

Ordinance No. ~~1316-08~~

AN EMERGENCY ORDINANCE

COUNCIL MEMBERS CLEVELAND, KELLEY,
JOHNSON, AND COATS

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend and repeal various sections of the Charter of the City of Cleveland relating to the City election process.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 3, 4, 6, 7, 8, 11, 13, 15, 23-1, 24, 50, 51, 57, and 66 to read as follows and, further, to repeal existing Sections 9, 15-1, 23-2, 23-3, 23-4, 23-5, 23-6, and 23-7 as follows:

§ 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 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.

§ 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.

§ 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

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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 signer's signature was made.

§ 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)

(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

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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.

§ 8 Filing and Verification of Petitions

All separate papers comprising a statement of candidacy and 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.

§ 9 Acceptance of Nomination—Repealed

§ 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.

§ 13 Write-in Spaces on Ballots

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

§ 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

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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.

§ 15-1 Balloting by Armed Forces—Repealed

§ 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.

§ 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

§ 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, the 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. If a general election is to be in the City 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 one hundred 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

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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.

§ 50 Signing Petition

Each signer of a petition shall sign his or her name in ink or indelible pencil, and shall place on the petition paper after the signer's name his or her 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.

§ 51 Filing Petition

All papers comprising a petition shall be assembled and filed with the Clerk of the Council as one instrument by no later than 4:00 p.m. on a regular business day of the office of the Clerk. 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.

§ 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.

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§ 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.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008,

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as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland:

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall various sections of the Charter of the City of Cleveland related to the City's election process be amended or repealed to recognize that City elections are held every four years; to hold the primary election prior to a regular municipal election on the second Tuesday in September and the eighth Tuesday prior to other municipal elections; to eliminate the circulator's affidavit and otherwise conform candidacy and nominating petition papers and initiative petition forms to state law; to fix the filing deadline at no later than four p.m. on the seventy-fifth day prior to the primary election day; to eliminate acceptance of candidacy; to provide for ballot forms and write-in spaces as prescribed by state law; to eliminate the requirement that Council determine election devices and balloting by armed forces; to require that Council provide campaign contribution limitations, penalties and an appeal process for violating the limitations, and eliminate the remaining campaign finance provisions in the Charter; to provide a process to fill vacancies in the Council when more than two years exists before the next regular municipal election and to place this election on a general election day if one occurs not less than 160 days nor more than one year after the vacancy occurs or otherwise at a special election with the primary to occur on the first Tuesday after 100 days from the vacancy; to fix the filing deadline for initiative petition papers by no later than 4:00 p.m. on a regular business day of the Council Clerk; and to fix the election on an initiated ordinance at not less than 60 days after certification of the petition signatures by the Clerk?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RHH:nl
9-2-08

FOR: Council President Sweeney

Ordinance No. 1317-08

COUNCIL MEMBERS CLEVELAND,
KELLEY, JOHNSON, COATS

AN EMERGENCY ORDINANCE

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 115-1 and 115-2 of the Charter of the City of Cleveland relating to the Office of Professional Standards and the Police Review Board.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 115-1 and 115.2 to read as follows:

§ 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.

§ 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.

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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.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Sections 115-1 and 115-2 of the Charter of the City of Cleveland be amended to authorize the appointment of two additional members to the Police Review Board with terms commencing on August 8, 2009, and the appointment of civilian investigators to the Office of Professional Standards?

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Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RFH:nl
9-2-08

FOR: Council President Sweeney

Ordinance No. ~~1318~~ - ~~08~~

AN EMERGENCY ORDINANCE

COUNCIL MEMBERS: KELLEY, JOHNSON,
COATS

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 108 and 167 of the Charter of the City of Cleveland relating to authorization of contracts and public improvements.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 108 and 167 to read as follows:

§ 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.

(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.

(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.

(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.

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§ 167 Public Improvements

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.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be

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made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Sections 108 and 167 of the Charter of the City of Cleveland be amended to provide that contracts in excess of \$50,000 must be authorized by ordinance of Council; that the Council may increase this amount by a two-thirds affirmative vote; that competitive bidding is not required for cooperative purchase agreements with other governmental agencies and when the Council so authorizes for purposes that the state authorizes for other cities; and that public improvements may be made by combining the design professional contract with the public improvement contract and be awarded on the basis of the best proposal?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RFH:nl
9-2-08

FOR: Council President Sweeney

Ordinance No. 1319-08

AN EMERGENCY ORDINANCE

COUNCIL MEMBERS CLEVELAND, KELLEY,
JOHNSON, AND COATS

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 121, 126, 130 of the Charter of the City of Cleveland and to enact new Section 131-1 relating to Cleveland's civil service system.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 121, 126 and 130 and enacting new Section 131-1 to read as follows:

§ 121 Appeal to Civil Service Commission

Any person 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 director of the department 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, and may affirm, disaffirm or modify the judgment of the director, and the judgment of the Commission in the matter shall be final.

§ 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.

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(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) 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.

(h) 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.

(i) 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.

(j) School crossing guards.

(k) 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, or skills requiring certifications or 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 either continuously or at 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 registration shall determine an applicant's place on the registration list, provided the

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as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall various sections of the Charter of the City of Cleveland related to civil service be amended to (1) allow appeals of employees to the Civil Service Commission from suspensions of more than 3 days and authorize the Commission to set the appeal for hearing within 30 days; (2) provide that the unclassified service shall include assistant directors of departments, executive and special assistants to the Mayor, temporary employees for a period not to exceed 90 days, seasonal employees for a period not to exceed 180, and students enrolled in any recognized educational institution; (3) provide that the non-competitive class shall include all positions requiring specialized training, or skills requiring certifications or licensure, and qualifications of a scientific, business, managerial, professional or educational character, as determined by the Commission and that 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; (4) rename the ordinary unskilled labor class as the general labor class that includes semi-skilled and unskilled labor positions for which it is impractical to give competitive tests and that vacancies in the general labor class shall be filled from the registration list containing qualified applicants provided to the appointing authority by the Commission; (5) provide that in the absence of an eligible list, any position in the competitive service may be filled temporarily, without test, for a period not to exceed one year; and (6) grandfather employees hired in their current position on or before August 6, 2008, who have served for 90 consecutive days without test, who meet the qualifications for their position, and who have a satisfactory employment record as regular employees in their position without test, provided that any grandfathered employee is not eligible to apply for any other position in the classified service without test and compliance with all other applicable civil service laws and rules?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RFH:ml
9-2-08

FOR: Council President Sweeney

Ordinance No. 1320-08

COUNCIL MEMBERS CLEVELAND,
KELLEY, JOHNSON , AND COATS

AN EMERGENCY ORDINANCE

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 36, 59 and 64 of the Charter of the City of Cleveland relating to the effective date of legislation and referendum.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 36, 59 and 64 to read as follows:

§ 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. 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.

§ 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.

Ordinance No. 1320-08

§ 64 Referendum on Emergency Measures

Ordinances passed as emergency measures for the immediate preservation of the public peace, property, health, or safety and providing for the refinancing of bonds, notes or other securities of the City shall not be subject to referendum. Otherwise, emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in the ordinances. If, when submitted to a vote of the electors of the City, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but the measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

Ordinance No. 1320-08

PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Sections 36, 59 and 64 of the Charter of the City of Cleveland be amended to provide that legislation shall be in effect from and after thirty days following passage, a referendum petition may be filed within the thirty-day period, and no referendum may be brought on ordinances passed as emergency measures for the immediate preservation of the public peace, property, health, or safety and providing for the refinancing of bonds, notes or other securities of the City?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RFH:nl
9-2-08

FOR: Council President Sweeney

Ordinance No. 1371-08

AN EMERGENCY ORDINANCE

COUNCIL MEMBERS CLEVELAND, KELLEY,
JOHNSON, AND COATS

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 25 and 25-1 of the Charter of the City of Cleveland relating to dividing the City into wards and reapportionment.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 25 and 25-1 to read as follows:

§ 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 or other reliable source as determined by the Council as of that date. The number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the following table that reflects a ratio of one ward for every 25,000 people based on the estimated population figures:

<u>If the City's population is:</u>	<u>The City shall be divided into the following number of wards:</u>
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.

Ordinance No. 1321-08

Council a plan for the reapportionment of the wards. The Council shall within ten business days after receiving the Mayor's plan, reapportion the wards as herein provided. If the Council does not reapportion the wards within this latter ten business day period, the reapportionment plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as herein provided.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Sections 25 and 25-1 of the Charter of the City of Cleveland be amended to provide that, by April 1, 2009, the Council 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 or other

Ordinance No. 1321-08

reliable source as determined by the Council; that the number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the table contained in the Charter that reflects a ratio of one ward for every 25,000 people based on the estimated population figure; that if the Council does not act by that date, the Mayor shall redivide the City into wards within 7 days thereafter; that, in the future after each decennial Federal census, the Council shall reapportion the City into wards in the same manner to determine the number of wards based on the census figures, provided that if reapportionment occurs in any year when the City conducts a regular Municipal election and the determination of the Census figures occurs less than 120 days before the filing of nominating petitions, then the reapportionment of wards shall be effective for the next regular Municipal election in four years and subsequent elections; and that the Council shall act within 60 days of the determination of the census figures and if the Council does not act by that date, the Mayor shall have 15 business days to reapportion the City into wards?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RFH:nl
9-2-08

FOR: Council President Sweeney