor. Members of the Board shall receive such compensation as is fixed by Council.

Separate provision shall be made in the budget for the expenditures of the Board and the expenditures shall not be included within the budget provided for the Planning Commission. The planning staff shall furnish the necessary technical advice and services required by the Board.

(b) *Jurisdiction of Board of Zoning Appeals.* It shall be the duty of the Board of Zoning Appeals to hear and decide appeals made for exceptions to and variations in the application of ordinances governing zoning in the City of Cleveland in conformity with the purpose and intent thereof, and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders or regulations of administrative officials or agencies; except such as are within the jurisdiction of the Board of Building Standards and Building Appeals.

(c) *Board of Building Standards and Building Appeals.* There shall be a Board of Building Standards and Building Appeals which shall consist of five (5) members to be appointed by the Mayor for original terms of one, two, three, four, and five years respectively, and thereafter for terms of five years each. One of the members shall be a registered architect who shall have had at least ten years' experience as an architect; one shall be a registered professional engineer who shall have had at least ten years' experience as an engineer engaged in the design of structural work in buildings; one shall be a registered professional engineer who shall have had at least ten years' experience as an engineer engaged in the design of mechanical equipment for buildings; one shall be a builder who shall have had at least ten years' experience in the construction, erection and alteration of buildings; and one shall be a member of organized labor representing the building trades who shall have had at least ten years' experience in the supervision of the construction, erection and alteration of buildings. Each year the Mayor shall designate one of the members of the Board as Chairman of the Board for the calendar year.

Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made.

Each member shall receive compensation for each day of services performed in the amount set by the Council and based upon the accepted rate prevailing at the time of appointment, which compensation per diem shall not be reduced or increased during the term of appointment. Members shall attend the hearings and executive sessions of the Board, and shall perform such other duties as may be required by the Chairman; provided that an alternate may serve in place of a member, as hereinafter set forth.

There shall be an alternate for each member of the Board appointed in the manner prescribed for members; the alternate may serve in place of the member of corresponding qualifications whenever the member is unable to act or is self-disqualified because of personal interest, and shall then have all the powers of the member and shall receive compensation for services in the same manner as provided for the member.

Separate provisions shall be made in the budget for the expenditures of the Board and the expenditures shall not be included in the budget for any other City department or agency.

The Board shall be provided with office space and all necessary office equipment, and a hearing room, and such technical, clerical or stenographic assistance as will be required for the proper performance of its duties.

Any member and any alternate may be removed by the Mayor on proof of official misconduct, or of negligence in official duties, or of conduct in any manner connected with the member's official duties which tends to discredit the member's office, or of mental or physical disability to perform the member's duties; but before removal the member shall receive a copy of the charges, and shall be entitled to a hearing before the Mayor in person or by counsel, and the action of the Mayor shall be final.

(d) *Jurisdiction of the Board of Building Standards and Building Appeals.* The Board of Building Standards and Building Appeals shall have the power:

To approve or disapprove materials, types of construction, appliances, devices or appurtenances proposed for use pursuant to the Building Code of the City of Cleveland.

To make, amend, and repeal rules and regulations for carrying into effect all provisions of the Building Code other than those relating to zoning and to include in the rules and regulations provisions applying to specific conditions and prescribing means and methods of practice to effectuate the provisions.

To hear and decide appeals from, and to review upon motion of any member of the Board, any order, requirement, decision or determination of the Commissioner of Building and Housing, or of any other administrative official or agency of the City, relating to the location, design, materials, construction, alteration, repair, equipment, use or occupancy, maintenance, removal or demolition, of any building or other structure, or any appurtenance connected or attached to the buildings or structures, regulated by the Building Code of the City of Cleveland, and any rule or regulation or amendment or repeals thereof made by said officials or agencies under the authority conferred upon them by the Building Code of the City of Cleveland, by reversing or affirming in whole or in part, or modifying the order, requirement, decision or determination, or rule, regulation, amendment or repeals thereof as in its opinion ought to be made in the premises, and to that end shall have the power of the officer or agency relative to whose ruling the action is taken; except that matters relating to zoning shall not come within the province or jurisdiction of this Board. In taking the action, the Board of Building Standards and Building Appeals may vary or modify the application of any provision of the Building Code except provisions relating to zoning, to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, impose unnecessary hardship, or would be contrary to the intent and purpose of the Building Code, or public interest.

To review, upon the motion of any member of the Board, any rule, regulation or decision of the Board; but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified.

To exercise with respect to buildings situated in the City of Cleveland the same powers as are exercised by the Board of Building Standards under the laws of the State of Ohio to the extent that it is competent for this Charter so to authorize the Board.

To formulate and submit to the City Council, changes in and amendments to the Building Code which the Board determines as desirable for the proper regulation of buildings and structures and the equipment thereof and appurtenances thereto in the City of Cleveland.

To establish rules and regulations for its own procedure not inconsistent with this section.

Reason: This amendment requires the inclusion of appointees with applicable professional expertise to the City Planning Commission.

Vote: Yes: 10
No: 4
Undecided: 0

RECOMMENDATION #59 (Proposal #61):

Amend Section 83 to clarify that the Law Department only needs to approve documents that legally obligate the City or expose the City to legal liability.

Proposed Language:

§ 83 Director of Law; Qualifications and Duties

The Director of Law shall be an attorney at law admitted to practice in the State of Ohio. The Director of Law shall be the legal advisor of and attorney and counsel for the City, and for all officers and departments of the City in matters relating to their official duties. The Director of Law shall prosecute or defend all suits for and on behalf of the City. The Director of Law shall prepare all contracts, bonds and other instruments in writing which legally obligate the City or expose the City to legal liability and shall endorse on each the Director's approval of the form and correctness of the contract, bond or instrument. No bond, contract or instrument shall become effective without the endorsement by the Director of Law on the document.

Reason: This amendment clarifies that the requirement of legal form and correctness is only required when the City is obligated under a written document. If passed, it will streamline the review and finalization of a number of City documents.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATION #60 (Proposal #62):

Amend Section 84 to remove the requirement that Council fix the number of assistant prosecutors by ordinance and instead leave the number at the discretion of the Director of Law and the annual budget process.

Proposed Language:

§ 84 Director as Prosecuting Attorney

The Director of Law shall be the Prosecuting Attorney of the Municipal Court. The Director may designate the number of assistant prosecutors as the Director determines are necessary to prosecute all cases brought before the Court and perform the same duties, so far as they are applicable, as are required of the Prosecuting Attorney of the County.

Reason: The number of assistant prosecutors should be left to the Council to consider during the budget process and the decision of the Director of Law as to the needs of his department in order to cover increases in workload.

Vote: Yes: 11
No: 3
Undecided: 0

RECOMMENDATION #61 (Proposal #42):

Amend Section 94 to provide that the Director of Finance shall be "the chief financial and accounting officer of the City" and be in charge of "maintenance of all accounting records; the collection, audit, custody, safeguarding, investment and disbursement of City funds and moneys; the preparation of budgets and annual appropriation measures and the monitoring of City revenues and expenditures; the preparation of periodic financial reports;" and the "purchase of all goods and services needed by the City."

Proposed Language:

§ 94 Director of Finance

The Director of Finance shall be the chief financial and accounting officer of the City. The Director of Finance shall have charge of the Department of Finance and the administration of the financial affairs of the City, including the maintenance of all accounting records; the collection, audit, custody, safeguarding, investment and disbursement of City funds and moneys; the preparation of budgets and annual appropriation measures and the monitoring of City revenues and expenditures; the preparation of periodic financial reports; the making and collection of special assessments; the issuance of licenses; the collection of license fees; the control over expenditures; the purchase of all goods and services needed by the City; and other duties as the Council may by ordinance require.

Reason: This amendment clarifies that the Director of Finance is the City's chief financial and accounting officer and better identifies the duties of the Director.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #62 (Proposal #43):

Amend Section 95 to provide that "accounting records shall be maintained by the Department of Finance documenting the financial transactions of all funds and account of the City"; that "accounting records shall be maintained in a form as shall enable the City to monitor expenditures, revenues and appropriations and to prepare financial statements in accordance with generally accepted accounting principles and as required by law or ordinance"; and that the last two sentences in the section be repealed.

Proposed Language:

§ 95 Accounting Procedure

Accounting records shall be maintained by the Department of Finance documenting the financial transactions of all funds and accounts of the City. The accounting records shall be maintained in a form as shall enable the City to monitor expenditures, revenues and appropriations and to prepare financial statements in accordance with generally accepted accounting principles and as required by law or ordinance.

Reason: This amendment modernizes the requirements for the City's accounting procedures and incorporates that standard of generally accepted accounting principles.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #63 (Proposal #44):

Amend Section 96 to provide that the Director of Finance shall "submit to Council periodic, but not more than monthly, reports of the City's current financial condition as Council may from time to time, by ordinance or resolution, request. The reports shall be in a form as the Director of Finance shall deem appropriate to show the revenues and expenditures of each fund of the City for the period covered by the report as compared to the amount appropriated to each fund" and that the remainder of the section be repealed.

Proposed Language:

§ 96 Monthly Financial Statement

The Director of Finance shall submit to Council periodic, but not more than monthly, reports of the City's current financial condition as Council may from time to time, by ordinance or resolution, request. The reports shall be in a form as the Director of Finance shall deem appropriate to show the revenues and expenditures of each fund of the City for the period covered by the report as compared to the amount appropriated to each fund.

Reason: This amendment provides flexibility for the Director of Finance and the Council to determine the frequency of periodic financial reports and the form of the reports.

Vote: Yes: 14
 No: 0
 Undecided: 0

RECOMMENDATION #64 (Proposal #45):

Amend Section 98 to provide that special audits upon the death, resignation, removal or expiration of the term of a City officer shall occur "if requested to do so by the Mayor or the Council."

Proposed Language:

§ 98 Special Audits

Upon the death, resignation, removal or expiration of the term of any officer of the City, the Director of Finance, if requested to do so by the Mayor or the Council, shall cause an audit and investigation of the accounts of the officer to be made and shall report to the Mayor and the Council. In case of death, resignation or removal of the Director of Finance, the Mayor shall cause an audit to be made of the Director's accounts, if requested by the Council. If, as a result of any audit, an officer be found indebted to the City, the Director of Finance, or other person making the audit, shall immediately give notice of the result to the Mayor and the Director of Law and the latter shall forthwith proceed to collect the indebtedness.

Reason: This amendment makes the requirement of special audits subject to mayoral or councilmanic request and places responsibility for the audits with the Director of Finance.

Vote: Yes: 14
 No: 0
 Undecided: 0

RECOMMENDATION #65 (Proposals #63 and #64):

Amend Section 108(a) to raise the small purchase exception to \$50,000 and to allow the Council to increase the small purchase exception in the future by a two-thirds affirmative vote.

Proposed Language:

§ 108 Authorization of Contracts

(a) All contracts involving any expenditure in excess of fifty thousand dollars (\$50,000.00) shall first be authorized and directed by ordinance of Council, provided that the Council may increase the expenditure limit contained in this section above fifty thousand dollars (\$50,000) by passage of an ordinance receiving a two-thirds affirmative vote of the Council. Except as provided in divisions (b) and (c) of this section, when so authorized and directed, the director of the department involved shall make a written contract with the lowest and best bidder after advertisement once a week for two consecutive weeks in the City Record.

Reason: This amendment will increase the City's "small purchase exception" from \$10,000 to \$50,000, which may be increased by a two-thirds vote of the Council. It will significantly streamline and improve the City's contracting process.

Vote: Yes: 12
 No: 2
 Undecided: 0

RECOMMENDATION #66 (Proposal #65):

Amend Section 108(b) to allow the City to enter into cooperative purchase agreements with any governmental agency when authorized by ordinance of Council.

Proposed Language:

(b) When authorized by ordinance passed by the Council and in accordance with the applicable laws, competitive bidding and advertisement are not required for the City to enter into contracts for the purchase of supplies, services, materials and equipment through employment of cooperative purchase arrangements with other governmental agencies.

Reason: This amendment will authorize the City to enter into cooperative purchasing arrangements with other governmental entities including the federal government. Currently, the City can only enter into these arrangements with the State of Ohio.

Vote: Yes: 13
 No: 1
 Undecided: 0

RECOMMENDATION #67 (Proposal #66):

Amend Section 108(c) to allow the City to enter into contracts without competitive bidding when other cities can do so under state law and under principles of common law.

Proposed Language:

(c) When authorized by ordinance passed by the Council, competitive bidding and advertisement are not required for the City to enter into contracts for any purpose for which contracts may be awarded by a municipal corporation without advertisement or competitive bidding under the general laws of the State of Ohio or under principles of common law recognized by the courts of the State of Ohio.

(d) There shall be no splitting of orders to avoid the effect of this section, and any contract made contrary to or in evasion of the provisions of this section shall be illegal and void.

Reason: This amendment will recognize the same exceptions to competitive bidding provided in state law and under the Ohio common law.

Vote: Yes: 11
No: 3
Undecided: 0

RECOMMENDATION #68 (Proposal #67):

Amend Section 115-1 to permit the Director of Public Safety to appoint one or more investigators for the Office of Professional Standards in lieu of officers from the police force.

Proposed Language:

§ 115-1 Office of Professional Standards

There shall be in the office of the executive head of the police force an Office of Professional Standards, consisting of one or more investigators appointed by the executive head of the police force, an administrator, and the Police Review Board. The executive head of the police force may designate an officer of the police force to administer the Office of Professional Standards, or an employee appointed to the position of Professional Standards Administrator in conformity with the civil service provisions of this Charter.

Reason: This amendment will enable the Director of Public Safety to hire civilian investigators to perform the work of the Office of Professional Standards.

Vote: Yes: 11
No: 1
Undecided: 2

RECOMMENDATION #69 (Proposal #68):

Amend Section 115-2 to increase the number of members on the police Review Board to seven with the terms of the two new members to commence on August 8, 2009.

Proposed Language:

§ 115-2 Police Review Board

The Police Review Board shall consist of seven (7) members appointed by the Mayor with the approval of the Council. The five members of the Police Review Board holding the office as of the effective date of this section may continue in office for the remainder of their terms. Two additional members shall be appointed for terms commencing on August 8, 2009. Terms of office for members of the Police Review Board shall be for four years. Vacancies shall be filled in the same manner as original appointments for the unexpired term.

The executive head of the police force may remove any member of the Board, upon notice and hearing, for neglect of duty or malfeasance in office.

Members of the Board shall receive compensation as may be established by the Council.

The Mayor shall designate annually one member of the board to serve as its chair.

The Board shall appoint personnel as its staff as it deems necessary.

Failure of the Council to act on a mayoral appointment within thirty (30) days of its submission shall constitute approval of the appointment.

Reason: This amendment will increase the size of the Police Review Board and enable a more diverse representation of the community on the Board.

Vote: Yes: 12
No: 1
Undecided: 1

RECOMMENDATION #70 (Proposal #69):

Enact New Section 116-1 and amend Sections 116 and 117 to authorize the Director of Port Control to establish an airport police force as of January 1, 2009 led by a Chief of Airport Police appointed by the Director of Port Control with the approval of the Mayor who shall have exclusive control the stationing and transfer of officers and employees in the airport police force.

Proposed Language:

§ 116 Police Force; Control by Chief

Except as provided in Sections 116-1 of this Charter, the Police Force shall consist of a Chief, three Deputy Chiefs of Police, eleven Commanders of Police, and such other officers, patrolmen and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a fourth Deputy Chief of Police to protect the people from homeland security threats and a twelfth Commander of Police for community policing. In case of riot or like emergency the Mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. Except as provided in Sections 116-1 of this Charter, the Chief of Police shall have exclusive control of the stationing and transfer of patrolmen and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

§ 116-1 Airport Police Force; Control by Director of Port Control [NEW]

As of January 1, 2009, the Director of Port Control is authorized to establish an Airport Police Force consisting of a Chief of Airport Police and such other officers, patrolmen and employees as may be provided by ordinance of the Council. The Airport Police Force shall provide law enforcement and related security services to the City-owned airports. The Chief of Airport Police shall be appointed by the Director of Port Control with the approval of the Mayor, shall have had training and experience in law enforcement, and shall serve at the pleasure of the Director of Port Control. The Chief of Airport Police shall have exclusive control of the stationing and transfer of officers and employees constituting the Airport Police Force, under such rules and regulations as may be established by the Director of Port Control.

117 Special Policemen

Except for members of the Airport Police Force established under Sections 116-1 of this Charter, no person shall act as a special policeman, special detective or other special police officer for any purpose whatsoever, except upon written authority from the Mayor or from the director of the department of which the Police Force may be a part. Such authority shall be exercised only under the direction and control of the Chief of Police and for a specified time, not to exceed six months.

Reason: This new section and related amendments authorize the Director of Port Control to create an airport police force to meet the needs of the City’s two airports and the traveling public.

Vote: Yes: 10
No: 3
Undecided: 1

RECOMMENDATION #71 (Proposal #70):

Enact New Section 118-1 and amend Section 118 to authorize the Director of Port Control to establish an airport rescue and fire force as of January 1, 2009 led by a Chief of Airport Rescue and Fire appointed by the Director of Port Control with the approval of the Mayor who shall have exclusive control the stationing and transfer of officers and employees in the airport police force.

Proposed Language:

§ 118 Fire Force; Control by Chief

Except as provided in Section 118-1 of this Charter, the Fire Force shall consist of a Chief and such other officers, firemen and employees as may be provided by ordinance or resolution of the Council. In case of riot, conflagration, or like emergency the Mayor may appoint additional firemen and officers for temporary service who need not be in the classified service. Except as provided in Section 118-1 of the Charter, the Fire Chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees constituting the Fire Force under such rules and regulations as may be established by the Mayor or by the director of the department of which the said Fire Chief may be immediately responsible.

§ 118-1 Airport Rescue and Fire Force; Control by the Director of Port Control [NEW]

As of January 1, 2009, the Director of Port Control is authorized to establish an Airport Rescue and Fire Force consisting of a Chief and such other officers, firemen and employees as may be provided by ordinance of Council. The Airport Fire Force shall provide aircraft rescue, pre-hospital care and fire first responder services to the City-owned airports in addition to the Fire Force. The Chief of Airport Rescue and Fire shall be appointed by the Director of Port Control with the approval of the Mayor, shall have had training and experience in fire protection, and shall serve at the pleasure of the Director of Port Control. The Chief of Airport Rescue and Fire shall have exclusive control of the stationing and transfer of officers and employees constituting the Airport Rescue and Fire Force, under such rules and regulations as may be established by the Director of Port Control.

Reason: This new section and related amendments authorize the Director of Port Control to create an airport fire force to meet the needs of the City's two airports and the traveling public.

Vote: Yes: 10
No: 2
Undecided: 2

RECOMMENDATION #72 (Proposal #72):

Amend Section 118 to reorganize the command staff of the Fire Force to include six Deputy Chiefs of Fire, four Commanders of Fire and a seventh Deputy Chief or fifth Commander for homeland security, to be appointed by the Mayor from persons recommended by the Fire Chief with the concurrence of the Safety Director from either the ranks of the Fire Force or outside the division and serve at the pleasure of the Mayor, and that, upon termination in the new opposition, the officers appointed from the ranks revert to the civil service status held at the time of appointment.

Proposed Language:

§ 118 Fire Force; Control by Chief

The Fire Force shall consist of a Chief, six Deputy Chiefs of Fire, four Commanders of Fire and other officers, firefighters and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a seventh Deputy Chief or a fifth Commander to protect the people from homeland security threats. In case of riot, conflagration, or like emergency the Mayor may appoint additional firefighters and officers for temporary service who need not be in the classified service. The Fire Chief, the Deputy Chiefs of Fire, and the Commanders of Fire shall be appointed by the Mayor from the division of fire or they may be persons appointed from outside the division who shall have had training and experience in fire fighting and they shall serve at the pleasure of the Mayor; provide, however, that the Mayor shall appoint to the positions of Deputy Chief of Fire and Commander of Fire from among persons recommended by the Chief of Fire with the concurrence of the executive head of the Fire Force if the executive head be other than the Mayor. Upon termination of their service as Chief of Fire, Deputy Chief of Fire, or Commander of Fire they shall, if appointed from the division of fire, revert to the civil service status held by them at the time of appointment, in so far as it is competent for this charter so to provide. The Fire Chief shall have exclusive control of the stationing and transfer of all firefighters and other officers and employees constituting the Fire Force under rules and regulations as may be established by the Mayor or by the director of the department of which the Fire Chief may be immediately responsible.

Reason: This amendment creates a command staff in the Fire Force consistent with the command staff in the Police Force.

Vote: Yes: 9
No: 5
Undecided: 0

RECOMMENDATIONS #73 to #76

There are four substantive recommended amendments suggested to existing Charter Section 121.

Proposed Language:

§ 137-1 Appeal to Civil Service Commission [Formerly Section 121]

A non-probationary employee in the classified service, who is suspended for more than three (3) days, demoted, or dismissed from the service of the City may file a written appeal from the decision to the Civil Service Commission within ten days from and after the date of the suspension, demotion, or dismissal. The appointing authority involved, upon notice from the Commission of the appeal, shall transmit to the Commission a copy of the charges and proceedings. The Commission shall set the appeal for hearing within thirty days from and after the filing of the same with the Commission.

After the appointing authority has reviewed the findings and recommendations of the hearing officer and made a final decision, the Commission, after a hearing at a regularly scheduled meeting, may affirm, disaffirm or modify the decision of the appointing authority. The judgment of the Commission in the matter shall be final.

Recommendation #73 (Proposal #74): Renumber and relocate the section from existing Section 121 to new Section 137-1.

Reason: This proposal moves existing Section 121 into the Civil Service chapter of the Charter where it belongs.

Vote: Yes: 13
No: 1
Undecided: 0

Recommendation #74 (Proposal #75): Amend section to allow appeals from non-probationary employees to the Civil Service Commission from suspensions of more than three days, instead of only suspensions of more than 10 days.

Reason: This amendment increases the right of employees to appeal disciplinary actions to the Civil Service Commission but does not unduly burden appointing authorities and the staff of the Commission in addressing disciplinary issues.

Vote: Yes: 13

No: 1
Undecided: 0

Recommendation #75 (Proposal #76): Amend section to provide that the Civil Service Commission shall set an appeal for hearing within 30 days of filing, instead of a hearing within 10 days of filing.

Reason: This amendment gives the Commission additional time to hear the increase in appeals that could result from adoption of Recommendation #74.

Vote: Yes: 10
No: 4
Undecided: 0

Recommendation #76 (Proposal #77): Amend section to provide that, after the appointing authority has reviewed the findings and recommendations of the hearing officer and made a final decision, the Civil Service Commission, after a hearing at a regularly scheduled meeting, may affirm, disaffirm or modify the decision of the appointing authority.

Reason: This amendment reflects current practice as reflected in the civil service rules.

Vote: Yes: 11
No: 1
Undecided: 2

RECOMMENDATIONS #77 and #78:

There are two substantive recommended amendments to existing Charter Section 125.

Proposed Language:

§ 125 Officers of Commission; Salaries

The Civil Service Commission shall designate one of its members as President and shall appoint a Chief Examiner. The Secretary of the Civil Service Commission shall appoint other officers and employees as may be necessary. The salaries of the Commission shall be determined by the Council and a sufficient fund shall be appropriated each year to carry out the civil service provisions of this Charter. The salaries of the Chief Examiner and other subordinates shall be fixed by the Secretary of the Civil Service Commission.

Recommendation #77 (Proposal #81A): Amend section to provide that the Civil Service Commission appoints the Chief Examiner and the other officers and employees are appointed by the Secretary of the Civil Service Commission.

Reason: This amendment provides for efficient administration of the civil service staff.

Vote: Yes: 11
No: 1
Undecided: 2

Recommendation #78 (Proposal #82): Amend section to provide that the Secretary of the Civil Service Commission shall fix the salaries of the Chief Examiner and other subordinates, instead of the Commission?

Reason: This amendment provides for efficient administration of the civil service staff.

Vote: Yes: 11
No: 3
Undecided: 0

RECOMMENDATIONS #79 to #83:

There are five recommended amendments to existing Charter Section 126(a).

Proposed Language:

§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All directors and assistant directors of departments.
- (c) The Clerk of Council.
- (d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.
- (e) Seven Deputy Chiefs of Fire and five Commanders of Fire.
- (f) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.
- (g) The secretary to the mayor and one secretary for each director of a department.

(h) Executive Assistants to the Mayor and Special Assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.

(i) Temporary employees for a period not to exceed ninety (90) days and seasonal employees for a period not to exceed one hundred and eighty (180) days.

(j) Students enrolled in a recognized educational institution and in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.

(k) School crossing guards.

(l) Members of the auxiliary police force.

Recommendation #79 (Proposal #83): Add assistant directors of departments to the unclassified service.

Reason: Managers in these positions should be part of the administrative team accountable to the Mayor and his administrative staff.

Vote: Yes: 12
No: 2
Undecided: 0

Recommendation #80 (Proposal #86): Add the Seven Deputy Chiefs of Fire and five Commanders of Fire to the unclassified service.

Reason: Like the command staff in the Police Force, fire fighters in these positions should be part of the administrative team accountable to the Mayor and his administrative staff.

Vote: Yes: 8
No: 5
Undecided: 1

Recommendation #81 (Proposal #88): Add the Executive Assistants to the Mayor, without a limit as to their number, and Special Assistants to the Mayor to the unclassified service.

Reason: Employees in these positions should be part of the administrative team accountable to the Mayor and his administrative staff.

Vote: Yes: 12
No: 2
Undecided: 0

Recommendation #82 (Proposal #89): Add temporary employees for a period not to exceed ninety (90) days and seasonal employees for a period not to exceed one hundred and eighty (180) days to the unclassified service.

Reason: These positions should be added to the unclassified service because they are temporary and of short-term duration.

Vote: Yes: 13
No: 1
Undecided: 0

Recommendation #83 (Proposal #90): Add students enrolled in a recognized educational institution, instead of only colleges and universities, to the unclassified service.

Reason: All student aides for training purposes should be added to the unclassified service and not be limited to students enrolled in colleges and universities.

Vote: Yes: 14
No: 0
Undecided: 0

RECOMMENDATIONS #84 to #86:

There are three recommended amendments to existing division 2. of Charter Section 126.

Proposed Language:

§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

(a) All officers elected by the people.

(b) All directors of departments.

(c) The Clerk of Council.

(d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.

(e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.

- (f) The secretary to the mayor and one secretary for each director of a department.
- (g) Eight (8) executive assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.
- (h) Students enrolled in a recognized college or university in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.
- (i) School crossing guards.
- (j) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, the noncompetitive class and the general labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The noncompetitive class shall include all positions requiring specialized training, skills requiring certifications, licensure, and qualifications of a scientific, business, managerial, professional or educational character, as may be determined by the Commission. The fitness of applicants in the non-competitive class shall be based on the applicant's knowledge, skills and abilities relative to the qualifications for the position.

(c) The general labor class shall include semi-skilled and unskilled labor positions for which it is impractical to give competitive tests. The positions shall be filled from a registration list established and maintained by the Commission. The Commission shall register applicants for positions in the general labor class after public notice of vacancies. Vacancies in the general labor class shall be filled from the registration list provided to the appointing authority by the Commission. The Commission staff shall add an applicant's name to the registration list after the applicant has provided documentation that he or she meets the job requirements.

Recommendation #84 (Proposal #93): Amend section to change the name of the “ordinary unskilled labor class” to the “general labor class.”

Reason: The term “ordinary unskilled labor class” is not accurate and should be replaced by the correct term “general labor class.”

Vote: Yes: 14
 No: 0
 Undecided: 0

Recommendation #85 (Proposal #94): Amend section to provide that the noncompetitive class shall include all positions requiring “specialized training, skills requiring certifications, licensure, and qualifications of a scientific, business, managerial, professional or educational character, as may be determined by the Civil Service Commission”; and that the fitness of applicants in this class shall be based on the applicant’s knowledge, skills and abilities relative to the qualifications for the position.

Reason: The current language describing the non-competitive class should be more descriptive and modernized to reflect positions for which a competitive exam is inappropriate.

Vote: Yes: 13
 No: 1
 Undecided: 0

Recommendation #86 (Proposal #95): Amend section to provide that the general labor class shall include “semi-skilled” and unskilled labor positions for which it is impractical to give competitive tests; that these positions shall be filled from a registration list established and maintained by the Commission; that the Commission shall register applicants for positions in the general labor class after public notice of vacancies; that vacancies in the general labor class shall be filled from the registration list provided to the appointing authority by the Commission; that the Commission staff shall add an applicant’s name to the registration list after the applicant has provided documentation that he or she meets the job requirements; and that the remainder of the section should be eliminated.

Reason: The current language describing the general labor class is confusing and should be replaced with the new language.

Vote: Yes: 10
 No: 2
 Undecided: 2

RECOMMENDATION #87 (Proposal #96):

Amend Section 127 to provide that any civil service rules shall be printed in the City Record prior to consideration by the Commission at a regularly scheduled meeting at which comments from interested parties may be heard.

Proposed Language:

§ 127 Enactment of Civil Service Rules

The Civil Service Commission shall make, promulgate, and amend, rules for the appointment, promotion, transfer, lay-off, reinstatement, suspension and removal of City officials and employees in the classified service. Any rules or amendments shall be printed in the City Record prior to consideration by the Commission at a regularly scheduled meeting at which comments from interested parties may be heard. The Commission shall make a report to the Mayor of its proceedings upon the Mayor’s request.

Reason: Current Charter language does not make clear that proposed rules should be published prior to consideration by the Civil Service Commission. Reports to the Mayor should be made upon request.

Vote: Yes: 14

No: 0
Undecided: 0

RECOMMENDATIONS #88 to #101:

There are a number of substantive recommended amendments to Charter Section 128.

§ 128 Required Provisions of Rules

The rules of the Civil Service Commission shall among other things, provide:

(a) For standardized classifications in the classified service of the City, including officers and employees of the Civil Service Commission and the determination of regular status.

(b) For open competitive tests to ascertain the knowledge and abilities of all applicants for appointments in the competitive class.

(c) For public notice in the City Record or otherwise of the time and place of all competitive tests.

(d) For establishing eligible lists from competitive examinations. The list will consist of the names of successful candidates in the order of their standing.

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to moral, psychological, or physical character, or who have attempted deception or fraud in connection with any application or examination for a position in the classified service.

(f) For the certification to the appointing authority, from the appropriate eligible list from a competitive examination to fill a vacancy in the competitive class, of the five persons standing highest on the list, or of the person or persons on the list when it contains five names or less.

(g) For employment without test in the absence of an eligible list, but the employment shall not continue after the establishment of an eligible list for the classification.

(h) For qualifications required for positions in the noncompetitive class..

(i) For promotion based on competitive tests and records of efficiency, character, conduct and seniority.

(j) For the period of probation for each classification, which period shall begin upon appointment and shall not continue beyond one year and for removal or demotion if the service during the probationary period is unsatisfactory.

(k) For transfer from a position to a similar position.

(l) For reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in position.

(m) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.

(n) For discharge or demotion in rank or compensation, only after the person has been presented with the reasons specifically stated in writing, and has been given an opportunity to be heard in his own defense. The reasons for the discharge or demotion and any reply in writing by the employee shall be filed with the Commission.

(o) For investigating and keeping a record of the efficiency of officers and employees in the classification service, and for requiring markings and reports relative thereto from appointing officers.

(p) For the publication of the rules and amendments in the City Record.

The Commission shall adopt rules, not inconsistent with the foregoing provisions of this section as may be necessary and proper for the enforcement of the civil service system, and to provide for the procedure of the Commission.

Recommendation #88 (Proposal #97): Amend division (a) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 10
No: 4
Undecided: 0

Recommendation #89 (Proposal #98): Amend division (b) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 14
No: 0
Undecided: 0

Recommendation #90 (Proposal #99A): Amend division (d) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 12
No: 1
Undecided: 1

Recommendation #91 (Proposal #100): Amend division (e) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 14
No: 0
Undecided: 0

Recommendation #92 (Proposal #101A): Amend division (f) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter, increases the number from three to five, and in general clarifies the rule making authority of the Commission.

Vote: Yes: 13
No: 0
Undecided: 1

Recommendation #93 (Proposal #102): Amend division (g) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 13
No: 1
Undecided: 0

Recommendation #94 (Proposal #103): Repeal existing division (h).

Reason: This language is repealed because temporary employment is added to the unclassified service in Charter Section 126 (Recommendation # 82).

Vote: Yes: 12
No: 2
Undecided: 0

Recommendation #95 (Proposal #104): Amend existing division (i) (new division (h)) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 14
No: 0
Undecided: 0

Recommendation #96 (Proposal #106): Enact new division (j) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 11
No: 1
Undecided: 2

Recommendation #97 (Proposal #107): Amend existing division (k) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 11
No: 2
Undecided: 1

Recommendation #98 (Proposal #108): Amend new division (l) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 13
No: 0
Abstain: 1

Recommendation #99 (Proposal #109): Amend existing division (l) (new division (m)) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 13
No: 0
Undecided: 1

Recommendation #100 (Proposal #110): Amend existing division (m) (new division (n)) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 13
No: 0
Undecided: 1

Recommendation #101 (Proposal #113): Amend the last division and final sentence to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

Vote: Yes: 13
No: 0
Undecided: 1

RECOMMENDATION #102 (Proposal #115A):

Amend Section 28 to provide that copies of all rules, agendas and minutes of the Civil Service Commission “shall be made available to the citizens during all normal business hours of the Commission”?

Proposed Language:

§ 128 Required Provisions of Rules

The rules of the Civil Service Commission shall among other things, provide:

- (a) For the standardization and classification of all positions and employments in the classified service of the City, including officers and employees of the Civil Service Commission. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.
- (b) For open competitive tests to ascertain the relative fitness of all applicants for appointments in the competitive class.
- (c) For public notice in the City Record or otherwise of the time and place of all competitive tests.
- (d) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in the competitive tests.
- (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical condition and moral character, or who have attempted deception or fraud in connection with any test.
- (f) For the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of the three persons standing highest on such list, or of the person or persons on such list when it contains three names or less.
- (g) For temporary employment without test, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.
- (h) For temporary employment for periods not to exceed thirty days.
- (i) For noncompetitive tests for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.
- (j) For promotion based on competitive tests and records of efficiency, character, conduct and seniority.
- (k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.
- (l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.
- (m) For discharge or reduction in rank or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction specifically stated in writing and has been given an opportunity to be heard in his own defense. The reasons for such discharge or reduction and any reply in writing thereto by such employee shall be filed with the Commission.
- (n) For investigating and keeping a record of the efficiency of officers and employees in the classification service, and for requiring markings and reports relative thereto from appointing officers.

(o) For the publication of the rules and amendments thereto in the City Record. Copies of the rules shall be made available to the citizens during all normal business hours of the Commission.

(p) For the publication of agendas for all meetings of the Commission and for the taking of minutes at each meeting. The agendas and the minutes of the meetings shall be made available to the citizens during all normal business hours of the Commission.

The Commission shall adopt other rules, not inconsistent with the foregoing provisions of this section as may be necessary and proper for the enforcement of the merit system, and to provide for the procedure of the Commission. Copies of the other rules shall be made available to the citizens during all normal business hours of the Commission.

Reason: The existing section only requires that records be maintained. The change makes the records available for inspection and copying during normal business hours.

Vote: Yes: 12
No: 2
Undecided: 0

RECOMMENDATION #103 (Proposal #116A):

Amend Section 130 to provide that positions may be filled temporarily without test for a period limited by the civil service rules but not exceeding one year instead of 90 days.

Proposed Language:

§ 130 Eligible Lists; Temporary Appointments

Eligible lists created by the Commission shall remain in force not longer than two years. In the absence of an appropriate eligible list, any place may be filled temporarily, without test, for the period limited by the civil service rules, but not exceeding one year. During such period the Commission shall hold the necessary tests for filling any such place permanently. With the consent of the Commission, persons may be temporarily employed for transitory work without test, but no such employment shall continue for more than sixty days, or be renewed.

Reason: This amendment extends the time period during which tests must be conducted from 90 days to one year in response to practical challenges that have been identified in complying with the existing requirement.

Vote: Yes: 13
No: 0
Undecided: 1

RECOMMENDATIONS #104 and #105:

There are two recommended amendments to Charter Section 131.

§131 Appointments

(a) When any position in the competitive classified service is to be filled, the appointing authority shall notify the Commission of the position. The Commission shall certify to the appointing authority the names of the five candidates standing highest on the eligible list for the class to which the position belongs. The appointing authority shall appoint to the position one of the five persons whose names are so certified. When the eligible list contains less than five names, the remaining names shall be certified, from which the appointing authority may appoint one. A person certified from the eligible list more than three times to the same or similar position may be omitted from certification.

(b) When any position in the non-competitive classified service is to be filled, the appointing authority shall notify the Commission of the position. The Commission shall certify to the appointing authority the names of all candidates that meet the qualifications and requirements for the position. The appointing authority shall appoint one of the candidates whose names are so certified.

(c) The name of a person, not selected for appointment, whose standing on the eligible list is above the names of the last person appointed from such certification shall not be again certified, except upon request, to the same appointing officer. The name of a person not selected for appointment, after being certified to two separate appointing officers shall not again, except upon request of an appointing officer, be certified, but certification for a temporary appointment shall not be counted as one of such certifications.

All original and promotional appointments shall be for a probationary period of not to exceed six months to be fixed by the rules of the Commission, and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his probationary period. At the end of the probationary period, the appointing officer shall transmit to the Commission a record of the employee's service certifying that such service has been satisfactory or unsatisfactory and if such service is unsatisfactory, the employee may, with the approval of the Commission, be removed or reduced without restriction; but dismissal or reduction may be made during such period, as is provided for in Section 121 of the Charter.

When no eligible list for a position exists, or when the eligible list has become exhausted and until a new list can be created, names may be certified from the eligible list most nearly appropriate to the position to be filled.

Recommendation #104 (Proposal #117): Amend existing division (a) to read as provided above.

Reason: The amendment clarifies the language in division (a) and increases the number of names to be considered on an eligible list from three to five.

Vote: Yes: 9
No: 3

Abstain: 1
Undecided: 1

Recommendation #105 (Proposal #118): Amend existing division (b) to read as provided above.

Reason: The amendment to division (b) clarifies the authority of the Civil Service Commission in filling positions in the non-competitive classified service.

Vote: Yes: 12
No: 0
Abstain: 1

RECOMMENDATION #106 (Proposal #120A):

Enact new Charter Section 131-1 to “grandfather” employees who were hired in their current position on or before August 6, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test, provided that any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City and rules promulgated by the Commission.

Proposed Language:

§131-1 Employees Hired Without Test before August 6, 2008 [New]

Employees in the classified service who were hired in their current position on or before August 6, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test. Any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City of Cleveland and rules promulgated by the Commission.

Reason: In order to address the current backlog in testing and to protect current employees, all current classified employees should be grandfathered as regular employees.

Vote: Yes: 11
No: 0
Undecided: 3

RECOMMENDATION #107 (Proposal #124):

Amend Section 134 to provide that eligible lists held by the Civil Service Commission shall be open to public inspection “and copying during all normal business hours of the Civil Service Commission.”

Proposed Language:

§ 134 Eligible Lists Open to the Public

The lists of eligibles based upon tests held by the Civil Service Commission, with the respective grades of candidates, shall be open to public inspection and copying during all normal business hours of the Civil Service Commission. Any person appointed from an eligible list laid off for lack of work or appropriation shall be placed at the head of such eligible list and shall be eligible for reappointment for the period of eligibility provided by the rules of the Commission.

Reason: The existing section only requires that lists of eligibles to be open to the public. The addition requires the ability to copy the lists during normal business hours.

Vote: Yes: 12
No: 1
Undecided: 1

RECOMMENDATION #108 (Proposal #125):

Amend Section 135 to provide that the City, instead of the Civil Service Commission, shall maintain a list of persons employed in the classified service, which list shall show the position held and the date and character of each appointment; and eliminate the remainder of the section.

Proposed Language:

§ 135 List of Persons in Classified Service

The City shall maintain a list of persons employed in the classified service, which list shall show the position held and the date and character of each appointment.

Reason: The current section language is cumbersome and not necessary in light of the computerization of the City's payroll and other systems, and regular state and internal auditing.

Vote: Yes: 9
No: 4
Undecided: 1

RECOMMENDATIONS #109 and #110:

There are two substantive recommended amendments to existing Charter Section 135.

Proposed Language:

§ 135 List of Persons in Classified Service

The Civil Service Commission shall maintain a list of all persons in the classified service, showing in connection with each name the position held, the date and character of each appointment, including whether their appointment is temporary or regular, and every subsequent change in status. The list maintained under this section shall be available for public inspection and copying during all normal business hours of the Civil Service Commission. Each appointing officer shall promptly transmit to the Commission all information required for the establishment and maintenance of such list. The Treasurer shall not pay, nor shall the Commissioner of Accounts issue a voucher for the payment of, any salary or compensation to any person holding a position in the classified service unless the payroll or account of such salary or compensation shall bear the certificate of the Civil Service Commission that the persons named therein have been appointed or employed and are performing service in accordance with the civil service provisions of this Charter and the rules established thereunder. Any sums paid contrary to the provisions of this section may be recovered from any officer paying or authorizing the payment thereof and from the surety on his official bond.

Recommendation #109 (Proposal #126): Amend section to provide that the Civil Service Commission maintain a list of persons employed in the classified service that includes whether their appointments are temporary or regular.

Reason: The list of persons in the classified service maintained by the Civil Service Commission should include a notation indicating whether he person is a regular or temporary employee.

Vote: Yes: 9
No: 3
Undecided: 2

Recommendation #110 (Proposal #127): Amend section be amended to provide that the lists maintained under this section "shall be available for public inspection and copying during all normal business hours of the Civil Service Commission."

Reason: The existing section only requires that lists be maintained. The change makes the lists available for inspection and copying during normal business hours.

Vote: Yes: 10
No: 3
Undecided: 1

RECOMMENDATION #111 (Proposal #128):

Amend Section 141 to provide that a violation is a "misdemeanor of the first degree" and not specifically specify the amount of fine and jail time required to be imposed.

Proposed Language:

§ 141 Violations and Penalties

It shall be the duty of the Civil Service Commission to supervise the execution of the foregoing civil service provisions of this Charter and the rules made thereunder, and it shall be the duty of persons in the service of the City to comply with such rules and to aid in their enforcement. Any person who, by himself or in cooperation with one or more persons, willfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the service of the City; or willfully or corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the civil service, or aids in so doing; or willfully or corruptly makes any false representations as to the results of such tests or concerning the person so tested; or willfully or corruptly furnishes to any person special or secret information for the purpose of either improving or injuring the prospects or chances of any person so tested or to be tested, or to be appointed, employed or promoted; or willfully impersonates any other person or permits or aids, in any manner, any persons to impersonate him in connection with any test, registration, application or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance of such test, any question to be asked on such test; or willfully or through culpable negligence violates any of the civil service provisions of this Charter, or any of the rules of the Commission made in pursuance thereof, shall be deemed guilty of a misdemeanor of the first degree. If such person be an applicant for competitive test he shall be excluded therefrom; if he be an eligible his name shall be removed from the eligible list; and if he be an officer or employee of the City he shall immediately forfeit his office or employment.

Reason: By striking the specific dollar amounts and jail time and adding that the violation is a first degree misdemeanor, the Charter will not need to be amended if the Ohio General Assembly increases the penalty for a first degree misdemeanor.

Vote: Yes: 11

No: 3
Undecided: 0

RECOMMENDATION #112 (Proposal #129):

Amend Section 167 to provide an alternative method of public improvement that combines the design professional contract with the public improvement contract in the manner provided below.

Proposed Language:

§ 167 Public Improvements by Contract or Direct Labor

Public improvements of all kinds may be made by the appropriate department, either by direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let to the lowest responsible bidder after competitive bidding, either for a gross price, or upon a unit basis for the improvement, or by contract containing a guaranteed maximum and stipulating that the City shall pay within such maximum the cost of labor and materials, plus a fixed percentage of profit to the contractor. Public improvements may also be made by combining the design professional contract with the public improvement contract, in a manner similar to a design-build or engineer, procure, construct (EPC) contract, and be awarded on the basis of the best proposal, taking into consideration the engineering and design, the construction method(s), the proposed design and construction costs, the total life cycle costs, the qualifications of the proposed design professional and the construction firm(s), and the other objectives of the project.

The Council shall by ordinance determine by which of the foregoing methods any improvement shall be made. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the City to be exacted in like sum for every day of delay beyond a specified date.

Reason: This addition gives the City departments the ability to use design-build construction contracting for large public improvements when authorized by City Council.

Vote: Yes: 13
No: 1
Undecided: 0

RECOMMENDATION #113 (Proposal #141):

Amend Section 141 to remove the language requiring that employees in classifications identified by the Council in 1979 shall be compensated in accordance with the prevailing rate of salary and compensation for the services; and to add “in accordance with any applicable collective bargaining agreements” in the first sentence; and to remove the last sentence that requires the Civil Service Commission and the Mayor or any director, when required by the Council, to prepare salary and compensation schedules.

§ 191 Compensation of Officers and Employees

The salary or compensation of all officers and employees in the unclassified service of the City shall be fixed by ordinance, or as may be provided by ordinance. The salary or compensation of all other officers and employees shall be fixed by the appointing authority in accordance with ability, fitness and seniority within the limits set forth in the Council's salary or compensation schedule for which provision is hereinafter made and in accordance with any applicable collective bargaining agreements. The Council shall by ordinance establish a schedule of compensation for officers and employees in the classified service, which schedule shall provide for like compensation for like services and shall provide minimum and maximum rates (which may be identical) of salary or compensation for each grade and classification of positions determined by the Civil Service Commission under Section 126 of this Charter. The salary of any officer or member of a board or commission in the unclassified service of the City shall not be increased or diminished during the term for which he was elected or appointed. Salaries and compensation fixed at the time this section takes effect shall continue in force until otherwise fixed as provided in this section. All fees pertaining to any office shall be paid into the City Treasury.

Reason: This amendment clarifies that compensation for bargaining units is fixed in accordance with applicable collective bargaining agreements, removes language that is no longer necessary regarding compensation rates for certain classifications, and removes obsolete language regarding the preparation of salary and compensation schedules.

Vote: Yes: 11
No: 1
Undecided: 2

RECOMMENDATIONS #114 to #116:

There are three substantive recommended amendments to existing Charter Section 200-1.

Proposed Language:

§ 200-1 Charter Review Commission

Not later than the first day of February in the year 2018 and of each succeeding tenth year thereafter, the Council shall provide for the selection of a Charter Review Commission and shall appropriate adequate funds for a comprehensive review of the existing Charter provisions.

The Charter Review Commission shall consist of fifteen electors of the City of Cleveland appointed or elected in the manner prescribed by ordinance.

Within thirty days after selection the members shall meet, choose a Chairman and Secretary, and adopt rules to govern the procedure of the Commission. The Commission may employ necessary assistants and professional services as it deems necessary, within the funds appropriated for this purpose.

Not later than one year after its organization the Charter Review Commission shall report to the Council proposed amendments to the Charter as the Commission determines to be necessary or desirable and a statement of the reasons for submitting the proposed amendments to the electors; or that no changes in the Charter are required or desired.

Upon receipt of the report of the Charter Review Commission setting forth any proposed amendment or amendments to the Charter, the Council shall determine by ordinance whether the proposed amendment or amendments shall be submitted to the electors of the City of Cleveland in the manner provided and governed by the provisions of Section 200 and in conformity with Section 9 of Article XVIII, of the Ohio Constitution.

Recommendation #114 (Proposal #133): Amend should section to shorten the time for the appointment and work of a Charter Review Commission from 20 years to 10 years.

Reason: The passage of twenty years is too long a period to wait for another comprehensive examination and update of the Charter. The Commission recommends that the Charter be amended to provide for the creation of a Charter Review Commission every 10 years.

Vote: Yes: 12
No: 2
Undecided: 0

Recommendation #115 (Proposal #134): Amend section to extend the time in which the Charter Review Commission must complete its work be extended from six months to one year.

Reason: It has proved very challenging for the Commission to complete its work within six months. The Commission recommends that, in the future, the Commission be a year to conduct its review.

Vote: Yes: 13
No: 1
Undecided: 0

Recommendation #116 (Proposal #135): Amend section to remove the 30-day time period during which the Council determines whether to submit amendments to the electors.

Reason: There is no need for a limit on the Council to complete its review of the Charter Review Commission's recommendations.

Vote: Yes: 13
No: 1
Undecided: 0

CITY OF CLEVELAND
2008 CHARTER REVIEW COMMISSION
Final Report to City Council
August 1, 2008

PART II
RECOMMENDED POLICY CONSIDERATIONS

POLICY RECOMMENDATION #1 (Proposal #1):

When a Charter amendment is submitted to the ballot, grammatical changes should be made in text to aid in the clarity of the section and to remove repeated use of “such.”

Reason: When proposed Charter amendments are submitted to the voters, the grammar in each section should be reviewed for clarity and removal of stilted language.

Vote:

Yes:	14
No:	0
Undecided:	0

POLICY RECOMMENDATION #2 (Proposal #2)

When a Charter amendment is submitted to the ballot, the text of the section should be made gender neutral.

Reason: When proposed Charter amendments are submitted to the voters, the language in the sections should be made gender neutral.

Vote:

Yes:	14
No:	0
Abstain:	0

POLICY RECOMMENDATION #3 (Proposal #139)

The Charter Review Commission recommends to City Council, as a companion proposal to any reduction in the number of City Council ward representatives, the creation of Neighborhood Development, Planning and Service Districts, which should be constituted and operate more or less as described in points (1) through (4) below. To the extent that any Charter revision is determined to be required for this proposal to be enacted, the Commission recommends the submission of that revision to the voters at the same time as such a reduction in City Council representatives.

(1) The Council should establish, by ordinance, Neighborhood Development, Planning and Service Districts in the City. Each district should consist of undivided, contiguous wards and contain no more than one-fifty of the total residential population of the City, as determined by the most recent decennial U.S. Census.

(2) Each Neighborhood Development, Planning and Service District should be represented by a district commission consisting of the members of Council representing the wards located in the district as ex officio members; a district resident or business proprietor representing each bona fide nonprofit community association located in the district selected by each association; and additional district residents chosen by the voters of the district as Council determines. Bona fide nonprofit community associations in a district should be determined through standards established by ordinance of Council.

Each district commission should hold a regular monthly meeting at a location in the district, with notice of the place and time for the meetings provided to all district residents. Commission members should serve without pay, provided however that Council might authorize the reimbursement of expenses incurred by commission members in the performance of their official duties up to a maximum amount per member per year as determined by the Council.

(3) The City departments that provide direct services, such as safety, community and economic development, recreation, utility, community relations, code enforcement and right-of-way services, to residents or businesses throughout the city should be required by ordinance to prepare an annual service plan for each Neighborhood Development, Planning and Service District. Each annual service plan should include an organizational table identifying the City employee or employees in each service department with direct authority and supervisory responsibility for the provision of services within each district. To the maximum feasible extent, each service department should be required to adopt an administrative structure consistent with, and responsive to, the Neighborhood Development, Planning and Service Districts.

The Mayor should submit the annual service plan to each district commission by no later than November 30th of each year. Each district commission should conduct a public review and evaluation of the annual service plan, including conducting at least one public hearing in the district with the time and place of the hearing advertised in a newspaper of general circulation in the district. Based on this review and evaluation, each district commission should submit written comments on the annual service plan to Council within 60 days of receipt of the annual service plan from the Mayor.

(4) In addition to the review and evaluation of annual service plans, each district commission should monitor implementation of the plan and the general delivery of services by City departments in their district; receive and investigate complaints

2

or recommendations from district residents and businesses regarding City services; and recommend legislation or administrative policy measures to improve service by City departments to their district. The director of a City department, or a person designated by the director, should be required to attend each commission meeting at which his or her presence is requested.

Reason: If Council decides to place an issue on the ballot to change the size of City Council, then the Commission recommends that the Council consider this recommendation to establish Neighborhood Service Districts to improve government services to the City's neighborhoods.

Vote:

Yes:	10
No:	0
Abstain:	4

**CITY OF CLEVELAND
2008 CHARTER REVIEW COMMISSION
Final Report to City Council
August 1, 2008**

**PART III
CHARTER AND POLICY CHANGES SUBMITTED
BUT NOT RECOMMENDED
BY THE COMMISSION**

PROPOSAL #1 (Proposal #144):

Amend Section 1 to require that “the City shall maintain and require all its departments and agencies, which are not subject to statutory exemptions to make immediately available public records as defined by the general laws of the state for inspection and copying, and to establish and enable enforcement of the right of any person to obtain access to the records of the City departments and agencies, and each City department and agency shall be required to make public records available in the City department or agency in which the records were created, generated and/or permanently stored.”

§ 1 GENERAL POWERS

The inhabitants of the City of Cleveland, as its limits now are, or may hereafter be, shall be a body politic and corporate by name the City of Cleveland, and as such shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property in fee simple or lesser interest or estate by purchase, gift, devise, appropriation, lease, or lease with privileges to purchase, for any Municipal purpose; may sell, lease, hold, manage, and control such property, and make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all the provisions of any conveyance, deed, or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; may acquire, construct, own, lease and operate and regulate public utilities; may assess, levy, and collect taxes for general and special purposes on all the subjects or objects which the City may lawfully tax; may borrow money on the faith and credit of the City; by the issue or sale of bonds or notes of the City; may appropriate the money of the City for all lawful purposes; may create, provide for, construct, regulate and maintain all things of the nature of public works and improvements; may levy and collect assessments for local improvements; may license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and all nuisances and causes thereof; may regulate the construction, height, and the material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use, for whatever purposes, of the streets and other public places; may create, establish, abolish and organize offices and fix the salaries and compensations of all officers and employees; may make and enforce local police, sanitary and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof. The City shall have all powers that now are, or hereafter may be granted to municipalities by the Constitution or laws of Ohio; for the people the City shall maintain and require all its departments and agencies, which are not subject to statutory exemptions to make immediately available public records as defined by the general laws of the state for inspection and copying, and to establish and enable enforcement of the right of any person to obtain access to the records of the City departments and agencies, and each City department and agency shall be required to make public records available in the City department or agency in which the records were created, generated and/or permanently stored; and all such powers whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council.

Vote:	Yes:	0
	No:	12
	Undecided:	2

PROPOSAL #2 (Proposal #15):

Amend Section 14 to remove the language that provides for the counting of ballots at precincts and entering the votes on tally sheets?

Proposed Language:

§ 14 Election Results

The candidate having the largest number of votes for each office voted upon at the regular Municipal election shall be declared elected to the office. In case it cannot be determined which of two or more candidates shall be declared elected, by reason of the fact that they have received the same number of votes, the election authorities shall determine by lot which of the candidates shall be declared elected.

Vote:	Yes:	7
	No:	7
	Abstain:	0

PROPOSAL #3 (Proposal #47):

Amend Section 16 to provide that a recall affidavit must contain grounds for removal “which must relate to the official duties of the officer whose removal is sought.”

Proposed Language:

§ 16 Removal Procedure of Mayor or Member of Council

The Mayor or any member of the Council may be removed from office by the electors of the City. The procedure for effecting such a removal shall be as follows:

Any elector of the City may make and file with the Clerk of the Council an affidavit stating the name of the officer whose removal is sought and the grounds alleged for the removal which must be related to the official duties of the officer whose removal is sought. The Clerk shall thereupon deliver to the elector making the affidavit copies of petition papers for demanding the officer’s removal, printed copies of which the Clerk shall keep on file for distribution as herein provided. In issuing any petition paper, the Clerk shall enter in a record to be kept in the Clerk’s office the name of the elector to whom issued, the date of issuance, and the number of papers issued, and shall certify upon each paper the name of the elector to whom issued and the date of issuance. No petition paper shall be accepted as part of a petition unless it bears the certificate of the Clerk and unless filed as hereinafter provided.

Vote: Yes: 5
No: 7
Abstain: 2

PROPOSAL #4 (Proposal #52):

Repeal Section 23-1 thru 23-7 concerning the City’s campaign finance laws so that City elections follow the state campaign finance laws.

Proposed Language:

- § 23-1 Campaign Financing Laws—REPEALED**
- § 23-2 Comprehensive Disclosure Rules—REPEALED**
- § 23-3 Fair Campaign Finance Commission—REPEALED § 23-4 Penalties—REPEALED**
- § 23-5 Appeals Process—REPEALED**
- § 23-6 Review of Campaign Financing Laws—REPEALED**
- § 23-7 Passage of Legislation—REPEALED**

Vote: Yes: 4
No: 10
Abstain: 0

PROPOSAL #5 (Proposal #130):

Amend Section 26 to provide that, “commencing with the election for members of Council in 2013 and except for any election for member of Council in the year when ward boundaries are changed because of reapportionment under Section 25-1 of this Charter, candidates for the office of member of the Council must have been a resident of the ward which they seek to represent for at least twelve months prior to filing nominating petitions for election as member of Council.”

Proposed Language:

§ 26 Qualifications of Council Members

Members of the Council shall be residents of the City and have the qualifications of electors of the City. Commencing with the election for members of Council in 2013 and except for any election for member of Council in the year when ward boundaries are changed because of reapportionment under Section 25-1 of this Charter, candidates for the office of member of the Council must have been a resident of the ward which they seek to represent for at least twelve months prior to filing nominating petitions for election as member of Council. A member of the Council, who at the time of his election, was a resident of the ward which he represents shall forfeit his or her office if the member removes from the ward. Members of Council shall not hold any other public office or employment except that of notary public or member of the State militia, and shall not be interested in the profits or emoluments of any contract job, work or service of the Municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit his or her office, and any contract in which any member is or may become interested may be declared void by the Council. No member of the Council shall, except in so far as is necessary in the performance of the duties of his or her office, directly or indirectly interfere in the conduct of the administrative department, or directly or indirectly take any part in the appointment, promotion or dismissal of any officer, or employee in the service of the City other than the officers or employees of the Council.

Vote: Yes: 6
No: 8
Undecided: 0

PROPOSAL #6 (Proposal #142):

Enact new Section 75-1 to create a Public Records Review Board to review decisions concerning the withholding of public records and determine records that cannot be provided in an electronic format; and to require the Mayor to cause City public records to be available for examination and download at any time and at no charge through a single computer network site except for records exempted by law or the Board by January 1, 2011.

§ 75-1 Public Records Review Board; Internet Access to Records [NEW]

(a) There shall be a Public Records Review Board composed of two members appointed by the Mayor, two members appointed by City Council and one member appointed by the presiding judge of the Cleveland Municipal Court. The term of the members shall be four (4) years, except that the initial appointment of one of the members appointed by the Mayor and one of the members appointed by City Council shall be two (2) years. Vacancies on the Board shall be filled in the same manner for the expired term. The Chair of the Board shall be selected by a majority vote of the Board members.

(b) Any public record of the City, as defined by the general laws of the state, shall be made readily available to the public in electronic form as described in division (c) of this section except when 1) the release of the record by the City is contrary to federal or state law; and 2) the withholding of the record is permitted by state law and the Public Records Review Board determines that there is a compelling public interest in withholding the record.

(c) On or before January 1, 2011, the Mayor shall cause all public records of the administrative service to be available for examination and download at any time and at no charge through a single public internet site except for records determined by the Board to be exempt because of age or the inability to convert the record into an electronic format. Any questions concerning the applicability of the requirement of this section to a specific record shall be determined by the Board.

Vote: Yes: 5
No: 5
Undecided: 4

PROPOSAL #7 (Proposal #60A):

Amend Section 76-3 to remove from the requirement of mandatory referral to City Planning Commission any legislation that authorizes the making of a public improvement to the public areas in the interior of public buildings.

Vote: Yes: 5
No: 9
Abstain: 0

PROPOSAL #8 (Proposal #143):

Enact new Section 76-9 to create a Cleveland Global Initiative and New Market Opportunities and Investment Attraction Commission consisting of nine members selected in accordance with the section and to submit an annual report.

§76-9 The Cleveland Global Initiative on New Market Opportunities and Investment Attraction Commission [NEW]

(a) The Cleveland Global Initiative on New Market Opportunities and Investment Attraction Commission is hereby established to study the City's growing international diversity and its relationship to promoting new market opportunities and investment attraction to Cleveland from the world. The commission shall study the following questions:

1. What (if any) new methods or institutions should be encouraged to create urgency among potential partners, which include but is not limited to the private business sector, government, civil society, academia, and other partners interested in creating sustainable new market and investment attraction opportunities that lead to positive trade, new businesses, and job creation?

2. Who (if any) are the existing beneficiaries of international new markets and what are the direct or indirect potential benefits for Cleveland to lead regional attention that focuses on specific industry reciprocal opportunities?

3. What (if anything) should be done to increase the extent to which regulatory obstacles that might be encountered are resolved? What will be required to strengthen, mobilize, and use public and private development resources to transform and aggressively expand our global presence in emerging market opportunities, which lead to the growth of regional businesses, produce new businesses, and job creation?

(b) The Cleveland Global Initiative on New Market Opportunity and Investment Attraction Commission shall consist of (9) members including (3) members appointed by the Mayor one of which shall serve as chair, (2) members of City Council appointed by Council President, (1) member from the mayor and managers association, (1) member appointed by from Cuyahoga County Commissioners, (1) member who is the Governors regional economic development administrator and liaison to Ohio foreign offices, and (1) member from the foreign consultant core who shall serve in non-voting capacity unless otherwise recommended by the mayor, authorized by law, and a simple commission majority. Members should be selected from different business segments.

The Commission shall have the power to accept gifts and grants pursuant to law and the fiscal control policy of the City; executive sessions and the conduct of the committee meetings shall be defined by the City rules on boards and commissions; and stipend(s), if any, shall be determined by budget recommendations to City Council by the Mayor. The Commission shall present a written report annually, and the first report shall be due by April 2, 2010. The commission shall establish an organizational structure, which will include an administration in their first report in addition to direction on the aforementioned questions.

Vote: Yes: 1
No: 12
Undecided: 1

PROPOSAL #9 (Proposal #71):

Amend Section 118 to reorganize the command staff of the Fire Force to include six Deputy Chiefs of Fire, four Commanders of Fire and a seventh Deputy Chief and/or fifth Commander for homeland security or for any reason determined to best serve the public interest, to be appointed by the Fire Chief from certain ranks in the Fire Force as detailed in the amendment, and that, upon termination in the new opposition, the officers revert to the civil service status held at the time of appointment.

Proposed Language:

§ 118 Fire Force; Control by Chief

The Fire Force shall consist of a Chief, six Deputy Chiefs of Fire, four Commanders of Fire and other officers, firefighters and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a seventh Deputy Chief and/or a fifth Commander to protect the

people from homeland security threats or for any reason determined to best serve the public interest. In case of riot, conflagration, or like emergency the Mayor may appoint additional firefighters and officers for temporary service who need not be in the classified service. The Fire Chief shall be appointed by the Mayor from the Division of Fire from the rank of Deputy Chief/Assistant Chief or Battalion Chief through an assessment process as determined by Civil Service. If an insufficient number (less than 3) of Deputy Chiefs/Assistant Chiefs or Battalion Chiefs submit themselves for consideration to the position of Chief of the Division then a Commander with a minimum 3 years experience may be considered. The Fire Chief will appoint the position of Deputy Chief from the ranks of Assistant Chief or Battalion Chief. Commanders from the ranks of Battalion Chief, Captain or Lieutenant. The position of Deputy Chief will be created upon the separation of current Assistant Chiefs; Commander positions upon separation of current Battalion Chiefs, Captains or Lieutenants such that the current civil service eligibility list has expired. Upon termination of their service as Deputy Chief or Commander of Fire they shall revert to the civil service status held by them at the time of their appointment in so far as it is competent for this charter to provide. The Fire Chief shall have exclusive control of the stationing and transfer of all firefighters and other officers and employees constituting the Fire Force under rules and regulations as may be established by the Mayor or by the director of the department of which the Fire Chief may be immediately responsible.

Vote: Yes: 7
 No: 6
 Abstain: 1

PROPOSAL #10 (Proposal #138):

Enact new Sections 118-2 and 120-1 and amend Sections 115, 119, 122 and 123 in order to establish an Emergency Medical Force in the Charter in similar manner to the Police Force and Fire Force.

Proposed Language:

§ 115 General Provisions

The City shall maintain a Police Force, Fire Force and Emergency Medical Force, and the Mayor shall be executive head of both forces. If these Forces are or shall be placed in a department in accordance with the provisions of Section 77 of this Charter, the director of this department shall be their executive head under the direction of the Mayor.

§ 118-2 Emergency Medical Force; Control by Chief [NEW]

The Emergency Medical Force shall consist of a Chief and such other paramedics, emergency medical technicians, emergency medical dispatchers and other employees as may be provided by ordinance or resolution of the Council. In case of riot or like emergency the Mayor may appoint additional paramedics, emergency medical technicians, emergency medical dispatchers and other employees for temporary service who need not be in the classified service. The Emergency Medical Chief shall have exclusive control over the stationing and transfer of all emergency medical service employees constituting the Emergency Medical Force under rules and regulations as may be established by the Mayor or by the director of the department of which the Emergency Medical Chief may immediately be responsible.

§ 119 Suspension of Police, Firefighters and Emergency Medical Force Employees

The Chief of Police, Fire Chief and Emergency Medical Chief shall have the exclusive right to suspend any of the officers or employees who are in the classified service and are under their respective management and control, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. Prior to suspending any officer or employee of the police force, the Chief of Police shall ascertain whether a complaint on file with the Police Review Board relates to the conduct of the officer or employee in question. If so, the Chief of Police shall not suspend the officer or employee unless the Police Review Board concurs with the Chief's decision, in accordance with Section 115-4 of this Charter.

If the Chief of Police, the Chief of Fire or the Emergency Medical Chief suspends an officer or employee under his or her control for a period not to exceed ten (10) working days, the Chief's decision shall be final.

If the Chief of Police, Chief of Fire or the Emergency Medical Chief suspends any officer or employee under his or her control for more than ten (10) working days, the Chief concerned shall forthwith in writing certify the fact, together with the cause for the suspension, to the director of the department to whom he may be responsible, or if there be no such director then to the Mayor, who within five days from the receipt of such certificate shall, either personally or through a hearing officer appointed by the Director or the Mayor, hold a hearing into the cause of the suspension in accordance with the requirements of due process of law and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal and such judgment shall be final, except as otherwise hereinafter provided. If a hearing officer is used, and the Mayor or the Director of the department to whom the Chief may be responsible shall promptly upon receipt of the hearing officer's report and recommendations review the report and recommendations of the hearing officer and render a decision. The Director or the Mayor shall cause a copy of the written certification of suspension by the Chief and the cause giving rise to such suspension, the hearing officer's report and recommendations, and the decision of the Mayor or the Director to be filed with the Civil Service Commission. The Director or a hearing officer in any such hearing shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers, as is conferred upon the Mayor, or the Council or a committee thereof by this Charter.

§120-1 Suspension of Emergency Medical Chief [NEW]

The Mayor shall have the exclusive right to suspend the Emergency Medical Chief for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If the Chief is so suspended, the Mayor shall forthwith certify the fact, together with the cause for the suspension, to the Civil Service Commission, who within five (5) days from the date of the receipt if the notice shall proceed to hear the charges and render judgment thereon, which judgment shall be final.

§ 122 Classification of Police, Fire and Emergency Medical Service

The director of the department immediately in charge thereof or the Mayor, shall classify the police, fire and emergency medical service of the City, in conformity with the ordinance of the Council concerning the number of persons to be employed therein, and shall make rules for the regulation and discipline of such service except as hereinbefore provided.

§ 123 Relief of Police Officers, Firefighters and Emergency Medical Personnel

The Council may provide by general ordinance for the relief, out of the police, fire emergency medical service funds, of members of the police, fire or emergency medical service temporarily or permanently disabled in the discharge of their duties. Nothing herein shall impair,

restrict, or repeal any provision of general law authorizing the levying of taxes to provide for firefighters, police officers, sanitary police, emergency medical personnel pension funds, and to create and perpetuate boards of trustees for the administration of such funds.

Vote: Yes: 2
No: 12
Undecided: 0

PROPOSAL #11: (Proposal #73):

Amend Section 121 to allow appeals by all classified employees of any suspension to the Civil Service Commission regardless of the length of the suspension, instead of suspensions of more than ten days.

Proposed Language:

§ 121 Appeal to Civil Service Commission

Any person in the classified service of the City who is suspended, reduced in rank, or dismissed from the service of the City may appeal from such decision to the Civil Service Commission within ten days from and after the date of the suspension, reduction, or dismissal. In such event the director of the department involved, upon notice from the Commission of such appeal, shall forthwith transmit to the Commission a copy of the charges and proceedings thereunder. The Commission shall hear such appeal within ten days from and after the filing of the same with the Commission, and may affirm, disaffirm or modify the judgment of the director, and the judgment of the Commission in the matter shall be final.

Vote: Yes: 6
No: 8
Abstain: 0

PROPOSALS #12 to #14:

There are three substantive proposed changes to existing Charter Section 124.

Proposed Language:

§ 124 Civil Service Commission; Appointment, Term and Removal

The citizens of the City of Cleveland shall elect five electors of the City as Civil Service Commissioners to serve for terms of six years. The members of the Commission shall designate one of said commissioners as the Secretary of said Commission.

No member of the Commission shall hold any other public office or employment except that of notary public or member of the State militia. Members of the existing Civil Service Commission shall continue in office as though appointed in accordance with the provisions of this section and, as their terms expire, their places shall be filled by the Mayor for terms of six years. Not more than three members of the Civil Service Commission shall be members of the same political party. The Council shall fill any vacancy in the Commission for the unexpired term. A member of the Civil Service Commission may be removed by the Mayor for neglect of duty, incapacity, incompetency, or malfeasance in office, but only after opportunity has been given for a public hearing before the Mayor, to be held at least ten days after written charges have been made and notice thereof been given to the accused member. Such member shall be heard in person or by counsel; and such removal shall be final.

Proposal #12 (Proposal #78): Amend section to provide for popular election of the five members of the Civil Service Commission, instead of appointment by the Mayor.

Vote: Yes: 1
No: 12
Abstain: 1

Proposal #13 (Proposal #79): Amend section to provide that the members of the Commission shall select their secretary, instead of the Mayor.

Vote: Yes: 3
No: 11
Abstain: 0

Proposal #14 (Proposal #80): Amend section to provide that the City Council fills vacancies on the Civil Service Commission, instead of the Mayor.

Vote: Yes: 2
No: 11
Abstain: 1

PROPOSAL #15 (Proposal #81):

Amend Section 125 to provide that the Secretary of the Civil Service Commission shall appoint the Chief Examiner and other officers and employees, instead of the Commission.

Proposed Language:

§ 125 Officers of Commission; Salaries

The Civil Service Commission shall designate one of its members as President. The Secretary of the Civil Service Commission shall appoint a Chief Examiner and the other officers and employees as may be necessary. The salaries of the Commission shall be determined by the Council and a sufficient fund shall be appropriated each year to carry out the civil service provisions of this Charter. The salaries of the Chief Examiner and other subordinates shall be fixed by the Commission.

Vote:	Yes:	4
	No:	10
	Abstain:	0

PROPOSALS #16 to #18:

There are three substantive proposed changes to existing Charter Section 126(a).

Proposed Language:

§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All directors of departments.
- (c) The Clerk of Council.
- (d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.
- (e) The Chief of Airport Police.
- (f) The Chief of Fire.
- (g) The Chief of Airport Rescue and Fire.

(h) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.

(i) The secretary to the mayor and one secretary for each director of a department.

(j) Eight (8) executive assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.

(k) Students enrolled in a recognized college or university in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.

(l) School crossing guards.

(m) Members of the auxiliary police force.

Proposal #16 (Proposal #84): Add the Chief of Airport Police to the unclassified service.

Vote:	Yes:	7
	No:	7
	Abstain:	0

Proposal #17 (Proposal #85): Add the Chief of Fire to the unclassified service.

Vote:	Yes:	5
	No:	9
	Abstain:	0

Proposal #18 (Proposal #87): Add the Chief of Airport Rescue and Fire to the unclassified service.

Vote:	Yes:	7
	No:	7
	Abstain:	0

PROPOSALS #19 and #20:

There are two substantive proposed changes to existing division 2. of Charter Section 126.

Proposed Language:

§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All directors of departments.
- (c) The Clerk of Council.
- (d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.
- (e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a

department.

(f) The secretary to the mayor and one secretary for each director of a department.

(g) Eight (8) executive assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.

(h) Students enrolled in a recognized college or university in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.

- (i) School crossing guards.
- (j) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service two classes to be known as the competitive class and the ordinary unskilled labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The ordinary unskilled labor class shall include all ordinary unskilled labor positions for which it is impractical to give competitive tests. Such positions shall be filled from unskilled labor eligible lists established and maintained by the Commission. The Commission shall register applicants for positions in the labor class either continuously or at such times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the intention to so accept registrations shall be made by the Commission. Priority of such registration shall determine an applicant's place on the eligible list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission. Eligibility to be called for examination following registration shall expire one year following the date of registration.

The City Council shall be the sole authority under the Charter to determine the grade and classification of positions as to duties and responsibilities in all branches of the classified service.

Proposal #19 (Proposal #91): Amend section to provide for only two classes in the classified service by eliminating references to the non-competitive class.

Vote:	Yes:	2
	No:	11
	Abstain:	1

Proposal #20 (Proposal #92): Amend section to provide that the City Council shall be the sole authority under the Charter to determine the grade and classification of positions as to duties and responsibilities in all branches of the classified service, instead of the Civil Service Commission.

Vote:	Yes:	2
	No:	12
	Abstain:	0

PROPOSALS #21 to #25:

There are five substantive proposed changes to Charter Section 128.

§ 128 Required Provisions of Rules

The rules of the Civil Service Commission shall among other things, provide:

- (a) For the standardization and classification of all positions and employments in the classified service of the City, including officers and employees of the Civil Service Commission. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.
- (b) For open competitive tests to ascertain the relative fitness of all applicants for appointments in the competitive class.
- (c) For public notice in the City Record or otherwise of the time and place of all competitive tests.
- (d) For establishing eligible lists from competitive examinations, for periods not exceeding two years. The list will consist of the names of successful candidates in the order of their standing.
- (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical condition and moral character, or who have attempted deception or fraud in connection with any test.
- (f) For the certification to the appointing authority, from a competitive examination to fill a vacancy in the competitive class, of the seven persons standing highest on the list, or of the person or persons on the list when it contains seven names or less.
- (g) For temporary employment without test, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.
- (h) For temporary employment for periods not to exceed thirty days.
- (i) For noncompetitive tests for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.
- (j) For promotion in the classified service.
- (k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.
- (l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.
- (m) For discharge or reduction in rank or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction specifically stated in writing and has been given an opportunity to be heard in his own defense. The reasons for such discharge or reduction and any reply in writing thereto by such employee shall be filed with the Commission.
- (o) For layoff and recall.
- (p) For the publication of the rules and amendments thereto in the City Record.

The Commission shall adopt other rules, not inconsistent with the foregoing provisions of this section as may be necessary and proper for the enforcement of the merit system, and to provide for the procedure of the Commission.

Proposal #21 (Proposal #99): Amend division (d) to read as provided above.

Vote:	Yes:	3
	No:	10
	Undecided:	1

Proposal #22 (Proposal #101): Amend division (f) to read as provided above.

Vote: Yes: 7
No: 7
Undecided: 0

Proposal #23 (Proposal #105): Amend division (j) to read as provided above.

Vote: Yes: 2
No: 12
Undecided: 0

Proposal #24 (Proposal #111): Repeal existing division (n).

Vote: Yes: 3
No: 10
Undecided: 1

Proposal #25 (Proposal #112): Enact a new division (o) to read as provided above.

Vote: Yes: 5
No: 8
Undecided: 1

PROPOSALS #26 and #27:

There are two substantive proposed changes to Charter Section 128.

Proposed Language:

§ 128 Required Provisions of Rules

The rules of the Civil Service Commission shall among other things, provide:

(a) For the standardization and classification of all positions and employments in the classified service of the City, including officers and employees of the Civil Service Commission. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions. Any changes to the existing classifications after the date of passage of this section, including the creation or elimination of any classification or any changes to the duties and tasks assigned to classifications, shall be submitted to the City Council for approval and will take effect only after said approval.

(b) For open competitive tests to ascertain the relative fitness of all applicants for appointments in the competitive class.

(c) For public notice in the City Record or otherwise of the time and place of all competitive tests.

(d) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in the competitive tests.

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical condition and moral character, or who have attempted deception or fraud in connection with any test.

(f) For the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of the three persons standing highest on such list, or of the person or persons on such list when it contains three names or less.

(g) For temporary employment without test, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.

(h) For temporary employment for periods not to exceed thirty days.

(i) For noncompetitive tests for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.

(j) For promotion based on competitive tests and records of efficiency, character, conduct and seniority.

(k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.

(m) For discharge or reduction in rank or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction specifically stated in writing and has been given an opportunity to be heard in his own defense. The reasons for such discharge or reduction and any reply in writing thereto by such employee shall be filed with the Commission.

(n) For investigating and keeping a record of the efficiency of officers and employees in the classification service, and for requiring markings and reports relative thereto from appointing officers.

(o) For the publication of the rules and amendments thereto in the City Record.

(p) That when the layoff of City of Cleveland employees is due to lack of funds, the layoff(s) shall be supported by the universally accepted accounting rules and methods issued for municipal governments by the Government Accounting Standards Board. Prior to any layoff becoming effective, the Department of Finance shall file with the Civil Service Commission a statement of justification prepared in accordance with GASB standards. The statement of justification, including supporting financial statements, shall be part of the public record and shall be published in the City Record for three consecutive weeks prior to the layoff(s) becoming effective.

The Commission shall adopt other rules, not inconsistent with the foregoing provisions of this section as may be necessary and proper for the enforcement of the merit system, and to provide for the procedure of the Commission.

Proposal #26 (Proposal #114): Amend section to provide that any changes to the existing classifications after the date of passage of this section, including the creation or elimination of any classification or any changes to the duties and tasks assigned to classifications, shall be submitted to the City Council for approval and will take effect only after said approval.

Vote: Yes: 1

No: 13
Undecided: 0

Proposal #27 (Proposal #115): Amend section to provide that when the layoff of City employees is due to lack of funds, the layoff(s) shall be supported by the universally accepted accounting rules and methods issued for municipal governments by the Government Accounting Standards Board; that prior to any layoff becoming effective, the Department of Finance shall file with the Civil Service Commission a statement of justification prepared in accordance with GASB standards; and that the statement of justification, including supporting financial statements, shall be part of the public record and shall be published in the City Record for three consecutive weeks prior to the layoff(s) becoming effective.

Vote: Yes: 3
No: 11
Undecided: 0

PROPOSAL #28 (Proposal #116):

Repeal Section 130.

Proposed Language:

§ 130 Eligible Lists; Temporary Appointments—REPEALED

Vote: Yes: 2
No: 12
Undecided: 0

PROPOSAL #29 (Proposal #119):

Amend division (c) of Section 131 to read as follows:

§131 Appointments

(a) When any position in the classified service, except the ordinary unskilled labor class, is to be filled, the appointing authority shall notify the Commission of the fact and the Commission shall certify to such authority the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs. The appointing authority shall appoint to such position one of the three persons whose names are so certified. When the eligible list contains less than three names, such names shall be certified, from which the appointing authority may appoint one for such position, except that when the position is promotional the appointing authority shall appoint one for such position. A person certified from the eligible list more than three times to the same or similar position may be omitted from future certification, but certification for a temporary appointment shall not be counted as one of such certifications.

(b) When any position in the unskilled labor class is to be filled, the appointing authority shall notify the Commission of that fact, and the number to be appointed whereupon the Commission shall certify to the appointing officer the names and addresses of twice the number of candidates required to fill such position or positions in the order of their standing on the appropriate eligible list. The appointing officer shall, without restriction as to order, appoint to such position or positions from among the candidates so certified.

(c) An employee in the classified service who remains in his or her position for a period of two years of continuous service without test and whose employment record is satisfactory shall become a regular employee upon request of the appointing authority. Any employee who becomes a regular employee in his or her position after two years without test is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City of Cleveland and rules promulgated by the Commission.

Vote: Yes: 6
No: 8
Undecided: 0

PROPOSAL #30 (Proposal #120):

Enact new Charter Section 131-1 to “grandfather” employees who were hired in their current position on or before November 4, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test, provided that any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City and rules promulgated by the Commission.

Proposed Language:

§131-1 Employees Hired Without Test before November 4, 2008 [New]

Employees in the classified service who were hired in their current position on or before November 4, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test. Any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City of Cleveland and rules promulgated by the Commission.

Vote:	Yes:	3
	No:	10
	Undecided:	1

PROPOSAL #31 (Proposal #121):

Amend Section 132 to provide that absent emergency, no person employed by the City shall perform the work identified by the Civil Service as appropriate for a specific classified position, unless that employee has passed a competitive test for that specific classification, and was put on a hiring list for or was already working in that specific classification.

Proposed Language:

§ 132 Limitation on Appointment and Transfer

No person shall be appointed or employed in the service of the City under any title not appropriate to the duties to be performed, and no person shall be transferred to or assigned to perform any duties of a position subject to competitive test unless he shall have been appointed to the position from which the transfer is made as a result of competitive test equivalent to that required for the position to be filled. Absent emergency, no person employed by the City shall perform the work identified by the Civil Service as appropriate for a specific classified position, unless that employee has passed a competitive test for that specific classification, and was put on a hiring list for or was already working in that specific classification.

Vote:	Yes:	1
	No:	12
	Abstain:	1

PROPOSAL #32 (Proposal #122):

Repeal Section 132.

Proposed Language:

§ 132 Limitation on Appointment and Transfer—REPEALED

Vote:	Yes:	3
	No:	11
	Undecided:	0

PROPOSAL #33 (Proposal #123):

Repeal Section 133.

Proposed Language:

§ 133 Promotions Wherever Practicable—REPEALED

Vote:	Yes:	3
	No:	11
	Undecided:	0

PROPOSAL #34 (Proposal #145):

Does the Commission propose that the Mayor and the Council President establish a mandate, resources, and time line for a Special City Commission for reform of the expectation and infrastructure of Cleveland City Council as recommended to the Charter Review Commission by a citizen?

Vote:	Yes:	0
	No:	12
	Undecided:	2

PROPOSAL #35 (Proposal #146):

Does the Commission propose that the Charter be amended to create a defined school-to-career pathway for students successfully graduation from the Cleveland Metropolitan School District's MLK Firefighter Academy that leads to direct employment by the City as a FireMedic within the Division of Fire as recommended to the Charter Review Commission by Vanguards of Cleveland, Inc.?

Vote:	Yes:	2
	No:	11
	Undecided:	1

PROPOSALS RELATED TO THE NUMBER OF COUNCIL WARDS:

PROPOSAL #36 (Proposal #148):

Question: Should the Council consist of 17 members, 14 of whom are elected by wards and 3 elected at large?

Vote:	Yes:	2
	No:	12
	Undecided:	0

PROPOSAL #37 (Proposal #149):

Question: Should the Council consist of 15 members, 14 of whom are elected by wards and 1 elected at large who shall serve as the President of Council?

Vote:	Yes:	1
	No:	13
	Undecided:	0

PROPOSAL #38 (Proposal #150):

Question: Should the Council consist of 15 wards?

Vote:	Yes:	1
	No:	13
	Undecided:	0

PROPOSAL #39 (Proposal #151):

Question: Should the Council consist of 11 members, 7 of whom are elected by wards and 4 elected at large?

Vote:	Yes:	2
	No:	12
	Undecided:	0

PROPOSALS RELATED TO THE TERMS AND ELECTION OF CITY COUNCIL MEMBERS:

PROPOSAL #40 (Proposal #152):

Question: Should the terms of the members of Council be reduced to two year terms?

Vote:	Yes:	0
	No:	14
	Undecided:	0

PROPOSAL #41 (Proposal #153):

Question: Should the terms of the members of Council be staggered to provide that half of the Council is elected every two years (although the terms of each member remain at 4 years)?

Vote:	Yes:	1
	No:	13
	Undecided:	0

PROPOSAL #42 (Proposal #154):

Question: Should the terms of the members of Council and the Mayor be staggered so that Mayor and the members of Council are not elected at the same election?

2

Vote:	Yes:	2
	No:	12
	Undecided:	0

PROPOSALS RELATE TO REAPPORTIONMENT AND THE 2009 ELECTION:

PROPOSAL #43 (Proposal #155):

Question: Should the City reapportion wards so as to not split the City's neighborhoods between more than two wards? In addition, the City's neighborhoods, as determined by the City Planning Commission, should only be divided by census tracks, or in extreme cases by blocks. This recommendation also requires an amendment to Charter Section 76-2 to place a requirement on the city Planning Commission to map the City by neighborhoods.

Vote:	Yes:	7
	No:	7
	Undecided:	0

PROPOSAL #44 (Proposal #155A):

This is the same question as proposal #155 above except that the standard of redistricting by neighborhood is "best efforts" and not a requirement?

Vote:	Yes:	0
	No:	14
	Undecided:	0

PROPOSAL #45 (Proposal #156):

Question: Should the City reapportion wards for the election in 2009?

Vote:	Yes:	6
	No:	7
	Undecided:	1

**CITY OF CLEVELAND
2008 CHARTER REVIEW COMMISSION
Vote Tallies of Individual Commission Members
August 1, 2008**

The attached list shows the votes of the Charter Review Commission members on each of the proposals that they considered. The following table assists in deciphering the notations on the list:

Y	=	Yes
N	=	No
A	=	Abstain
U	=	Undecided
AA	=	Sister Alicia Alvarado. (Note: After three months of dedicated service on the Charter Review Commission, Sister Alicia was not able to complete her work because of medical reasons.)
PB	=	Patricia Britt.
WC	=	William Callahan.
PC	=	Phyllis Cleveland.
RC	=	Roosevelt Coats.
AF	=	Anton Farmby.
GH	=	Gregory Huth.
MJ	=	Mabel Jasper.
KJ	=	Kenneth Johnon
VJ	=	Vicki Eaton Johnson
KK	=	Kevin Kelley
PM	=	Patrick Mangan
MS	=	Matthew Silversten
RT	=	Robert Triozzi

#	AA	PB	WC	PC	RC	AF	CG	GH	MJ	KJ	VJ	KK	PM	MS	RT	TOTAL (Y/N/U)
1		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
2		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
3		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	(13/1/0)
4		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
5		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
6		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	(12/2/0)
7		Y	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	N	Y	(10/4/0)
8		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	(12/2/0)
9		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
10		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
11		Y	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	Y	(10/4/0)
12		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	(12/2/0)
13		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	(13/1/0)
14		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	(13/1/0)
15		Y	Y	N	N	N	N	Y	N	N	Y	Y	Y	N	Y	(7/7/0)
16		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
17		Y	Y	Y	N	N	Y	Y	Y	N	N	Y	Y	Y	Y	(10/4/0)
18		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
19		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
20		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
21		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
22		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
23		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
24		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
25		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
26		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	(13/1/0)
27		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
28		Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
29		Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	Y	Y	Y	(11/3/0)
30		Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	(12/2/0)
31		Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	(12/2/0)
32		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	(13/1/0)
33		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
34		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
35		Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	(12/2/0)

36		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
37		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	(13/1/0)
38		Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	N	Y	(9/5/0)
39		N	Y	Y	Y	N	Y	Y	N	N	Y	Y	N	N	Y	(8/6/0)
40		Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	(12/2/0)
41		Y	N	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	Y	(10/4/0)
42		Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	(12/2/0)
43		Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	(12/2/0)
44		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
45		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
46		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
47		Y	N	N	Y	Y	Y	N	U	N	Y	N	U	N	N	(5/7/2)
48		Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	(12/2/0)
49		Y1	N	Y1	Y1	Y1	Y6	Y6	Y1	Y1	N	Y1	Y6	N	Y1	(11/3/0) 1Y
50		Y2	N	Y?	Y1	Y2	N	Y1	Y?	Y?	Y1	Y1	Y1	N	Y1	(11/3/0)
51		N	Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	(11/3/0)
52		Y	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	(4/10/0)
53		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
54		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
55		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
56		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
57		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
58		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
59		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
60		Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	(12/2/0)
60A		N	N	N	Y	Y	N	N	Y	Y	N	N	N	Y	N	(5/9/0)
61		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
62		Y	Y	Y	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	(11/3/0)
63	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	XXXXXXXXXXX
50K		Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	(12/2/0)
25K	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	XXXXXXXXXXX
35K	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	XXXXXXXXXXX
100K	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	XXXXXXXXXXX
64		Y	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	(12/2/0)
65		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
66		Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	(11/3/0)

67		Y	Y	Y	Y	N	U	Y	Y	Y	Y	Y	Y	U	Y	(11/1/2)
68		Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	U	Y	(12/1/1)
69		Y	Y	U	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	(10/3/1)
70		Y	Y	U	Y	N	N	Y	Y	Y	Y	Y	Y	U	Y	(10/2/2)
71		Y	N	N	Y	U	N	N	Y	Y	Y	Y	Y	N	N	(7/6/1)
72		N	N	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	(9/5/0)
73		Y	Y	Y	Y	N	N	N	N	Y	Y	N	N	N	N	(6/8/0)
74		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	(13/1/0)
75		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	(13/1/0)
76		N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	N	Y	(10/4/0)
77		Y	Y	U	Y	Y	U	Y	Y	Y	Y	Y	Y	N	Y	(11/1/2)
78		N	N	N	N	N	N	N	Y	N	N	N	U	N	N	(1/12/1)
79		N	N	Y	N	N	N	N	Y	N	N	Y	N	N	N	(3/11/0)
80		N	N	U	N	N	N	N	Y	N	Y	N	N	N	N	(2/11/1)
81		Y	N	N	N	N	Y	N	Y	N	N	N	N	N	Y	(4/10/0)
81A		Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	Y	N	Y	(12/1/1)
82		Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	N	Y	(11/3/0)
83		Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	(12/2/0)
84		Y	N	Y	N	N	N	Y	N	Y	N	Y	N	Y	Y	(7/7/0)
85		Y	N	Y	N	N	N	N	N	N	N	Y	N	Y	Y	(5/9/0)
86		Y	N	Y	N	Y	U	Y	N	Y	N	N	Y	Y	Y	(8/5/1)
87		Y	N	Y	N	N	N	N	Y	Y	N	Y	N	Y	Y	(7/7/0)
88		Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	(12/2/0)
89		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
90		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
91		Y	N	N	Y	N	N	N	U	N	N	N	N	N	N	(2/11/1)
92		N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	(2/12/0)
93		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
94		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
95		Y	Y	Y	N	Y	U	Y	Y	Y	Y	Y	U	N	Y	(10/2/2)
96		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
97		Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	Y	(10/4/0)
98		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
99		N	N	N	Y	N	U	N	Y	Y	N	N	N	N	N	(3/10/1)
99A		Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	Y	N	Y	(12/1/1)
100		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)

101		N	N	Y	Y	N	N	N	Y	Y	Y	Y	N	N	Y	(7/7/0)
101A		Y	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	Y	Y	(13/0/1)
102		Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
103		Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	(12/2/0)
104		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(14/0/0)
105		N	N	N	Y	N	N	N	N	N	N	N	N	N	Y	(2/12/0)
106		Y	U	U	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(11/1/2)
107		Y	Y	Y	Y	Y	N	Y	U	Y	Y	Y	Y	N	Y	(11/2/1)
108		Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	(13/0/1/0)
109		Y	Y	Y	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	(13/0/1)
110		Y	Y	Y	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	(13/0/1)
111		Y	N	N	Y	N	N	N	N	U	N	N	N	N	Y	(3/10/1)
112		Y	N	Y	Y	N	N	N	N	U	N	N	N	Y	Y	(5/8/1)
113		Y	Y	Y	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	(13/0/1)
114		N	N	N	Y	N	N	N	N	N	N	N	N	N	N	(1/13/0)
115		N	N	N	Y	N	N	N	N	Y	Y	N	N	N	N	(3/11/0)
115A		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	(12/2/0)
116		Y	N	N	N	N	N	N	N	Y	N	N	N	N	N	(2/12/0)
116A		Y	Y	Y	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	(13/0/1)
117		Y	Y	Y	Y	N	U	Y	Y	A	Y	Y	N	N	Y	(9/3/1/1)
118		Y	Y	Y	N	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	(12/1/1/0)
119		Y	N	N	Y	Y	N	N	Y	N	N	Y	N	N	Y	(6/8/0)
120		N	N	N	Y	N	U	N	Y	N	N	Y	N	N	N	(3/10/1)
120A		Y	Y	Y	Y	Y	U	Y	Y	U	Y	Y	Y	U	Y	(11/0/3)
121		N	N	N	Y	N	N	N	N	A	N	N	N	N	N	(1/12/1/0)
122		Y	N	N	N	N	N	N	N	N	N	Y	N	N	Y	(3/11/0)
123		Y	N	N	N	N	N	N	N	N	Y	N	N	N	Y	(3/11/0)
124		Y	Y	N	Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	(12/1/1)
125		Y	Y	Y	Y	N	N	N	Y	U	Y	Y	N	Y	Y	(9/4/1)
126		Y	Y	N	Y	Y	Y	Y	U	U	Y	N	Y	Y	N	(9/3/2)
127		Y	Y	N	Y	Y	Y	Y	U	N	Y	N	Y	Y	Y	(10/3/1)
128		Y	Y	Y	N	Y	Y	Y	Y	N	Y	N	Y	Y	Y	(11/3/0)
129		Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/1/0)
130		N	Y	N	Y	N	Y	N	Y	Y	Y	N	N	N	N	(6/8/0)
131		N	Y	Y	Y	Y	U	Y	Y	Y	Y	N	Y	U	N	(9/3/2)
132		Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	(12/2/0)

133		Y10	Y10	Y10	Y10	N	Y10	Y10	Y10	N	Y10	Y10	Y10	Y10	Y10	(12/2/0)10YRS
134		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	(13/1/0)
135		Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	(13/1/0)
136		Y	Y	Y	N	Y	U	Y	Y	N	Y	Y	Y	Y	N	(10/3/1)
137		Y	Y	Y	Y	Y	U	Y	Y	Y	Y	Y	Y	N	Y	(12/1/1)
138		N	N	N	Y	Y	N	N	N	N	N	N	N	N	N	(2/12/0)
139		Y	Y	U	Y	Y	Y	Y	U	U	U	Y	Y	Y	Y	(10/0/4)
140		N	N	Y	N	Y	Y	Y	N	N	Y	Y	Y	Y	N	(8/6/0)
141		Y	U	Y	Y	U	Y	Y	Y	Y	Y	Y	N	Y	Y	(11/1/2)
142		N	Y	N	Y	Y	U	N	U	N	U	N	Y	U	Y	(5/5/4)
143		N	N	N	N	U	N	N	N	N	N	N	Y	N	N	(1/12/1)
144		N	U	N	N	N	N	N	N	U	N	N	N	N	N	(0/12/2)
145		N	U	N	N	U	N	N	N	N	N	N	N	N	N	(0/12/2)
146		Y	N	N	Y	U	N	N	N	N	N	N	N	N	N	(2/11/1)
147		Y	Y	U	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	(13/0/1)
147a		T	T	T	M	M	N	M	U	M	T	T	T	T	T	T8/M4/1N/1U
148		N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	(2/12/0)
149		N	N	N	N	N	N	N	N	N	N	N	N	Y	N	(1/13/0)
150		N	N	N	N	N	N	N	N	N	N	N	N	Y	N	(1/13/0)
151		N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	(2/12/0)
152		N	N	N	N	N	N	N	N	N	N	N	N	N	N	(0/14/0)
153		N	N	N	N	N	N	N	N	N	Y	N	N	N	N	(1/13/0)
154		N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	(2/12/0)
155		Y	Y	N	Y	N	Y	Y	Y	N	Y	N	N	N	N	(7/7/0)
155A		N	N	N	N	N	N	N	N	N	N	N	N	N	N	(0/14/0)
156		Y	N	U	Y	N	N	Y	N	Y	N	Y	Y	N	N	(6/7/1)

CITY OF CLEVELAND
2008 CHARTER REVIEW COMMISSION
Priority Lists of Individual Commission Members
July 31, 2008

At the final meeting of the Charter Review Commission on July 31, 2008, the members of the Commission identified their individual lists of the top priorities among all of the recommended Charter proposals contained in this report. There individual lists in alphabetical order are as follows. The number matches the Proposal Number listed on the Voting Report:

Patricia J. Britt

- #27 Executive Session for City Council
- #18 Time for Certifying Recall Petition Results Clarified
- #49 Time When No Recall Petition May Be Filed After Official Takes Office Extended
- #63 & #64 Increase Small Purchase Exemption to \$50,000 with Future Increases by 2/3rds Vote of Council
- #47 Recall Affidavits Should Identify Grounds for Recall Related to Official Duties
- #62 Allow Law Director to Increase Number of Prosecutors without Vote of Council
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People
- #9 Nominating Petitions Must be Filed by 4:00 PM.
- #69 Establishment of Airport Police Force

William Callahan

- #69 Establishment of Airport Police Force
- #139 *If Council acts to put Proposal #147 or any other form of Council reduction on the ballot, then move on establishment of Neighborhood Service Districts at the same time.*
- #51 Revise City Campaign Finance Laws
- #131 Ward Residency for Members of City Council
- #63 Increase Small Purchase Exemption to \$50,000
- #62 Allow Law Director to Increase Number of Prosecutors without Vote of Council
- #133 to #135 Revise Charter Review Process

Phyllis Cleveland

- #27 Executive Session for City Council
- #133 to #135 Revise Charter Review Process
- #129 Authorize Design Build Contracts for Public Improvements
- #63 Increase Small Purchase Exemption to \$50,000

Roosevelt Coats

- #2 Make Charter Provisions Gender Neutral
- #8 & #52 Conform City Nominating Process and Campaign Finance Laws to State Law
- #4 & #10 Changes to City Election Process Recommended by the Board of Elections
- #137 Increase the Number of Signatures on Recall Petitions
- #26 Fix Date of Council Organization Meeting as the First Business Day in January
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People

Anton Farmby

- #63 Increase Small Purchase Exemption to \$50,000
- #140 Alienation of Lakefront Lands
- #69 & #70 Establishment of Airport Police Force and Airport Rescue and Fire Force
- #75 Appeals to Civil Service Commission from Suspensions of More than Three Days
- #51 Revise City Campaign Finance Laws
- #129 Authorize Design Build Contracts for Public Improvements
- #27 Executive Session for City Council
- #4 Changes to City Election Process Recommended by the Board of Elections
- #53 & #58 Rules of Council and Legislation to be Supplied in an Electronic Format
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People
- #2 Make Charter Provisions Gender Neutral

Colleen Gilson

- #27 Executive Session for City Council
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People
- #63 Increase Small Purchase Exemption to \$50,000
- #133 to #135 Revise Charter Review Process
- #51 Revise City Campaign Finance Laws
- #129 Authorize Design Build Contracts for Public Improvements
- #62 Allow Law Director to Increase Number of Prosecutors without Vote of Council
- #18 Time for Certifying Recall Petition Results Clarified
- #140 Alienation of Lakefront Lands
- #49 Time When No Recall Petition May Be Filed After Official Takes Office Extended

Gregory Huth

- #133 to #135 Revise Charter Review Process
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People
- #140 Alienation of Lakefront Lands
- #63 Increase Small Purchase Exemption to \$50,000
- #30 Shorten the "Hold Over" Time for Appropriation Ordinances to 7 Days
- #28 Reduce the Effective Date for Legislation to 30 Days
- #116A Extend the Time to Test Classified Employees to 1 Year
- #129 Authorize Design Build Contracts for Public Improvements
- #51 Revise City Campaign Finance Laws

Mabel Jasper

- #4 Adjust Date of Primary Elections for City Offices
- #8 Conform City Nominating Process to State Law
- #12 Repeal Need for Candidate Acceptance
- #137 Increase the Number of Signatures on Recall Petitions
- #23 Extend the Time Period During Which a Special Election Must be Held to Fill a Council Vacancy
- #26 Fix Date of Council Organization Meeting as the First Business Day in January
- #2 Make Charter Provisions Gender Neutral

Kenneth L. Johnson

- #27 Executive Session for City Council
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People
- #63 Increase Small Purchase Exemption to \$50,000
- Various Implementation of the Civil Service Amendments
- #131 Ward Residency for Members of City Council

Vicki Eaton Johnson

- #63 & #64 Increase Small Purchase Exemption to \$50,000 with Future Increases by 2/3rds Vote of Council
- #129 Authorize Design Build Contracts for Public Improvements
- #69 Establishment of Airport Police Force
- #70 Establishment of Airport Rescue and Fire Force
- #28 Reduce the Effective Date for Legislation to 30 Days
- #60 Revise Mandatory Referral to City Planning Commission
- #133 to #135 Revise Charter Review Process
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People

Kevin J. Kelley

- #27 Executive Session for City Council
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People
- #129 Authorize Design Build Contracts for Public Improvements
- #63 Increase Small Purchase Exemption to \$50,000
- #60 Revise Mandatory Referral to City Planning Commission
- #51 Revise City Campaign Finance Laws
- #4 & #10 Changes to City Election Process Recommended by the Board of Elections
- #69 Establishment of Airport Police Force
- #1 & #2 Make Charter Provisions Grammatical and Gender Neutral

Patrick Mangan

- #133 to #135 Revise Charter Review Process
- #63 & #64 Increase Small Purchase Exemption to \$50,000 with Future Increases by 2/3rds Vote of Council
- #69 & #70 Establishment of Airport Police Force and Airport Rescue and Fire Force
- #129 Authorize Design Build Contracts for Public Improvements
- #120A Grandfather Employees Who Have Not Been Tested
- #147 Fix Number of Council Wards by a Ratio of One Ward for 25,000 People

Matthew Silversten

- #63 & #64 Increase Small Purchase Exemption to \$50,000 with Future Increases by 2/3rds Vote of Council
- #60 Revise Mandatory Referral to City Planning Commission
- #133 to #135 Revise Charter Review Process
- #140 Alienation of Lakefront Lands
- #28 & #35 Reduce the Effective Date for Legislation to 30 Days
- #129 Authorize Design Build Contracts for Public Improvements
- #51 Revise City Campaign Finance Laws
- #69 Establishment of Airport Police Force
- #4 & #10 Changes to City Election Process Recommended by the Board of Elections
- #27 Executive Session for City Council

Robert Triozzi

- #63 & #64 Increase Small Purchase Exemption to \$50,000 with Future Increases by 2/3rds Vote of Council
- #129 Authorize Design Build Contracts for Public Improvements
- #28 Reduce the Effective Date for Legislation to 30 Days
- #60 Revise Mandatory Referral to City Planning Commission
- #83 to #90 Revisions to the Classified and Unclassified Service
- #94 to #95 Changes to description of Non-competitive Class and General Labor Class
- #116A Extend the Time to Test Classified Employees to 1 Year
- #120A Grandfather Employees Who Have Not Been Tested
- #117 Increase Choice on Eligibility List to Five Names
- #97 to #113 Clarification of the Rule Making Authority of the City Service Commission
- #69 Establishment of Airport Police Force

