

ORDINANCE NO. 2023-22

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE ACCEPTING THE FINAL REPORT OF THE UNIVERSITY HEIGHTS CHARTER REVIEW COMMISSION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, attached hereto as Exhibit “A”;

WHEREAS, the Law Director has certified to the City Council, in writing dated May 31, 2023, and attached hereto as Exhibit “B”, that the proposed amendments to the Charter contained in the Final Report and Recommendations are constitutional, the wording is not ambiguous and conforms to the requirements of Ohio Law; and

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The City Council accepts the Final Report and Recommendations of the Charter Review Commission, as attached hereto as Exhibit “A”.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED: _____

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

EXHIBIT A

CHARTER REVIEW COMMISSION CITY OF UNIVERSITY HEIGHTS, OHIO 2022-23

Final Report and Recommendations

In accordance with Amended Ordinance No. 2022-25, the Charter Review Commission (“CRC”) of University Heights, Ohio, submits and publishes the following Final Report and Recommendations regarding proposed amendments to the Charter of the City of University Heights, Ohio, and respectfully requests that Council vote to submit each such amendment to the electors of this City at the next general election to be held on November 7, 2023.

Proposed Amendment to the Charter No. 01:

Gender-Neutrality

The CRC is recommending a Charter amendment that would replace gendered terms and language throughout the City’s Charter with gender-neutral and gender-inclusive terms and language. This proposed amendment would correct the long-standing sexist, androcentric language of the Charter and replace it with language that communicates and promotes a more inclusive city and government. Our Charter should better recognize and reflect all residents and those people serving our community through our city government.

The proposed amendment would also replace Article 8, Section 11, of the Charter – which would be rendered superfluous by this proposed amendment – with a new provision granting Council the authority, by unanimous vote, to make non-substantive corrections and revisions to the Charter through the legislative process. This provision is modeled after provisions in the charters of the cities of Columbus and Kirtland. It would allow Council to make any future non-substantive revisions without having to resort to the burdensome and infrequently-used Charter amendment process under Article 8, Section 5, of the Charter. The difficulty of amending the Charter has allowed prejudicial language to remain in our Charter far too long. This proposed amendment would also allow Council to more easily correct minor errors and inconsistencies. For example, upon the recommendation of the previous Charter Review Commission in 2009, residents were asked to vote on a Charter amendment correcting certain grammatical and spelling errors in the Charter, including changing the word “insure” to “ensure” and the word “faxed” to “fixed.” This proposed amendment would allow future Charter Review Commissions and voters to instead focus on substantive reforms to modernize and improve the organization, powers, functions, and procedures of local government to better serve the City’s residents.

See generally Maria Mousmouti, *Gender-Sensitive Law-Making: Concept and Process*, 10 THEORY & PRAC. OF LEGIS. 3 (2022), 223-233; Hannah Johnson, *Legislating for Change: Gender-Sensitive Ex-Ante Legislative Scrutiny in Practice*, 10 THEORY & PRAC. OF LEGIS. 3 (2022), 249-269; AMERICAN PSYCHOLOGICAL ASSOCIATION, INCLUSIVE LANGUAGE GUIDELINES (2021); Donald L. Revell & Jessica Vapnek, *Gender-Silent Legislative Drafting in a Non-Binary World*, 48 CAP. U. L. REV. 2 (2020), 103-147; Margit Tavits & Efrén O. Pérez, *Language Influences Mass Opinion Toward Gender and LGBT Equality*, 116 PNAS 34 (2019), 16781-16786; Pat K. Chew & Lauren K. Kelley-Chew, *Subtly Sexist Language*, 16 COLUM. J. GENDER & L. 643 (2007), 643-678; Mary Jane Mossman, *The Use of Non-Discriminatory Language in the Law*, 73 CAN. BAR REV. 3 (1994), 347-371.

Proposed Amendment to the Charter No. 02:

Eliminating Term Limits

The CRC is recommending an amendment to eliminate term limits for elected officers of University Heights. Currently, the Charter limits elected officials to serve no more than three consecutive four-year terms or fourteen consecutive years whether elected or appointed. This provision was approved by voters in 1995 when the movement in favor of term limits had reached its peak throughout the country. However, since the 1990s, term limits have proven to be detrimental – rather than beneficial – to good government.

Academic research shows that term limits increase the ideological polarization of legislatures, reduce legislators' expertise, capacity, and skills, weaken legislatures relative to executives, increase the influence of special interests and lobbyists, reduce voter turnout, and reduce productivity. *See generally* Karl Kurtz, *State Legislative Term Limit Laws Turn 30*, ST. LEGIS. MAG. (Feb. 8, 2021); Casey Burgat, Brookings Inst., *Five Reasons to Oppose Congressional Term Limits* (Jan. 18, 2018); Michael P. Olson & Jon C. Rogowski, *Legislative Term Limits and Polarization*, 82 J. OF POL. 2 (2019), 572-586; Jeff Cummins, *The Effects of Legislative Term Limits on State Fiscal Conditions*, 41 AM. POL. RES. 3 (2012), 417-442; James Alt, et al., *Disentangling Accountability and Competence in Elections: Evidence from U.S. Term Limits*, 73 J. OF POL. 1 (2011), 171-186; Patrick J. Egan, *Term Limits for Municipal Elected Officials: Executive and Legislative Branches* (2010); Adam J. McGlynn & Dari E. Sylvester, *Assessing the Effects of Municipal Term Limits on Fiscal Policy in U.S. Cities*, 42 ST. & LOC. GOV. REV. 2 (2010), 118-132; Kimberly Nalder, *The Effect of State Legislative Term Limits on Voter Turnout*, 7 ST. POL. & POL'Y Q. 2 (2007), 187-210; INSTITUTIONAL CHANGE IN AMERICAN POLITICS: THE CASE OF TERM LIMITS, EDS. KARL T. KURTZ, ET AL. (2007); Thad Kousser, *The Limited Impact of Term Limits: Contingent Effects on the Complexity and Breadth of Laws*, 6 ST. POL. & POL'Y Q. 4 (2006) 410-429; John M. Carey, et al., *The Effects of Term Limits on State Legislatures: A New Survey of the 50 States*, 31 LEGIS. STUD. Q. 1 (2006), 105-134; Marjorie Sarbaugh-Thompson, et al., *Democracy among Strangers: Term Limits' Effect on the Relationship between State Legislators in Michigan*, 6 ST. POL. & POL'Y Q. 4 (2006), 384-409; MARGARET SARBAUGH-THOMPSON, *THE POLITICAL AND INSTITUTIONAL EFFECTS OF TERM LIMITS* (2004); John C. Green, et al., *Assessing Legislative Term Limits in Ohio* (2002); Gary Moncrief & Joel A. Thompson, *On the Outside Looking In: Lobbyists' Perspectives on the Effects of State Legislative Term Limits*, 1 ST. POL. & POL'Y 4 (2001), 394-411;

The National Civic League's Model City Charter recommends against restricting the reelection of council members to subsequent terms. It comments:

Limiting reelection restricts the voters' opportunity to keep in office council members of whom they approve. Unlimited terms allow voters to provide a vote of confidence for council members who represent majority sentiment and a vote of opposition for members in the minority. Finally, the city benefits from the institutional memory of reelected council members.

Term limits are undemocratic. They restrict voter choice by barring candidates from the ballot. Voters should be able to vote freely to keep a strong elected official or remove an ineffective one. Experienced elected officials can have historical insights, leadership skills, and legislative expertise, which can benefit the City with ongoing and lasting positive effects beyond the current restricted terms. Term limits do not improve the functions of local government, and they cost us experienced and effective elected officials with extensive institutional and community knowledge. Voters should have the choice to keep the elected officials whom they want to represent them.

Proposed Amendment to the Charter No. 03:

Law Director Appointment and Removal

The CRC is recommending an amendment to Article 6, Section 2, of the Charter concerning the appointment and removal of the City's Law Director. Currently, the Law Director is appointed by the Council and serves at the Council's pleasure. However, the Law Director's obligations extend beyond just those owed to the Council; the Law Director is the "legal advisor, attorney, and counselor for the City and all officers and departments thereof in matters relating to their official duties." *See* UH Ords. § 232.01.

This body has discussed the fact that the City's Law Director regularly counsels the Council and the Mayor in matters relating to their official duties. Since the Law Director has a fiduciary relationship with the Council and Mayor, this Commission recommends that the Mayor have the right to appoint the Law Director, subject to the approval of the Council. The Commission believes that this proposed format strikes an appropriate balance of power between the Mayor, who already possesses the power to appoint administrative officers, and the Council, which has the power to reject such appointment if it so desires.

Finally, the Commission recommends additional language which vests the power to remove the Law Director in the Mayor and the Council, upon a vote of the majority.

Proposed Amendment to the Charter No. 04:

Decennial Charter Review

The Charter at present has no set date or procedure for charter review, and to date only three charter reviews have been approved by Council since the City's founding. It is common practice for cities to have a set period in which the charter is reviewed. Best practices are review between every five to ten years. Given the fast pace of change that takes place today in society today and the need for local government to respond to that change, the CRC is recommending a mandatory review of the Charter every ten years.

See generally Columbus, OH, Charter, § 236; UH Amended Ord. 2022-25.

Proposed Amendment to the Charter No. 05:

Department Name Modernization

The goal of this proposed amendment is to make the Charter consistent with the titles and department names as currently used by the City and to guarantee the place of Public Safety within the administration and fix its organization.

Proposed Amendment to the Charter No. 06:

Ranked Choice Voting

The CRC is recommending an amendment providing for the election of the Mayor and members of Council by ranked choice voting (RCV). This proposed amendment would allow voters to rank up to six candidates for an office or seat in order of preference. The votes are first counted using every voter's first choice of candidate or candidates. If no candidate received enough first-choice votes to win an office or seat, the candidate with the fewest number of votes is eliminated, and the counting of votes then proceeds to another round. In the next round, if a voter's first choice of candidate has been eliminated, that voter's second choice of candidate is counted. The elimination process is repeated until each office or seat is filled. In our mayoral elections, RCV would serve as an instant runoff that would require a candidate to win a majority, rather than plurality, of the vote to be elected. It would do so without the added cost of a low-turnout runoff election. RCV limits the problems of vote-splitting, spoiler candidates, wasted votes, and strategic voting. It can better manage the problems that result from races with large fields of candidates. It is ideal for elections with multiple winners, like our Council elections. These are non-partisan democratic problems in need of a solution. RCV is used in 58 cities across the country. Many voters are often faced with the dilemma of holding their noses and voting for the most electable candidate whom they find the most acceptable rather than the candidate whom they truly prefer. RCV gives voters more meaningful choices and allows them to vote their consciences. It can lower barriers for candidates who are women or people of color. It can discourage negative campaigns because candidates must compete for second-choice votes. It provides a fairer electoral process that can improve democratic legitimacy and civic participation and help elect City officials with broad support who more accurately represent voter preferences and the electorate.

See generally Chris Quinn, Op-Ed., *Here's How You – Yes, You – Can Help Ohio and Cleveland Lead Our Polarized Nation of its Dysfunction*, CLEVELAND.COM, (Feb. 25, 2023); Jo Ingles, *What Is Ranked Choice Voting, and Should It Be Used in Ohio?*, IDEASTREAM (April 12, 2022); Domenico Montanaro, *Ranked-Choice Voting Gets a Prime-Time Shot Under New York City's Bright Lights*, NPR (June 23, 2021); RANKED CHOICE VOTING RESOURCE CENTER, RANKED CHOICE VOTING STATE READINESS ASSESSMENT: OHIO (June 21, 2021); Amanda Zoch, National Conference of State Legislatures, *The Rise of Ranked-Choice Voting*, 28 LEGISBRIEF 34 (Sept. 2020).

Proposed Amendment to the Charter No. 07:

Recall Elections

The CRC is recommending a Charter amendment changing the process for recall elections so that the removal of an elected officer by recall election results in a vacancy. The proposed amendment is substantially in the form of Section 6.04 of the National Civic League's Model City Charter and would replace Article 4, Section 3, of the Charter in its entirety. The current process places an elected official who is subject to a certified recall petition on the ballot in a special recall election as a candidate for that same office along with any other nominated candidates. If the candidate receives a plurality of the vote in that recall election, the elected official is elected as their own successor to that office. Such a recall election procedure suffers from two potential democratic problems. If no other person is nominated as a candidate for the office in the recall election, the elected official will win by default and retain office. If multiple other people are nominated as candidates for the office in the recall election, it makes it more likely that the elected official will win a plurality of the vote when they otherwise would have lost a standard recall election asking voters to decide – yes or no – whether the elected officer should be removed from office. The proposed amendment would instead result in a vacancy upon a successful recall election, which would be filled under either Article 4, Section 10, for the Mayor or Article 3, Section 4, for a member of Council.

Proposed Amendment to the Charter No. 08:

Initiative and Referendum

The CRC is recommending a Charter amendment that would reduce the number of signatures required on petitions for initiatives and referenda. This proposed amendment would amend Article 4, Sections 1 and 2, of the Charter to make it easier for voters to propose any ordinance or resolution or to approve or reject any ordinance or resolution passed by Council. Due to the current overly burdensome signature requirements, these procedures are rarely used. The proposed amendment would reduce petition signature requirements by calculating them based on the total ballots cast in the City’s last regular municipal election rather than the percentage of registered voters of the City. The number of registered voters of the City is significantly greater than the number of ballots cast in regular municipal elections. That is because voters may remain registered to vote even when they have moved or died and because voter turnout in local elections is regrettably significantly lower than elections held in even-numbered years. The City also contains John Carroll University, and university students’ residency is often transitory. However, to balance the competing goals of encouraging responsive government through direct democracy and preventing the problems arising from an inundation of ballot initiatives, the proposed amendment also increases the percentages of signatures required so that the reduction in the number of required signatures would be less drastic than otherwise. Based on data on the City’s 2021 regular municipal election, this amendment would reduce the signatures required to place an initiative or referendum on the ballot – without approval by Council – from approximately 890 to 669 signatures.

Nov. 2, 2021, Regular Municipal Election • University Heights, OH								
	Total	30%	25%	20%	15%	10%	5%	3%
Registered Voters	8,898	2,669	2,225	1,780	1,335	890	445	267
Ballots Cast	3,345	1,004	836	669	502	335	167	100

Source: Cuyahoga County Board of Elections, Amended Official Results by Precinct - Totals

Moreover, counsel to the CRC and the Cuyahoga County Board of Elections informed the CRC that the Ohio Supreme Court has invalidated petition requirements based on the total number of registered voters; otherwise, petitioners could not know the exact number of valid signatures required when circulating part-petitions because the percentage is not determined until the date the petition is filed and the number of registered voters may vary over time. *See State ex rel. Huebner v. W. Jefferson Village Council*, 75 Ohio St.3d 381, 384-85, 662 N.E.2d 339 (1995).

Proposed Amendment to the Charter No. 09:

Council's Presiding Officer

The CRC is recommending amendments to the Charter that relieve the Mayor of the obligation to preside at all meetings of the Council. The Commission recommends that the Vice Mayor preside at all meetings of the Council as the Council should have the responsibility of conducting its own meetings.

The CRC discussed the fact that the current structure invites conflict because the Mayor is not a member of the Council and may have interests that diverge from the Council's. The Mayor occupies an administrative and executive role under the City's Charter as opposed to the Council, which is a legislative body. To ensure that each branch of city government maintains some degree of independence from the other, this Commission recommends that Council take charge of its own meetings.

While the Commission recommends that the Vice Mayor preside at all meetings of the Council, the Commission also recommends that the Mayor and department directors be entitled to seats at Council's meetings so that executive branch officials may communicate their interests to Council.

In the event that voters should enact this proposed amendment, the CRC further recommends that the Council increase the Vice Mayor's compensation to reflect the Vice Mayor's increased duties and responsibilities under this new arrangement.

Proposed Amendment to the Charter No. 10:

Anti-discrimination

This proposed amendment provides additional protections from discrimination by the City, especially for City employees, applicants, and hirees. The amendment acknowledges our ever-diversifying community and those who serve it. It supplements and provides a backstop to state and federal anti-discrimination protections. However, it does not take away the ability of the City to set standards and requirements that are reasonably necessary and substantially related to job duties and responsibilities.

Minority Report:

Hybrid At-Large and Ward Elections for Council

An amendment was also presented to the CRC for consideration that would have modified the City’s current at-large electoral system for Council to a hybrid system consisting of three Council members elected at-large and four Council members elected from wards. However, by a vote of five to six, the proposed amendment failed to pass. Proponents of the proposed amendment provide the following arguments in its favor:

The proposed amendment would have modified the current language in Article 2, Section 2, and Article 3, Section 1, and added a new Section 5 to Article 8 to institute an electoral system to address some of the issues with under-voting and develop a system with better communication, more diversity, increased awareness, and more residential engagement. Most cities with more than ten thousand residents operate either under a ward system or a hybrid system. Currently, the at-large system in place lacks direct lines of communication. Many people do not know whom to contact and do not have a go-to Council member. The proposed system would put a face in a neighborhood whom residents could directly contact with their concerns. Ward council members would have a geographic area to focus on, and they could become highly aware of the issues in their particular area, which in turn would move the entire city forward and make communication more efficient, increasing the probability of having more residential engagement in city matters socially, politically, environmentally, economically, and other situations/issues of that nature.

The National Civic League’s Model City Charter recommends the use of districts or a combination of districts and at-large seats for city council elections to address diversity and representation issues. University Heights is not a homogenous community. It is diverse and has geographic concentrations of certain communities of interest – whether racial, ethnic, social, economic, or cultural – who are underrepresented as a result. A hybrid system would provide more fair and equitable representation on Council.

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO**

Stephen Wertheim, Chair	Chris Myrick, Vice Chair	Wesley Kretch, Secretary
Margaret Duffy-Friedman	David Farkas	David Jackson
Threse Marshall	H. Lee Crumrine	Alicia Sloan
Tyler Bobes	Jacquelyn Gould	Rick Brown

SUBMITTED AND PUBLISHED MAY 31, 2023

CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 23

Proposed Amendment to the Charter No. 01

Purpose
<i>Brief description of the purpose of the proposal:</i>
An amendment replacing gendered terms and language throughout the Charter with gender-neutral and gender-inclusive terms and language and replacing Article 8, Section 11, with a provision granting Council with the authority to make non-substantive corrections and revisions to the Charter.
Problem
<i>Brief description of the problem being addressed by the proposal:</i>
This proposed amendment would correct the long-standing sexist, androcentric language of the Charter that has reflected the prejudices of society and replace it with language that communicates and promotes a more progressive and inclusive city and government. It will also grant Council the authority to make technical changes to the Charter without requiring an amendment so that similar revisions are easier to undertake in the future.
Charter Provisions
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>
All; Art. 8, § 11
Procedure and Vote
Proponent(s): Crumrine
Date of first discussion: October 25, 2022
Date of second discussion: November 1, 2022
Date of motion to adopt: November 1, 2022
Movant: Crumrine
Second: Duffy-Friedman
Commissioners present: Crumrine, Farkas, Duffy-Friedman, Gould, Kretch, Myrick, Sloan, Wertheim
Vote result: [7] Yes [0] No [1] Abstain
Roll call vote: Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Hux <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Brown <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain

CHARTER

* * *

ARTICLE 1. POWERS

* * *

SECTION 2. Qualifications of Officers. ~~Each elective officer~~ Officers of the City shall be a qualified electors of the City, shall have resided continuously therein not less than one year next preceding ~~their his~~ election, and shall continue to reside therein during ~~their his~~ term of office. ~~He~~ Officers shall hold no other elective public office during ~~their his~~ term, neither shall ~~they he~~ hold any other public employment incompatible with ~~their his~~ elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with ~~his~~ elective office in this City.

No officers of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than ~~their his~~ fixed compensation

and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify ~~them him~~ from holding office, in addition to the other penalties provided by law.

~~Every o~~Officers of this City shall, before assuming the duties of ~~their his~~ office, take and subscribe ~~their his~~ oath or affirmation to support the Constitution of the United States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of ~~them him~~ conformably to this Charter.

Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.

SECTION 3. Removal of Officers. Any officer of this City shall be subject to removal in such manner as is now or may hereafter be provided by the general laws of Ohio, or by this Charter.

In addition, the Council may remove any officer of the City, including ~~Councilmember~~~~Councilman~~, for violation of any of the provisions of the next preceding section, or for failing or ceasing to possess any other qualification established by this Charter for ~~that his~~ office, or for the conviction while in office of any crime involving moral turpitude, but no such removal shall be made without the concurrence of at least five members of the Council nor until the accused officer shall have been given a written copy of the charges against him and an opportunity to be heard, with at least ten days notice of the time and place of hearing.

Absence of a ~~Councilman~~~~Councilmember~~ from five consecutive regular meetings of the Council, without such absence being authorized by an affirmative vote of four of the remaining members of the Council, shall operate to vacate such office of ~~Councilman~~~~Councilmember~~ forthwith.

ARTICLE 3. COUNCIL

* * *

SECTION 2. Organization. At the first Council meeting in January, but not later than the 7th day of January in the year 1958, and in January of each second year thereafter the Council shall meet in the Council Chamber and organize. At such organization meeting the Council shall elect by a majority vote one ~~Councilmember~~~~Councilman~~, Vice-Mayor, and ~~Councilmen~~ members of boards and commissions required by this Charter or by ordinance, each to serve until the next organization meeting unless ~~such Councilmember~~~~he~~ shall cease in the meantime to be a ~~member of the Council~~~~councilman~~.

SECTION 3. Vacancy. Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified.

A successor shall be elected at the next general municipal election if:

1. More than two (2) years remain in the unexpired term when the vacancy occurs; and if
2. The vacancy occurs more than seventy-five (75) days prior to such election.

At such election ~~each~~ candidates for Council, in ~~their~~ ~~his~~ declarations of candidacy and nominating petitions, shall designate the term of office to which ~~they~~ ~~he~~ seeks election by stating therein, if a full term, the date of commencement of said term as follows: "Full term commencing (DATE) " or by stating therein, if an unexpired term, the date on which it will end, as follows: "Unexpired term ending (DATE)". The terms of ~~no Councilmembers~~ ~~councilman~~ shall not be lengthened by ~~his~~ ~~their~~ resignation and subsequent appointment, but an appointee may be a candidate for subsequent election.

SECTION 4. Clerk of Council. The Council shall appoint a Clerk who shall be the Clerk of the Council and Secretary of the City Planning Commission, the Civil Service Commission, the Board of Zoning Appeals, and such other boards and commissions as the Council may establish by ordinance. ~~He~~ The Clerk shall give all notices of meetings, keep the records and minutes of the Council and of the boards and commissions of which the Clerk serves as he is secretary, authenticate all records, documents and instruments of the City on which authentication is proper, and for that purpose shall have and use a seal.

The Clerk shall examine warrants and disbursement checks approved by the Director of Finance and shall countersign checks in the manner provided by ordinance. The Clerk ~~He~~ shall perform all such other duties as the Council may require.

* * *

SECTION 7. Mayor's Veto. Every ordinance or resolution of the Council shall be signed by the Clerk or two members of the Council and presented to the Mayor forthwith for consideration before it goes into effect. The Mayor, if approving the ordinance or resolution ~~he approves it~~, shall sign it and file it with the Clerk. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money, but otherwise ~~that his~~ approval or disapproval shall be addressed to the entire ordinance or resolution. The Mayor, if disapproving the ordinance or resolution ~~If he disapproves it~~ or any item of an ordinance it, ~~he~~ shall file it with written notice of the disapproval with the Clerk. Unless an ordinance or resolution is filed with the Clerk with written notice of disapproval, within seven days after its passage by the Council, it shall take effect as though the Mayor had signed it. When the Mayor has disapproved an ordinance or resolution or item of it, as herein provided, the Council may, at its next regular meeting thereafter, reconsider it and if upon such reconsideration the ordinance, resolution or item is approved by the votes of five or more of the members of the Council, it shall take effect notwithstanding the disapproval of the Mayor.

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

* * *

SECTION 3. Recall. The electors shall have the power to remove from office by recall election any elective officer of the City. At any time after an elective officer has held office for six months ~~of the term for which he was chosen~~, a petition demanding ~~his~~ removal and the election of a successor to that in his office may be filed with the Clerk of the Council. Such petition shall comply with the provisions of Section 4 of this Article, and shall be signed by registered electors equal in number to at least twenty-five (25%) percent of the total number of voters casting ballots at the last preceding general municipal election. Within ten (10) days from the date of filing such petition, the Clerk shall determine the sufficiency thereof. If the Clerk shall find the petition insufficient, the Clerk ~~he~~ shall promptly certify the particulars in which the petition is defective and deliver a copy of ~~the his~~ certificate to the person who filed the petition ~~with him~~, and such person shall be allowed twenty (20) days from the delivery of such copy of certificate in which to make the petition sufficient. If the Clerk shall find the petition sufficient the Clerk ~~he~~ shall promptly so certify to the Council and to the officer whose removal is sought, and, if the officer does not resign within five (5) days thereafter, the Council shall thereupon order and fix a day for holding a recall election, not less than thirty (30) nor more than forty (40) days from the date of the Clerk's

certificate of sufficiency. At such recall election the name of the officer whose removal is sought shall be placed on the ballot as a candidate ~~to succeed himself~~, unless that person ~~he~~ otherwise requests in writing at least twenty (20) days prior thereto, and the names of such other candidates for the same office shall be placed on the ballot as shall have been nominated in accordance with Article 2 Section 1 of this Charter at least twenty (20) days prior to such recall election. The recall election, except as it shall be limited to the offices from which a removal is sought, shall in other respects conform to the provisions of Article 2 Section 1 of this Charter. If at the recall election the incumbent does not receive a plurality of the votes cast, the candidate who does receive such a plurality shall be declared elected to succeed the incumbent for the remainder of their ~~his~~ term, and the incumbent shall be deemed removed from ~~his~~ office when such elected successor qualifies for the office or within ten (10) days after the recall election.

* * *

ARTICLE 5. THE MAYOR

* * *

SECTION 2. Term. The Mayor shall be elected at the regular municipal election in 1941 and every fourth year thereafter for a term of four years, commencing on the first day of January next after such election, and shall serve until a ~~his~~ successor is elected and qualified.

SECTION 3. Vacancy. When the Mayor is absent and inaccessible, or is unable for any cause to perform the his duties of that office, the Vice Mayor shall be acting Mayor, but shall not thereby cease to be a Councilmember ~~councilman~~. In case of the Mayor's death, resignation or removal, other than by recall election, ~~of the Mayor or~~ disqualification his ceasing to qualify for the office, the Vice-Mayor shall vacate the his office of Councilmember ~~councilman~~ and shall become Mayor to serve the unexpired term or until a successor for the unexpired term is elected and qualified.

A successor shall be elected at the next regular municipal election provided that:

1. Such election occurs more than two (2) years prior to the expiration of the unexpired term; and
2. The vacancy occurs more than seventy-five (75) days prior to such election.

A Vice-Mayor, who has become Mayor, may be a candidate to succeed to the office for the unexpired term ~~himself~~.

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter. The directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

C. Executive. The Mayor shall be the chief executive officer of the City. ~~He~~ shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. The Mayor ~~He~~ shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. The Mayor ~~He~~ shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. The Mayor ~~He~~ shall recommend to the Council such measures ~~that are as he deems~~ necessary or expedient. The Mayor ~~He~~ shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. All persons appointed by the Mayor, except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by the Mayor ~~him~~ to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

* * *

SECTION 2. Department of Law shall be in charge of the Director of Law, appointed by the Council to serve at the pleasure thereof. The Director of Law shall be duly admitted to the practice of law in Ohio. The Director ~~He~~ shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio.

SECTION 3. Department of Finance shall be headed by the Director of Finance, who shall be the fiscal officer and Treasurer of the City. ~~He~~ The Director shall keep all the financial records and accounts of the City and an accurate account of all taxes and assessments, all assets and liabilities, all appropriations made by the Council, and all receipts and disbursements by the City. All payrolls, bills and other claims are subject to ~~his~~ the Director's examination and approval. The Director ~~He~~ shall issue warrants or checks for expenditures for which appropriations have been duly made and shall sign checks as Council shall require. The Director ~~He~~ shall assist the Mayor and Council in the preparation of estimates, budgets and appropriations, and shall perform all the duties required by this Charter or by ordinance of Council.

The Director of Finance shall serve as the Treasurer of the City and shall be the collector and custodian of all monies of the City. The Director ~~He~~ shall keep and preserve them in such manner and in such places as the Council shall determine. The Director ~~He~~ shall receive and disburse all other public money coming into the city treasury ~~his hands as Treasurer~~ in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

There shall be in the Department of Public Safety a Division of Police, a Division of Fire, and a Division of Building Engineering and Inspection.

ARTICLE 7. COMMISSIONS AND BOARDS

* * *

SECTION 2. City Planning Commission. The City Planning Commission shall consist of the Mayor, one member of Council to be selected by the Council, and three electors of the City not holding other municipal office. The present members of the City Planning Commission, other than the Mayor and ~~Councilman~~Councilmember, shall continue to serve until the expiration of their respective terms, and their successors shall each be appointed by the Mayor for a term of four (4) years. A vacancy occurring during the term of any member of the City Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

The City Planning Commission shall have such powers as may be conferred on it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public buildings or structures or those located on public streets or property; the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the approval of plats for the subdivision of land; the zoning and rezoning of the City for any lawful purpose and such other powers as are now or may hereafter be conferred upon it by ordinance of the Council or the general law of Ohio.

* * *

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 3. Salaries and Bonds. The Council shall fix the salary or compensation of all officers and employees of the City, and may require any officer or employee to give bond for the faithful performance of their ~~his~~ duties in such amount as it may determine and with such surety as it may approve, and may from time to time require additional bond or surety of any officer or employee, and may provide that the premium for any such bond be paid by the City.

Prior to the first day of November in 1959 and in each second year thereafter, the Council shall fix the compensation of the officers to be elected for the terms beginning on the next succeeding first day of January and the compensation of such officers shall not thereafter be changed for such term or any part thereof; except that for each absence of the ~~Councilmember~~ ~~councilman~~ from a regular meeting of the Council, unless authorized by the affirmative vote of at least four other members thereof, there shall be deducted a sum equal to two per cent (2%) of the annual salary of such ~~Councilmember~~ ~~Councilman~~. Persons filling vacancies for the unexpired terms of elective officers shall receive the compensation theretofore fixed for such elective officers. The compensation of other officers and employees may be fixed and changed at any time in the discretion of the Council. All fees pertaining to any office shall be paid into the city treasury. The Council may authorize any officer or employee of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City.

* * *

SECTION 11. Gender-neutrality and Charter Corrections. From the effective date of this amended section, the Charter shall be revised and corrected to be gender-neutral. In addition, Council shall have the authority to enact by ordinance, adopted by unanimous vote, typographical, grammatical, numerical or organizational sequencing, or other non-

substantive revisions and corrections to this Charter, which shall be limited to spelling, grammar, punctuation, sentence construction, standardization of terminology, phrases, or references, and renumbering, reordering, or resequencing any sentences, paragraphs, or sections and shall not affect the substance, meaning, or purpose of any provision of this Charter.~~Construction. Masculine pronouns used in this Charter shall be construed to include the feminine pronoun, and the singular number shall be construed to include the plural number whenever the context shall require.~~

~~Except as a contrary intent appears herein, all acts of the Council of this municipality shall continue in effect until lawfully amended or repealed.~~

* * *

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 23**

Proposed Amendment to the Charter No. 02

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment eliminating term limits for elected officers.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Term limits are undemocratic, and academic research shows that term limits increase the ideological polarization of legislatures, reduce legislators' expertise, capacity, and skills, weaken legislatures relative to executives, increase the influence of special interests and lobbyists, reduce voter turnout, reduce productivity, and fail to achieve their purported goals of good government.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 2, § 2.		
Procedure and Vote		
Proponent(s): Duffy-Friedman, Crumrine		
Date of first discussion: January 18, 2023		
Date of second discussion: January 24, 2023		
Date of motion to adopt: January 24, 2023		
Movant: Crumrine		
Second: Duffy-Friedman		
Commissioners present: Wertheim, Bobes, Farkas, Duffy-Friedman, Crumrine, Gould, Jackson, Kretch, Myrick, Sloan		
Vote result: [7] Yes [3] No [0] Abstain		
Roll call vote:		
Farkas <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 2. NOMINATION, ELECTIONS, QUALIFICATIONS AND REMOVAL OF OFFICERS

* * *

SECTION 2. Qualifications of Officers. Each elective officer of the City shall be a qualified elector of the City, shall have resided continuously therein not less than one year next preceding his election, and shall continue to reside therein during his term of office. He shall hold no other elective public office during his term, neither shall he hold any other public employment incompatible with his elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with his elective office in this City.

No officer of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than his fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify him from holding office, in addition to the other penalties provided by law.

Every officer of this City shall, before assuming the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of him conformably to this Charter.

~~Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.~~

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 ~~23~~**

Proposed Amendment to the Charter No. 03

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
The purpose of the proposal is to modify the method by which the City's Law Director is appointed.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Article 6 of the City's Charter provides that the City's Law Director is appointed by Council to serve at the pleasure thereof. The City's Law Director is the legal advisor and counselor to the City and its officers and departments in connection with their official duties. Since the Law Director regularly counsels the Mayor and Council, the Mayor, as Chief Executive of the City, should appoint the City's Law Director subject to confirmation by Council. This format strikes an appropriate balance of power between the Council and the Mayor. By way of example, the City of Cleveland Heights and Cuyahoga County each require that the Mayor/Executive appoint a Director of Law subject to confirmation by the respective legislative bodies.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 6, § 2; Art. 5, § 4.		
Procedure and Vote		
Proponent(s): Kretch, Myrick		
Date of first discussion: January 24, 2023		
Date of second discussion: February 7, 2023		
Date of motion to adopt: February 7, 2023 (Amended May 8, 2023)		
Movant: Kretch		
Second: Myrick		
Commissioners present: Wertheim, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [0] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 5. THE MAYOR

* * *

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter. The directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

C. Executive. The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. He shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. The Law Director shall be appointed and removed as provided in Article 6, Section 2, of this Charter. All persons appointed by the Mayor, except those whose terms

of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by him to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

* * *

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

* * *

SECTION 2. The Department of Law shall be directed by ~~in charge of~~ the Director of Law, appointed by the Mayor, subject to approval by a majority of the members of Council. ~~Council to serve at the pleasure thereof.~~ The Director of Law shall be duly admitted to the practice of law in Ohio. He shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio. ~~The Director of Law may be removed by either by the Mayor or by a majority of the members of Council.~~

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 ~~23~~**

Proposed Amendment to the Charter No. 04

Purpose
<i>Brief description of the purpose of the proposal:</i>
An amendment providing for a decennial Charter Review Commission.
Problem
<i>Brief description of the problem being addressed by the proposal:</i>
Council has established a Charter Review Commission only three times since 1941: 1979, 2008-09, and 2022-23. However, periodic comprehensive review of the City's Charter is necessary to modernize and improve the organization, powers, functions, and procedures of local government to better serve the City's residents.
Charter Provisions
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>
Art. 7.
Procedure and Vote
Proponent(s): Wertheim
Date of first discussion: January 18, 2023
Date of second discussion: February 7, 2023
Date of motion to adopt: February 7, 2023 (Amended May 2, 2023)
Movant: Wertheim
Second: Myrick
Commissioners present: Wertheim, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan
Vote result: [9] Yes [0] No [0] Abstain
Roll call vote:
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain

CHARTER

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 5. Amendments. The Council may, by vote of at least five of its members, submit to the electors of the City of University Heights amendments to this Charter, and, upon petition signed by ten percent (10%) of the registered electors of this City setting forth any proposed amendment, such proposed amendment shall be so submitted by the Council. The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of Ohio, and, to such extent as said Constitution shall fail to provide therefor, the Council shall determine the manner for such submission. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, nor less than a majority, shall become a part of this Charter.

Council shall, at least once during each ten-year period, by ordinance or resolution, appoint a Charter Review Commission to review the entire Charter. The first ten-year period shall end December 31, 2033. Thereafter each successive ten-year period shall commence on the date of Council's ordinance or resolution making such determination. The Mayor and Council shall, at their discretion, appoint a Commission of eleven (11) qualified electors of the City holding no other elected office in this City as members of the Charter Review Commission. The Mayor shall appoint four (4) of the Commission Members and Council shall appoint seven (7) of the Commission Members. Such Commission shall review the City Charter and not less than one hundred twenty (120) days prior to the general election in November of the succeeding year shall submit to Council any alterations, revisions or amendments of this Charter as in its judgment are recommended. The Council shall immediately review same and shall forthwith submit to the electors at the next general municipal election to be held in November, any such proposed alterations, revisions or amendments of this Charter which Council deems in its discretion to be advisable. The Members shall serve without compensation unless otherwise provided by Ordinance. All meetings of the Charter Review Commission shall be open to the public.

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 ~~23~~**

Proposed Amendment to the Charter No. 05

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment to update and modernize the names of administrative officers and departments and prohibit Council from eliminating the Division of Public Safety.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
The Charter uses anachronistic terminology for administrative officers and departments that is inconsistent with the City's actual usage.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 6.		
Procedure and Vote		
Proponent(s): Wertheim		
Date of first discussion: December 13, 2022		
Date of second discussion: February 28, 2023		
Date of motion to adopt: February 28, 2023		
Movant: Wertheim		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [7] Yes [0] No [3] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain
Marshall <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 1. General Provisions. A Law Department ~~of Law~~, a Finance Department ~~of Finance~~, a Department of Public Safety Division, and a Service Department ~~of Public Service and Properties~~ are hereby established by this Charter, and the Council shall provide by ordinance for the organization thereof. The Council may establish by ordinance new departments or divisions thereof. With the exception of the Law and Finance Departments and the Public Safety Division, the Council may combine or abolish existing departments and divisions as it may deem necessary and may authorize one person to be the head of two or more departments or divisions.

SECTION 2. The Law Department ~~of Law~~ shall be in charge of the Law Director ~~of Law~~, appointed by the Council to serve at the pleasure thereof. The Law Director ~~of Law~~ shall be duly admitted to the practice of law in Ohio. He shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio.

SECTION 3. The Finance Department ~~of Finance~~ shall be headed by the Finance Director ~~of Finance~~, who shall be the fiscal officer and Treasurer of the City. He shall keep all the financial records and accounts of the City and an accurate account of all taxes and assessments, all assets and liabilities, all appropriations made by the Council, and all receipts and disbursements by the City. All payrolls, bills and other claims are subject to his examination and approval. He shall issue warrants or checks for expenditures for which appropriations have been duly made and shall sign checks as Council shall require. He shall assist the Mayor and Council in the preparation of estimates, budgets and appropriations, and shall perform all the duties required by this Charter or by ordinance of Council.

The Finance Director ~~of Finance~~ shall serve as the Treasurer of the City and shall be the collector and custodian of all monies of the City. He shall keep and preserve them in such manner and in such places as the Council shall determine. He shall receive and disburse all other public money coming into his hands as Treasurer in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

There shall be in the Department of Public Safety Division a Division of Police Department, a Division of Fire Department, and a Building Department ~~Division of Building Engineering and Inspection~~.

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 ~~23~~**

Proposed Amendment to the Charter No. 06

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment providing for the election of the Mayor and members of Council by ranked choice voting.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Ranked choice voting creates a more fair and representative election system that minimizes wasted votes, vote-splitting, and strategic voting, better reflects voter preference and the electorate, discourages negative campaigning as candidates compete for second-choice votes, would serve as an instant run-off election when a mayoral candidate only wins a plurality of the vote, may help elect more women and people of color, and is ideal for elections with multiple winners, like our Council elections.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 2, § 1.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 7, 2023		
Date of second discussion: February 28, 2023		
Date of motion to adopt: February 28, 2023		
Movant: Myrick		
Second: Crumrine		
Commissioners present: Bobes, Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [8] Yes [4] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 2. NOMINATION, ELECTIONS, QUALIFICATIONS AND REMOVAL OF OFFICERS

SECTION 1. Nominations ~~and Elections~~. Nominations for elective officers of this City shall be made only by petition, signed by registered electors of the City not less in number than three percent (3%) of the number voting at the last regular municipal election and accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by separate petition and filed with the Board of Elections not later than 4:00 o'clock p.m. on the ninetieth (90th) (day prior to the date of election. No primary election shall be held for the selection of candidates for any elective office of the City. No nomination to any elective office of this City shall be of any effect unless made as required by this section.

SECTION 2. Elections. All officers of this City shall be elected by ranked choice voting as described in this section.

The design of the ballot and content of ballot instructions shall conform to the following requirements:

1. The ballot used in the election of officers of this City shall be without party mark or designation.
2. The names of all candidates for City office shall be placed upon the same ballot, and shall be rotated in the manner provided by the general law of Ohio.
3. The ballot shall allow a voter to rank candidates in order of choice for the office.
4. The ballot shall permit a voter to rank up to six candidates, inclusive of any write-in candidates permitted by law, in order of choice for the office, unless there are fewer than six candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total number of such candidates for such office, inclusive of any write-in candidate permitted by law.
5. The ballot shall, in plain language, set forth instructions that indicate how to mark a ballot and how to rank candidates in order of the voter's choice.

Mayor shall be elected by single-winner ranked choice voting. Each ballot cast shall be initially counted as one vote for the candidate at its highest continuing ranking or as an

exhausted ballot. If a candidate receives more than half of the total votes counting for candidates, that candidate is elected and the tabulation of votes is complete. Otherwise, the tabulation of votes shall proceed in successive rounds sequentially as follows:

1. The candidate with the fewest votes is defeated.
2. Votes for the defeated candidate shall cease counting for the defeated candidate and shall be added to the totals of each ballot's next-ranked continuing candidate or counted as exhausted ballots.
3. A new round begins.

Members of Council shall be elected by proportional ranked choice voting. Each ballot cast shall be initially counted as one vote for its highest-ranked continuing candidate or as an exhausted ballot. The election threshold shall be calculated, and the tabulation of votes shall proceed in successive rounds sequentially as follows:

1. If the number of continuing candidates whose vote totals exceed the election threshold is equal to the number of seats remaining to be filled, those candidates are elected and the tabulation of votes is complete. Otherwise, the tabulation of votes continues.
2. If the number of continuing candidates is equal to or less than the number of seats remaining to be filled, then all continuing candidates are elected and the tabulation of votes is complete. Otherwise, the tabulation of votes continues.
3. If at least one continuing candidate has a vote total that equals or exceeds the election threshold, then the continuing candidate with the highest vote total is elected. Otherwise, the tabulation of votes continues.
 - a. If a candidate is thus elected, the number of surplus votes and the surplus fraction for the elected candidate shall then be calculated.
 - b. Next, the new transfer value of each vote cast for the elected candidate shall be calculated.
 - c. Votes for the elected candidate shall be added, at their new transfer values, to the totals of each ballot's highest-ranked continuing candidate or counted as exhausted ballots.

d. A new round begins.

4. The candidate with the fewest votes is defeated.

a. If the number of continuing candidates is now equal to the number of seats remaining to be filled, all continuing candidates are elected, and the tabulation of votes is complete.

b. Otherwise, votes for the defeated candidate shall cease counting for the defeated candidate. Votes cast for the defeated candidate shall be added, at their current transfer values, to the totals of each ballot's next-ranked continuing candidate or counted as exhausted ballots, and a new round begins.

If a tie to determine which candidate has the greatest or fewest number of votes occurs at any point in the tabulation procedure and tabulation of votes cannot proceed until the tie is resolved, the chair of Board of Elections shall resolve the tie by lot in the presence of a majority of the members of the Board. For purposes of this section, the following terms are defined:

“Continuing candidate” means any candidate that has not been defeated or elected.

“Election threshold” means the number of votes sufficient for a candidate to be elected. The election threshold is equal to the total valid votes cast, divided by the sum of one plus the number of offices to be filled, and adding one to that quotient, disregarding any fractions.

“Exhausted ballot” means a ballot that can no longer be counted for any candidate for one or more of the following reasons:

1. It should count for its next-ranked continuing candidate, but it does not rank any more continuing candidates;
2. Its highest continuing ranking contains an overvote; or
3. It includes two or more skipped rankings prior to its highest continuing ranking.

“Highest continuing ranking” means the highest ranking for any continuing candidate.

“Overvote” means a voter has ranked more than one candidate at the same ranking.

“Ranked choice voting” means an election method in which voters rank candidates in order of choice and votes are tabulated by the procedures described in this section.

“Ranking” means the number assigned by a voter to a candidate to express the voter’s preference for that candidate. A ranking of “1” is the highest ranking followed by “2” and then “3” and so on.

“Round” means a sequence of the process of voting tabulation beginning with Stage 1 as provided in this section.

“Skipped ranking” means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

“Surplus” means the difference between a candidate’s vote total and the election threshold.

“Surplus fraction” means the number equal to a candidate’s surplus divided by that candidate’s vote total, calculated to four decimal places, ignoring any remainder.

“Transfer value” means the fraction of a vote that a ballot will contribute to its highest continuing ranking after a higher ranked candidate has been declared elected. The transfer value of a vote is calculated by multiplying the surplus fraction of the elected candidate by the vote’s current value, calculated to four decimal places, ignoring any remainder.

Except as provided in this Charter, the general laws of Ohio shall govern the nomination and election of the elective officers of the City.

SECTION 32. Qualifications of Officers. Each elective officer of the City shall be a qualified elector of the City, shall have resided continuously therein not less than one year next preceding his election, and shall continue to reside therein during his term of office. He shall hold no other elective public office during his term, neither shall he hold any other public employment incompatible with his elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with his elective office in this City.

No officer of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than his fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify him from holding office, in addition to the other penalties provided by law.

Every officer of this City shall, before assuming the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of him conformably to this Charter.

Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.

SECTION ~~43~~. Removal of Officers. Any officer of this City shall be subject to removal in such manner as is now or may hereafter be provided by the general laws of Ohio, or by this Charter.

In addition, the Council may remove any officer of the City, including Councilman, for violation of any of the provisions of the next preceding section, or for failing or ceasing to possess any other qualification established by this Charter for his office, or for the conviction while in office of any crime involving moral turpitude, but no such removal shall be made without the concurrence of at least five members of the Council nor until the accused officer shall have been given a written copy of the charges against him and an opportunity to be heard, with at least ten days notice of the time and place of hearing.

Absence of a Councilman from five consecutive regular meetings of the Council, without such absence being authorized by an affirmative vote of four of the remaining members of the Council, shall operate to vacate such office of Councilman forthwith.

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 ~~23~~**

Proposed Amendment to the Charter No. 07

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment replacing provisions of the Charter regarding recall elections with provisions substantially in the form of Section 6.04 of the National Civic League's Model City Charter.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This amendment would change the process of recall elections so that the recall or removal of an officer results in a vacancy.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 4, § 3.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 28, 2023		
Date of second discussion: March 14, 2023		
Date of motion to adopt: March 14, 2023 (Amended April 18, 2023)		
Movant: Crumrine		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [1] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

* * *

~~SECTION 3. Recall. The electors shall have the power to remove from office by recall election any elective officer of the City. At any time after an elective officer has held office for six months of the term for which he was chosen, a petition demanding his removal and the election of a successor in his office may be filed with the Clerk of the Council. Such petition shall comply with the provisions of Section 4 of this Article, and shall be signed by registered electors equal in number to at least twenty five (25%) percent of the total number of voters casting ballots at the last preceding general municipal election. Within ten (10) days from the date of filing such petition, the Clerk shall determine the sufficiency thereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective and deliver a copy of his certificate to the person who filed the petition with him, and such person shall be allowed twenty (20) days from the delivery of such copy of certificate in which to make the petition sufficient. If the Clerk shall find the petition sufficient he shall promptly so certify to the Council and to the officer whose removal is sought, and, if the officer does not resign within five (5) days thereafter, the Council shall thereupon order and fix a day for holding a recall election, not less than thirty (30) nor more than forty (40) days from the date of the Clerk's certificate of sufficiency. At such recall election the name of the officer whose removal is sought shall be placed on the ballot as a candidate to succeed himself, unless he otherwise requests in writing at least twenty (20) days prior thereto, and the names of such other candidates for the same office shall be placed on the ballot as shall have been nominated in accordance with Article 2 Section 1 of this Charter at least twenty (20) days prior to such recall election. The recall election, except as it shall be limited to the offices from which a removal is sought, shall in other respects conform to the provisions of Article 2 Section 1 of this Charter. If at the recall election the incumbent does not receive a plurality of the votes cast, the candidate who does receive such a plurality shall be declared elected to succeed the incumbent for the remainder of his term, and the incumbent shall be deemed removed from his office when such elected successor qualifies for the office or within ten (10) days after the recall election.~~

The electors shall have the power to recall any elective officer of the City, but no recall petition shall be filed against any officer within six months after the officer takes office, nor in case of an officer subjected to a recall election and not removed, until at least six months after the election. Any five registered electors of the City may commence recall

proceedings by filing with the Clerk of the Council an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and stating the name and title of the officer sought to be recalled accompanied by a statement, not to exceed 200 words, of the reasons for the recall. Grounds for recall should relate to and affect the administration of the elective officer's office and be of a substantial nature directly affecting the rights and interest of the public. Promptly after receipt of a recall petition, the Clerk of Council shall serve, personally or by certified mail, a copy of the affidavit on the elective officer sought to be recalled. Within 10 days of service of the affidavit, the elective officer sought to be recalled may file a statement with the Clerk of Council, not to exceed 200 words, in response. Recall petitions must be signed by registered electors of the City equal in number to at least twenty-five percent of the total number of registered electors of the City to vote at the last regular municipal election. Recall petitions must be filed within 100 days of the filing of the petitioners' affidavit initiating the recall procedure. Within 20 days after the petition is filed, the Clerk of Council shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk of Council within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within 14 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of this section, and within five days after it is filed, the Clerk of Council shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review within the time required, the Clerk of Council shall promptly present his or her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by Council. Council shall review the certificate or determination at its next meeting following the filing of such request, and Council's determination shall then be a final determination as to the sufficiency of the petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court

review, shall not prejudice the filing of a new petition for the same purpose after the passage of one year from the date of the final determination of insufficiency. If a recall petition has been finally determined sufficient, it shall be submitted to the electors of the City. The recall election shall be held not less than 60 days and not later than 90 days from the date of the final determination. If no regular municipal election is to be held within the period prescribed in this subsection, Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that Council may in its discretion provide for a special election at an earlier date within the prescribed period. Ballots used at recall election shall read: "Shall [name of officer] be recalled (removed) from the office of [title of office]?" If a majority of registered electors vote in favor of the recall, the officer is removed and the seat is vacant, and the vacancy shall be filled in accordance with the applicable provisions of Article 3, Section 3, or Article 5, Section 3, of this Charter.

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 ~~23~~**

Proposed Amendment to the Charter No. 08

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment changing the number of signatures required on petitions for an initiative or referendum from a percentage of registered voters of the City to a percentage of the total ballots cast in the City's last regular municipal election and adjusting such percentages.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This amendment would make it easier for electors of the City to propose any ordinance or resolution or to approve or reject any ordinance or resolution passed by the Council.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 4, §§ 1 and 2.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 28, 2023		
Date of second discussion: March 14, 2023		
Date of motion to adopt: March 14, 2023 (Amended April 18, 2023)		
Movant: Crumrine		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [1] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

SECTION 1. Initiative. The electors of the City shall have power to propose any ordinance or resolution, except an ordinance for the appropriation of money or an ordinance making a tax levy, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution may be submitted to the Clerk of the Council by petition signed by registered electors of the City equal in number to at least ten ~~five~~ percent (10~~5~~%) of the total number of voters casting ballots at the last regular municipal election. ~~registered electors of the City,~~ When so submitted, the Clerk shall forthwith determine the sufficiency of the petition and if found sufficient, the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole. Provision shall be made for public hearings on the proposed ordinance or resolution not later than thirty (30) days after the date on which such ordinance or resolution was submitted to the Clerk. The Council shall within forty (40) days after such ordinance or resolution is submitted, take final action thereon, either enacting or rejecting the proposed ordinance or resolution. If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the committee of the petitioners may require that it be submitted to a vote of the electors either in its original form or in the amended form by filing with the Clerk a supplemental petition signed by that number of additional registered electors which, when taken together with those who signed the original petition, will total at least twenty ~~ten~~ percent (20~~10~~%) of the total number of voters casting ballots at the last regular municipal election~~the registered electors of the City,~~ and if said supplemental petition is signed by that number of additional registered electors which, when taken together with those who signed the original petition, will total at least twenty-five percent (25~~20~~%) of the total number of voters casting ballots at the last regular municipal election ~~registered electors~~ the date of the election may be fixed therein, not less than ninety six ~~69~~ (96~~90~~) days from the time of filing such supplemental petition. Such supplemental petition shall be filed within ten (10) days after the final action on such ordinance or resolution by the Council. The Council shall thereupon provide, for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election in any year occurring more than ninety six ~~69~~ (96~~90~~) days from the filing of such supplemental petition, if no date be so fixed therein.

SECTION 2. Referendum. The electors shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council, except as hereinafter provided. Within

thirty (30) days after the final passage by the Council of an ordinance or resolution, a petition signed by registered electors of the City equal in number to at least twenty ten percent (210%) of the total number of voters casting ballots at the last regular municipal election ~~registered electors of the City~~ may be filed with the Clerk of the Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by registered electors of the City equal in number to twenty-five percent (250%) of the total number of voters casting ballots at the last regular municipal election ~~or more of such registered electors~~, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing thereof. When such petition is filed, the Clerk shall first ascertain the sufficiency of the petition, and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration the ordinance or resolution is not repealed, the Council shall provide for submitting it to a vote of the electors on the date so fixed, or at the first general election in any year occurring more than ninety (90) days from the filing of such petition, if no date be so fixed. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon. When the Council by law or under provisions of general ordinances, is required to pass more than one ordinance or resolution necessary to make and pay for any public improvement, the referendum provisions shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinances or resolutions relating thereto. Ordinances providing for the annual tax levy or for improvements petitioned by the owners of a majority of the feet front of the property benefitted and to be specially assessed therefor, and appropriation ordinances limited to the subject of appropriations shall not be subject to referendum, but all other ordinances, including emergency ordinances, shall be subject to referendum, except that emergency ordinances shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, 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 such measure shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

Ordinances submitted to the Council by initiative petition and passed by the Council either with or without change, but not required to be submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances.

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 ~~23~~**

Proposed Amendment to the Charter No. 09

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment providing that the Vice Mayor shall preside at all meetings of Council.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
The Council and Mayor are separate but co-equal branches of government. The current language of the Charter requires that the Mayor preside at all meetings of the Council. This structure invites conflict because it demands that the Mayor conduct the meetings of the Council. The proposed amendment to the Charter would eliminate the Mayor's duty to preside over the meetings of the Council, thereby ensuring that the Council has the leeway to run its meetings independent of the Mayor.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 3; Art. 4.		
Procedure and Vote		
Proponent(s): Kretch		
Date of first discussion: March 14, 2023		
Date of second discussion: April 4, 2023		
Date of motion to adopt: April 4, 2023		
Movant: Kretch		
Second: Jackson		
Commissioners present: Wertheim, Crumrine, Farkas, Duffy-Friedman, Gould, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [0] No [1] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Gould <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 3. COUNCIL

* * *

SECTION 5. Procedure. A majority of the members elected to the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members. The Council shall keep a journal of its proceedings.

All regular and special meetings of Council and Council committees shall be publicly announced and shall be open to the public in accordance with the provisions of the Ohio "Sunshine Law" as it may be amended from time to time, presently codified at Section 121.22 of the Ohio Revised Code. The Vice Mayor, or in the Vice Mayor's absence the Vice Mayor's designee, shall preside at all meetings of Council. Council may hold an executive session at any regular or special meeting of Council, upon the majority roll call vote of a quorum of Council, for the sole purpose of the consideration of any matter specified in Ohio Revised Code Section 121.22, as it may be amended from time to time.

The Council shall, by ordinance, make provision for the following:

- a. The time and place of regular meetings, providing for at least two regular meetings in each calendar month excepting the months of July and August;
- b. The manner of calling special meetings;
- c. The enforcement of attendance at its meetings and punishment of disorderly conduct thereat;
- d. The form and method of enacting ordinances and resolutions, but no ordinance or resolution except general appropriation ordinances shall contain more than one subject which shall be clearly stated in the title; and general appropriation ordinances shall be confined to the subject of appropriations;
- e. The manner of giving public notice of the enactment of ordinances and of any other of its acts or proceedings which it deems proper to publish;

f. The reduction of unpaid installments and the return of paid installments of assessments levied in larger amounts than necessary to pay for public improvements, to the extent that such reductions and returns are authorized by the general law of Ohio;

g. The procedure for making public improvements and for levying assessments, provided that two or more public improvements, including the levying of assessments therefor, may be combined in one proceeding if the Council finds that it will be economical and practical to undertake said improvements jointly;

h. The advertising and awarding of contracts;

i. The employment of expert consultants to advise and assist the city officials and employees with respect to municipal problems and such other general regulations as the Council may deem necessary;

j. The printing, publishing and distribution of financial reports and such other reports of general interest as the Council shall determine, at City expense, providing that such reports shall be factual only and do not express an opinion or promote any person, position, group of persons, or any idea, theory or viewpoint of a political or controversial nature.

* * *

ARTICLE 5. THE MAYOR

* * *

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. ~~The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter.~~ The Mayor and directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances

and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

* * *

C. Executive. The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. He shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. All persons appointed by the Mayor, except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by him to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 ~~23~~**

Proposed Amendment to the Charter No. 10

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment prohibiting discrimination by the City on the basis a person's membership in certain protected classes or groups.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This prohibition against discrimination adds protections for members of certain classes or groups from discrimination by the City at the local level in addition to the protections provided by state and federal law.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 8.		
Procedure and Vote		
Proponent(s): Wertheim		
Date of first discussion: April 4, 2023		
Date of second discussion: April 18, 2023		
Date of motion to adopt: April 18, 2023		
Movant: Myrick		
Second: Marshall		
Commissioners present: Wertheim, Duffy-Friedman, Gould, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [8] Yes [0] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 12. The City shall not discriminate on the basis of race, color, national origin, religion, age, disability, marital or partnership status, sex, sexual orientation, gender identity, gender expression, genetic information, pregnancy, citizenship status, caste, tribal affiliation or any other classification protected by applicable federal, state, or local law unless reasonably necessary to normal operations and having a substantial relationship to job function and responsibilities.

ORDINANCE NO. 2023-23

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 01 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 01 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

**PASSED:
ATTEST:**

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25 23**

Proposed Amendment to the Charter No. 01

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment replacing gendered terms and language throughout the Charter with gender-neutral and gender-inclusive terms and language and replacing Article 8, Section 11, with a provision granting Council with the authority to make non-substantive corrections and revisions to the Charter.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This proposed amendment would correct the long-standing sexist, androcentric language of the Charter that has reflected the prejudices of society and replace it with language that communicates and promotes a more progressive and inclusive city and government. It will also grant Council the authority to make technical changes to the Charter without requiring an amendment so that similar revisions are easier to undertake in the future.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
All; Art. 8, § 11		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: October 25, 2022		
Date of second discussion: November 1, 2022		
Date of motion to adopt: November 1, 2022		
Movant: Crumrine		
Second: Duffy-Friedman		
Commissioners present: Crumrine, Farkas, Duffy-Friedman, Gould, Kretch, Myrick, Sloan, Wertheim		
Vote result: [7] Yes [0] No [1] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Hux <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Brown <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

* * *

ARTICLE 1. POWERS

* * *

SECTION 2. Qualifications of Officers. ~~Each elective o~~Officers of the City shall be ~~a~~ qualified electors of the City, shall have resided continuously therein not less than one year next preceding ~~their his~~ election, and shall continue to reside therein during ~~their his~~ term of office. ~~He~~Officers shall hold no other elective public office during ~~their his~~ term, neither shall ~~they he~~ hold any other public employment incompatible with ~~their his~~ elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with ~~his~~ elective office in this City.

No officers of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than ~~their his~~ fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify ~~them him~~ from holding office, in addition to the other penalties provided by law.

~~Every o~~Officers of this City shall, before assuming the duties of ~~their his~~ office, take and subscribe ~~their his~~ oath or affirmation to support the Constitution of the United States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of ~~them him~~ conformably to this Charter.

Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.

SECTION 3. Removal of Officers. Any officer of this City shall be subject to removal in such manner as is now or may hereafter be provided by the general laws of Ohio, or by this Charter.

In addition, the Council may remove any officer of the City, including ~~Councilmember~~~~Councilman~~, for violation of any of the provisions of the next preceding section, or for failing or ceasing to possess any other qualification established by this Charter for ~~that his~~ office, or for the conviction while in office of any crime involving moral turpitude, but no such removal shall be made without the concurrence of at least five members of the Council nor until the accused officer shall have been given a written copy of the charges against him and an opportunity to be heard, with at least ten days notice of the time and place of hearing.

Absence of a ~~Councilman~~~~Councilmember~~ from five consecutive regular meetings of the Council, without such absence being authorized by an affirmative vote of four of the remaining members of the Council, shall operate to vacate such office of ~~Councilman~~~~Councilmember~~ forthwith.

ARTICLE 3. COUNCIL

* * *

SECTION 2. Organization. At the first Council meeting in January, but not later than the 7th day of January in the year 1958, and in January of each second year thereafter the Council shall meet in the Council Chamber and organize. At such organization meeting the Council shall elect by a majority vote one ~~Councilmember~~~~Councilman~~, Vice-Mayor, and ~~Councilmen~~ members of boards and commissions required by this Charter or by ordinance, each to serve until the next organization meeting unless ~~such Councilmember~~ ~~he~~ shall cease in the meantime to be a ~~member of the Council~~~~councilman~~.

SECTION 3. Vacancy. Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified.

A successor shall be elected at the next general municipal election if:

1. More than two (2) years remain in the unexpired term when the vacancy occurs; and if
2. The vacancy occurs more than seventy-five (75) days prior to such election.

At such election ~~each~~ candidates for Council, in ~~their~~ ~~his~~ declarations of candidacy and nominating petitions, shall designate the term of office to which ~~they~~ ~~he~~ seeks election by stating therein, if a full term, the date of commencement of said term as follows: "Full term commencing (DATE) " or by stating therein, if an unexpired term, the date on which it will end, as follows: "Unexpired term ending (DATE)". The terms of ~~no~~ Councilmembers ~~councilman~~ shall not be lengthened by ~~his~~ ~~their~~ resignation and subsequent appointment, but an appointee may be a candidate for subsequent election.

SECTION 4. Clerk of Council. The Council shall appoint a Clerk who shall be the Clerk of the Council and Secretary of the City Planning Commission, the Civil Service Commission, the Board of Zoning Appeals, and such other boards and commissions as the Council may establish by ordinance. ~~He~~ The Clerk shall give all notices of meetings, keep the records and minutes of the Council and of the boards and commissions of which the Clerk serves as ~~he is~~ secretary, authenticate all records, documents and instruments of the City on which authentication is proper, and for that purpose shall have and use a seal.

The Clerk shall examine warrants and disbursement checks approved by the Director of Finance and shall countersign checks in the manner provided by ordinance. The Clerk ~~He~~ shall perform all such other duties as the Council may require.

* * *

SECTION 7. Mayor's Veto. Every ordinance or resolution of the Council shall be signed by the Clerk or two members of the Council and presented to the Mayor forthwith for consideration before it goes into effect. The Mayor, if approving the ordinance or resolution ~~he approves it~~, shall sign it and file it with the Clerk. The Mayor may approve or disapprove the whole or any item of an

ordinance appropriating money, but otherwise ~~that his~~ approval or disapproval shall be addressed to the entire ordinance or resolution. ~~The Mayor, if disapproving the ordinance or resolution If he disapproves it~~ or any item of ~~an ordinance-it~~, ~~he~~ shall file it with written notice of the disapproval with the Clerk. Unless an ordinance or resolution is filed with the Clerk with written notice of disapproval, within seven days after its passage by the Council, it shall take effect as though the Mayor had signed it. When the Mayor has disapproved an ordinance or resolution or item of it, as herein provided, the Council may, at its next regular meeting thereafter, reconsider it and if upon such reconsideration the ordinance, resolution or item is approved by the votes of five or more of the members of the Council, it shall take effect notwithstanding the disapproval of the Mayor.

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

* * *

SECTION 3. Recall. The electors shall have the power to remove from office by recall election any elective officer of the City. At any time after an elective officer has held office for six months ~~of the term for which he was chosen~~, a petition demanding ~~his~~ removal and the election of a successor ~~to that in his~~ office may be filed with the Clerk of the Council. Such petition shall comply with the provisions of Section 4 of this Article, and shall be signed by registered electors equal in number to at least twenty-five (25%) percent of the total number of voters casting ballots at the last preceding general municipal election. Within ten (10) days from the date of filing such petition, the Clerk shall determine the sufficiency thereof. If the Clerk shall find the petition insufficient, ~~the Clerk he~~ shall promptly certify the particulars in which the petition is defective and deliver a copy of ~~the his~~ certificate to the person who filed the petition ~~with him~~, and such person shall be allowed twenty (20) days from the delivery of such copy of certificate in which to make the petition sufficient. If the Clerk shall find the petition sufficient ~~the Clerk he~~ shall promptly so certify to the Council and to the officer whose removal is sought, and, if the officer does not resign within five (5) days thereafter, the Council shall thereupon order and fix a day for holding a recall election, not less than thirty (30) nor more than forty (40) days from the date of the Clerk's certificate of sufficiency. At such recall election the name of the officer whose removal is sought shall be placed on the ballot as a candidate ~~to succeed himself~~, unless

~~that person he~~-otherwise requests in writing at least twenty (20) days prior thereto, and the names of such other candidates for the same office shall be placed on the ballot as shall have been nominated in accordance with Article 2 Section 1 of this Charter at least twenty (20) days prior to such recall election. The recall election, except as it shall be limited to the offices from which a removal is sought, shall in other respects conform to the provisions of Article 2 Section 1 of this Charter. If at the recall election the incumbent does not receive a plurality of the votes cast, the candidate who does receive such a plurality shall be declared elected to succeed the incumbent for the remainder of ~~their his~~-term, and the incumbent shall be deemed removed from ~~his~~-office when such elected successor qualifies for the office or within ten (10) days after the recall election.

* * *

ARTICLE 5. THE MAYOR

* * *

SECTION 2. Term. The Mayor shall be elected at the regular municipal election in 1941 and every fourth year thereafter for a term of four years, commencing on the first day of January next after such election, and shall serve until ~~a his~~ successor is elected and qualified.

SECTION 3. Vacancy. When the Mayor is absent and inaccessible, or is unable for any cause to perform ~~the his~~ duties ~~of that office~~, the Vice Mayor shall be acting Mayor, but shall not thereby cease to be a ~~Councilmember-councilman~~. In case of ~~the Mayor's~~ death, resignation or removal, other than by recall election, ~~of the Mayor or disqualification his ceasing to qualify~~ for the office, the Vice-Mayor shall vacate ~~the his~~ office of ~~Councilmember councilman~~ and shall become Mayor to serve the unexpired term or until a successor for the unexpired term is elected and qualified.

A successor shall be elected at the next regular municipal election provided that:

1. Such election occurs more than two (2) years prior to the expiration of the unexpired term; and
2. The vacancy occurs more than seventy-five (75) days prior to such election.

A Vice-Mayor, who has become Mayor, may be a candidate to succeed to the office for the unexpired term ~~himself~~.

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter. The directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

C. Executive. The Mayor shall be the chief executive officer of the City. ~~He~~ shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. The Mayor ~~He~~ shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. The Mayor ~~He~~ shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. The Mayor ~~He~~ shall recommend to the Council such measures that are as he deems necessary or expedient. The Mayor ~~He~~ shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. All persons appointed by the Mayor, except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by the Mayor ~~him~~ to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

* * *

SECTION 2. Department of Law shall be in charge of the Director of Law, appointed by the Council to serve at the pleasure thereof. The Director of Law shall be duly admitted to the practice of law in Ohio. The Director ~~He~~ shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio.

SECTION 3. Department of Finance shall be headed by the Director of Finance, who shall be the fiscal officer and Treasurer of the City. ~~He~~ The Director shall keep all the financial records and accounts of the City and an accurate account of all taxes and assessments, all assets and liabilities, all appropriations made by the Council, and all receipts and disbursements by the City. All payrolls, bills and other claims are subject to ~~his~~ the Director's examination and approval. The Director ~~He~~ shall issue warrants or checks for expenditures for which appropriations have been duly made and shall sign checks as Council shall require. The Director ~~He~~ shall assist the Mayor and Council in the

preparation of estimates, budgets and appropriations, and shall perform all the duties required by this Charter or by ordinance of Council.

The Director of Finance shall serve as the Treasurer of the City and shall be the collector and custodian of all monies of the City. ~~The Director He~~ shall keep and preserve them in such manner and in such places as the Council shall determine. ~~The Director He~~ shall receive and disburse all other public money coming into the city treasury ~~his hands as Treasurer~~ in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

There shall be in the Department of Public Safety a Division of Police, a Division of Fire, and a Division of Building Engineering and Inspection.

ARTICLE 7. COMMISSIONS AND BOARDS

* * *

SECTION 2. City Planning Commission. The City Planning Commission shall consist of the Mayor, one member of Council to be selected by the Council, and three electors of the City not holding other municipal office. The present members of the City Planning Commission, other than the Mayor and ~~Councilman~~Councilmember, shall continue to serve until the expiration of their respective terms, and their successors shall each be appointed by the Mayor for a term of four (4) years. A vacancy occurring during the term of any member of the City Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

The City Planning Commission shall have such powers as may be conferred on it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public buildings or structures or those located on public streets or property; the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the approval of plats for the subdivision of land; the zoning and rezoning of the City for any lawful purpose and such other powers as are now or may hereafter be conferred upon it by ordinance of the Council or the general law of Ohio.

* * *

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 3. Salaries and Bonds. The Council shall fix the salary or compensation of all officers and employees of the City, and may require any officer or employee to give bond for the faithful performance of ~~their his~~ duties in such amount as it may determine and with such surety as it may approve, and may from time to time require additional bond or surety of any officer or employee, and may provide that the premium for any such bond be paid by the City.

Prior to the first day of November in 1959 and in each second year thereafter, the Council shall fix the compensation of the officers to be elected for the terms beginning on the next succeeding first day of January and the compensation of such officers shall not thereafter be changed for such term or any part thereof; except that for each absence of the ~~Councilmember councilman~~ from a regular meeting of the Council, unless authorized by the affirmative vote of at least four other members thereof, there shall be deducted a sum equal to two per cent (2%) of the annual salary of such ~~Councilmember-Councilman~~. Persons filling vacancies for the unexpired terms of elective officers shall receive the compensation theretofore fixed for such elective officers. The compensation of other officers and employees may be fixed and changed at any time in the discretion of the Council. All fees pertaining to any office shall be paid into the city treasury. The Council may authorize any officer or employee of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City.

* * *

SECTION 11. Gender-neutrality and Charter Corrections. From the effective date of this amended section, the Charter shall be revised and corrected to be gender-neutral. In addition, Council shall have the authority to enact by ordinance, adopted by unanimous vote, typographical, grammatical, numerical or organizational sequencing, or other non-substantive revisions and corrections to this Charter, which shall be limited to spelling, grammar,

~~punctuation, sentence construction, standardization of terminology, phrases, or references, and renumbering, reordering, or resequencing any sentences, paragraphs, or sections and shall not affect the substance, meaning, or purpose of any provision of this Charter. Construction. Masculine pronouns used in this Charter shall be construed to include the feminine pronoun, and the singular number shall be construed to include the plural number whenever the context shall require.~~

~~Except as a contrary intent appears herein, all acts of the Council of this municipality shall continue in effect until lawfully amended or repealed.~~

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ORDINANCE NO. 2023-24

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 02 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-__ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 02 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

**_____
MAYOR MICHAEL DYLAN BRENNAN**

PASSED:

ATTEST:

**_____
KELLY THOMAS, CLERK OF COUNCIL**

APPROVED AS TO FORM:

**_____
LUKE F. MCCONVILLE, LAW DIRECTOR**

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 02

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment eliminating term limits for elected officers.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Term limits are undemocratic, and academic research shows that term limits increase the ideological polarization of legislatures, reduce legislators' expertise, capacity, and skills, weaken legislatures relative to executives, increase the influence of special interests and lobbyists, reduce voter turnout, reduce productivity, and fail to achieve their purported goals of good government.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 2, § 2.		
Procedure and Vote		
Proponent(s): Duffy-Friedman, Crumrine		
Date of first discussion: January 18, 2023		
Date of second discussion: January 24, 2023		
Date of motion to adopt: January 24, 2023		
Movant: Crumrine		
Second: Duffy-Friedman		
Commissioners present: Wertheim, Bobes, Farkas, Duffy-Friedman, Crumrine, Gould, Jackson, Kretch, Myrick, Sloan		
Vote result: [7] Yes [3] No [0] Abstain		
Roll call vote:		
Farkas <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 2. NOMINATION, ELECTIONS, QUALIFICATIONS AND REMOVAL OF OFFICERS

* * *

SECTION 2. Qualifications of Officers. Each elective officer of the City shall be a qualified elector of the City, shall have resided continuously therein not less than one year next preceding his election, and shall continue to reside therein during his term of office. He shall hold no other elective public office during his term, neither shall he hold any other public employment incompatible with his elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with his elective office in this City.

No officer of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than his fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify him from holding office, in addition to the other penalties provided by law.

Every officer of this City shall, before assuming the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of him conformably to this Charter.

~~Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.~~

ORDINANCE NO. 2023-25

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 03 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-__ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 03 to the Charter of the City of University Heights as attached hereto as Exhibit "A" for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

**_____
MAYOR MICHAEL DYLAN BRENNAN**

PASSED:

ATTEST:

**_____
KELLY THOMAS, CLERK OF COUNCIL**

APPROVED AS TO FORM:

**_____
LUKE F. MCCONVILLE, LAW DIRECTOR**

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 03

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
The purpose of the proposal is to modify the method by which the City's Law Director is appointed.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Article 6 of the City's Charter provides that the City's Law Director is appointed by Council to serve at the pleasure thereof. The City's Law Director is the legal advisor and counselor to the City and its officers and departments in connection with their official duties. Since the Law Director regularly counsels the Mayor and Council, the Mayor, as Chief Executive of the City, should appoint the City's Law Director subject to confirmation by Council. This format strikes an appropriate balance of power between the Council and the Mayor. By way of example, the City of Cleveland Heights and Cuyahoga County each require that the Mayor/Executive appoint a Director of Law subject to confirmation by the respective legislative bodies.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 6, § 2; Art. 5, § 4.		
Procedure and Vote		
Proponent(s): Kretch, Myrick		
Date of first discussion: January 24, 2023		
Date of second discussion: February 7, 2023		
Date of motion to adopt: February 7, 2023 (Amended May 8, 2023)		
Movant: Kretch		
Second: Myrick		
Commissioners present: Wertheim, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [0] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 5. THE MAYOR

* * *

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter. The directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

C. Executive. The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. He shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. The Law Director shall be appointed and removed as provided in Article 6, Section 2, of this Charter. All persons appointed by the Mayor, except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by him to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

* * *

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

* * *

SECTION 2. The Department of Law shall be directed by ~~in charge of~~ the Director of Law, appointed by the Mayor, subject to approval by a majority of the members of Council. ~~Council to serve at the pleasure thereof.~~ The Director of Law shall be duly admitted to the practice of law in Ohio. He shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio. The Director of Law may be removed either by the Mayor or by a majority of the members of Council.

ORDINANCE NO. 2023-26

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 04 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-__ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 04 to the Charter of the City of University Heights as attached hereto as Exhibit "A" for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 04

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment providing for a decennial Charter Review Commission.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Council has established a Charter Review Commission only three times since 1941: 1979, 2008-09, and 2022-23. However, periodic comprehensive review of the City's Charter is necessary to modernize and improve the organization, powers, functions, and procedures of local government to better serve the City's residents.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 7.		
Procedure and Vote		
Proponent(s): Wertheim		
Date of first discussion: January 18, 2023		
Date of second discussion: February 7, 2023		
Date of motion to adopt: February 7, 2023 (Amended May 2, 2023)		
Movant: Wertheim		
Second: Myrick		
Commissioners present: Wertheim, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [0] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 5. Amendments. The Council may, by vote of at least five of its members, submit to the electors of the City of University Heights amendments to this Charter, and, upon petition signed by ten percent (10%) of the registered electors of this City setting forth any proposed amendment, such proposed amendment shall be so submitted by the Council. The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of Ohio, and, to such extent as said Constitution shall fail to provide therefor, the Council shall determine the manner for such submission. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, nor less than a majority, shall become a part of this Charter.

Council shall, at least once during each ten-year period, by ordinance or resolution, appoint a Charter Review Commission to review the entire Charter. The first ten-year period shall end December 31, 2033. Thereafter each successive ten-year period shall commence on the date of Council's ordinance or resolution making such determination. The Mayor and Council shall, at their discretion, appoint a Commission of eleven (11) qualified electors of the City holding no other elected office in this City as members of the Charter Review Commission. The Mayor shall appoint four (4) of the Commission Members and Council shall appoint seven (7) of the Commission Members. Such Commission shall review the City Charter and not less than one hundred twenty (120) days prior to the general election in November of the succeeding year shall submit to Council any alterations, revisions or amendments of this Charter as in its judgment are recommended. The Council shall immediately review same and shall forthwith submit to the electors at the next general municipal election to be held in November, any such proposed alterations, revisions or amendments of this Charter which Council deems in its discretion to be advisable. The Members shall serve without compensation unless otherwise provided by Ordinance. All meetings of the Charter Review Commission shall be open to the public.

ORDINANCE NO. 2023-27

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 05 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 05 to the Charter of the City of University Heights as attached hereto as Exhibit "A" for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 05

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment to update and modernize the names of administrative officers and departments and prohibit Council from eliminating the Division of Public Safety.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
The Charter uses anachronistic terminology for administrative officers and departments that is inconsistent with the City's actual usage.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 6.		
Procedure and Vote		
Proponent(s): Wertheim		
Date of first discussion: December 13, 2022		
Date of second discussion: February 28, 2023		
Date of motion to adopt: February 28, 2023		
Movant: Wertheim		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [7] Yes [0] No [3] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain
Marshall <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 1. General Provisions. A Law Department ~~of Law~~, a Finance Department ~~of Finance~~, a Department of Public Safety Division, and a Service Department ~~of Public Service and Properties~~ are hereby established by this Charter, and the Council shall provide by ordinance for the organization thereof. The Council may establish by ordinance new departments or divisions thereof. With the exception of the Law and Finance Departments and the Public Safety Division, the Council may combine or abolish existing departments and divisions as it may deem necessary and may authorize one person to be the head of two or more departments or divisions.

SECTION 2. The Law Department ~~of Law~~ shall be in charge of the Law Director ~~of Law~~, appointed by the Council to serve at the pleasure thereof. The Law Director ~~of Law~~ shall be duly admitted to the practice of law in Ohio. He shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio.

SECTION 3. The Finance Department ~~of Finance~~ shall be headed by the Finance Director ~~of Finance~~, who shall be the fiscal officer and Treasurer of the City. He shall keep all the financial records and accounts of the City and an accurate account of all taxes and assessments, all assets and liabilities, all appropriations made by the Council, and all receipts and disbursements by the City. All payrolls, bills and other claims are subject to his examination and approval. He shall issue warrants or checks for expenditures for which appropriations have been duly made and shall sign checks as Council shall require. He shall assist the Mayor and Council in the preparation of estimates, budgets and appropriations, and shall perform all the duties required by this Charter or by ordinance of Council.

The Finance Director ~~of Finance~~ shall serve as the Treasurer of the City and shall be the collector and custodian of all monies of the City. He shall keep and preserve them in such manner and in such places as the Council shall determine. He shall receive and disburse all other public money coming into his hands as Treasurer in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

There shall be in the Department of Public Safety Division a Division of Police Department, a Division of Fire Department, and a Building Department ~~Division of Building Engineering and Inspection~~.

ORDINANCE NO. 2023-28

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 06 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 06 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 06

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment providing for the election of the Mayor and members of Council by ranked choice voting.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
Ranked choice voting creates a more fair and representative election system that minimizes wasted votes, vote-splitting, and strategic voting, better reflects voter preference and the electorate, discourages negative campaigning as candidates compete for second-choice votes, would serve as an instant run-off election when a mayoral candidate only wins a plurality of the vote, may help elect more women and people of color, and is ideal for elections with multiple winners, like our Council elections.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 2, § 1.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 7, 2023		
Date of second discussion: February 28, 2023		
Date of motion to adopt: February 28, 2023		
Movant: Myrick		
Second: Crumrine		
Commissioners present: Bobes, Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [8] Yes [4] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 2. NOMINATION, ELECTIONS, QUALIFICATIONS AND REMOVAL OF OFFICERS

SECTION 1. Nominations ~~and Elections~~. Nominations for elective officers of this City shall be made only by petition, signed by registered electors of the City not less in number than three percent (3%) of the number voting at the last regular municipal election and accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by separate petition and filed with the Board of Elections not later than 4:00 o'clock p.m. on the ninetieth (90th) (day prior to the date of election. No primary election shall be held for the selection of candidates for any elective office of the City. No nomination to any elective office of this City shall be of any effect unless made as required by this section.

SECTION 2. Elections. All officers of this City shall be elected by ranked choice voting as described in this section.

The design of the ballot and content of ballot instructions shall conform to the following requirements:

1. The ballot used in the election of officers of this City shall be without party mark or designation.
2. The names of all candidates for City office shall be placed upon the same ballot, and shall be rotated in the manner provided by the general law of Ohio.
3. The ballot shall allow a voter to rank candidates in order of choice for the office.
4. The ballot shall permit a voter to rank up to six candidates, inclusive of any write-in candidates permitted by law, in order of choice for the office, unless there are fewer than six candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total

number of such candidates for such office, inclusive of any write-in candidate permitted by law.

5. The ballot shall, in plain language, set forth instructions that indicate how to mark a ballot and how to rank candidates in order of the voter's choice.

Mayor shall be elected by single-winner ranked choice voting. Each ballot cast shall be initially counted as one vote for the candidate at its highest continuing ranking or as an exhausted ballot. If a candidate receives more than half of the total votes counting for candidates, that candidate is elected and the tabulation of votes is complete. Otherwise, the tabulation of votes shall proceed in successive rounds sequentially as follows:

1. The candidate with the fewest votes is defeated.
2. Votes for the defeated candidate shall cease counting for the defeated candidate and shall be added to the totals of each ballot's next-ranked continuing candidate or counted as exhausted ballots.
3. A new round begins.

Members of Council shall be elected by proportional ranked choice voting. Each ballot cast shall be initially counted as one vote for its highest-ranked continuing candidate or as an exhausted ballot. The election threshold shall be calculated, and the tabulation of votes shall proceed in successive rounds sequentially as follows:

1. If the number of continuing candidates whose vote totals exceed the election threshold is equal to the number of seats remaining to be filled, those candidates are elected and the tabulation of votes is complete. Otherwise, the tabulation of votes continues.
2. If the number of continuing candidates is equal to or less than the number of seats remaining to be filled, then all continuing candidates are elected and the tabulation of votes is complete. Otherwise, the tabulation of votes continues.

3. If at least one continuing candidate has a vote total that equals or exceeds the election threshold, then the continuing candidate with the highest vote total is elected. Otherwise, the tabulation of votes continues.
 - a. If a candidate is thus elected, the number of surplus votes and the surplus fraction for the elected candidate shall then be calculated.
 - b. Next, the new transfer value of each vote cast for the elected candidate shall be calculated.
 - c. Votes for the elected candidate shall be added, at their new transfer values, to the totals of each ballot's highest-ranked continuing candidate or counted as exhausted ballots.
 - d. A new round begins.
4. The candidate with the fewest votes is defeated.
 - a. If the number of continuing candidates is now equal to the number of seats remaining to be filled, all continuing candidates are elected, and the tabulation of votes is complete.
 - b. Otherwise, votes for the defeated candidate shall cease counting for the defeated candidate. Votes cast for the defeated candidate shall be added, at their current transfer values, to the totals of each ballot's next-ranked continuing candidate or counted as exhausted ballots, and a new round begins.

If a tie to determine which candidate has the greatest or fewest number of votes occurs at any point in the tabulation procedure and tabulation of votes cannot proceed until the tie is resolved, the chair of Board of Elections shall resolve the tie by lot in the presence of a majority of the members of the Board. For purposes of this section, the following terms are defined:

“Continuing candidate” means any candidate that has not been defeated or elected.

“Election threshold” means the number of votes sufficient for a candidate to be elected. The election threshold is equal to the total valid votes cast, divided by the sum of one plus the number of offices to be filled, and adding one to that quotient, disregarding any fractions.

“Exhausted ballot” means a ballot that can no longer be counted for any candidate for one or more of the following reasons:

1. It should count for its next-ranked continuing candidate, but it does not rank any more continuing candidates;
2. Its highest continuing ranking contains an overvote; or
3. It includes two or more skipped rankings prior to its highest continuing ranking.

“Highest continuing ranking” means the highest ranking for any continuing candidate.

“Overvote” means a voter has ranked more than one candidate at the same ranking.

“Ranked choice voting” means an election method in which voters rank candidates in order of choice and votes are tabulated by the procedures described in this section.

“Ranking” means the number assigned by a voter to a candidate to express the voter’s preference for that candidate. A ranking of “1” is the highest ranking followed by “2” and then “3” and so on.

“Round” means a sequence of the process of voting tabulation beginning with Stage 1 as provided in this section.

“Skipped ranking” means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

“Surplus” means the difference between a candidate’s vote total and the election threshold.

“Surplus fraction” means the number equal to a candidate’s surplus divided by that candidate’s vote total, calculated to four decimal places, ignoring any remainder.

“Transfer value” means the fraction of a vote that a ballot will contribute to its highest continuing ranking after a higher ranked candidate has been declared elected. The transfer value of a vote is calculated by multiplying the surplus fraction of the elected candidate by the vote’s current value, calculated to four decimal places, ignoring any remainder.

Except as provided in this Charter, the general laws of Ohio shall govern the nomination and election of the elective officers of the City.

SECTION 32. Qualifications of Officers. Each elective officer of the City shall be a qualified elector of the City, shall have resided continuously therein not less than one year next preceding his election, and shall continue to reside therein during his term of office. He shall hold no other elective public office during his term, neither shall he hold any other public employment incompatible with his elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with his elective office in this City.

No officer of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than his fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify him from holding office, in addition to the other penalties provided by law.

Every officer of this City shall, before assuming the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United

States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of him conformably to this Charter.

Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.

SECTION ~~43~~. Removal of Officers. Any officer of this City shall be subject to removal in such manner as is now or may hereafter be provided by the general laws of Ohio, or by this Charter.

In addition, the Council may remove any officer of the City, including Councilman, for violation of any of the provisions of the next preceding section, or for failing or ceasing to possess any other qualification established by this Charter for his office, or for the conviction while in office of any crime involving moral turpitude, but no such removal shall be made without the concurrence of at least five members of the Council nor until the accused officer shall have been given a written copy of the charges against him and an opportunity to be heard, with at least ten days notice of the time and place of hearing.

Absence of a Councilman from five consecutive regular meetings of the Council, without such absence being authorized by an affirmative vote of four of the remaining members of the Council, shall operate to vacate such office of Councilman forthwith.

ORDINANCE NO. 2023-29

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 07 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 07 to the Charter of the City of University Heights as attached hereto as Exhibit "A" for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 07

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment replacing provisions of the Charter regarding recall elections with provisions substantially in the form of Section 6.04 of the National Civic League's Model City Charter.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This amendment would change the process of recall elections so that the recall or removal of an officer results in a vacancy.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 4, § 3.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 28, 2023		
Date of second discussion: March 14, 2023		
Date of motion to adopt: March 14, 2023 (Amended April 18, 2023)		
Movant: Crumrine		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [1] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

* * *

SECTION 3. Recall. ~~The electors shall have the power to remove from office by recall election any elective officer of the City. At any time after an elective officer has held office for six months of the term for which he was chosen, a petition demanding his removal and the election of a successor in his office may be filed with the Clerk of the Council. Such petition shall comply with the provisions of Section 4 of this Article, and shall be signed by registered electors equal in number to at least twenty five (25%) percent of the total number of voters casting ballots at the last preceding general municipal election. Within ten (10) days from the date of filing such petition, the Clerk shall determine the sufficiency thereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective and deliver a copy of his certificate to the person who filed the petition with him, and such person shall be allowed twenty (20) days from the delivery of such copy of certificate in which to make the petition sufficient. If the Clerk shall find the petition sufficient he shall promptly so certify to the Council and to the officer whose removal is sought, and, if the officer does not resign within five (5) days thereafter, the Council shall thereupon order and fix a day for holding a recall election, not less than thirty (30) nor more than forty (40) days from the date of the Clerk's certificate of sufficiency. At such recall election the name of the officer whose removal is sought shall be placed on the ballot as a candidate to succeed himself, unless he otherwise requests in writing at least twenty (20) days prior thereto, and the names of such other candidates for the same office shall be placed on the ballot as shall have been nominated in accordance with Article 2 Section 1 of this Charter at least twenty (20) days prior to such recall election. The recall election, except as it shall be limited to the offices from which a removal is sought, shall in other respects conform to the provisions of Article 2 Section 1 of this Charter. If at the recall election the incumbent does not receive a plurality of the votes cast, the candidate who does receive such a plurality shall be declared elected to succeed the incumbent for the remainder of his term, and the incumbent shall be deemed removed from his office when such elected successor qualifies for the office or within ten (10) days after the recall election.~~

The electors shall have the power to recall any elective officer of the City, but no recall petition shall be filed against any officer within six months after the officer takes office, nor in case of an officer subjected to a recall election and not removed, until at least six months after the election. Any five registered electors of the City may commence recall proceedings by filing with the Clerk of the Council an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and stating the name and title of the officer sought to be recalled accompanied by a statement, not to exceed 200 words, of the reasons for the recall. Grounds for recall should relate to and affect the administration of the elective officer's office and be of a substantial nature directly affecting the rights and interest of the public. Promptly after receipt of a recall petition, the Clerk of Council shall serve, personally or by certified mail, a copy of the affidavit on the elective officer sought to be recalled. Within 10 days of service of the affidavit, the elective officer sought to be recalled may file a statement with the Clerk of Council, not to exceed 200 words, in response. Recall petitions must be signed by registered electors of the City equal in number to at least twenty-five percent of the total number of registered electors of the City to vote at the last regular municipal election. Recall petitions must be filed within 100 days of the filing of the petitioners' affidavit initiating the recall procedure. Within 20 days after the petition is filed, the Clerk of Council shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk of Council within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within 14 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of this section, and within five days after it is filed, the Clerk of Council shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review within the time required, the Clerk of Council shall promptly

EXHIBIT A

present his or her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by Council. Council shall review the certificate or determination at its next meeting following the filing of such request, and Council's determination shall then be a final determination as to the sufficiency of the petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose after the passage of one year from the date of the final determination of insufficiency. If a recall petition has been finally determined sufficient, it shall be submitted to the electors of the City. The recall election shall be held not less than 60 days and not later than 90 days from the date of the final determination. If no regular municipal election is to be held within the period prescribed in this subsection, Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that Council may in its discretion provide for a special election at an earlier date within the prescribed period. Ballots used at recall election shall read: "Shall [name of officer] be recalled (removed) from the office of [title of office]?" If a majority of registered electors vote in favor of the recall, the officer is removed and the seat is vacant, and the vacancy shall be filled in accordance with the applicable provisions of Article 3, Section 3, or Article 5, Section 3, of this Charter.

ORDINANCE NO. 2023-30

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 08 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 08 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

**_____
MAYOR MICHAEL DYLAN BRENNAN**

PASSED:

ATTEST:

**_____
KELLY THOMAS, CLERK OF COUNCIL**

APPROVED AS TO FORM:

**_____
LUKE F. MCCONVILLE, LAW DIRECTOR**

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 08

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment changing the number of signatures required on petitions for an initiative or referendum from a percentage of registered voters of the City to a percentage of the total ballots cast in the City's last regular municipal election and adjusting such percentages.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This amendment would make it easier for electors of the City to propose any ordinance or resolution or to approve or reject any ordinance or resolution passed by the Council.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 4, §§ 1 and 2.		
Procedure and Vote		
Proponent(s): Crumrine		
Date of first discussion: February 28, 2023		
Date of second discussion: March 14, 2023		
Date of motion to adopt: March 14, 2023 (Amended April 18, 2023)		
Movant: Crumrine		
Second: Myrick		
Commissioners present: Wertheim, Farkas, Duffy-Friedman, Gould, Crumrine, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [1] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

SECTION 1. Initiative. The electors of the City shall have power to propose any ordinance or resolution, except an ordinance for the appropriation of money or an ordinance making a tax levy, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution may be submitted to the Clerk of the Council by petition signed by registered electors of the City equal in number to at least ~~ten five~~-percent (~~105~~%) of the total number of voters casting ballots at the last regular municipal election. ~~registered electors of the City.~~ When so submitted, the Clerk shall forthwith determine the sufficiency of the petition and if found sufficient, the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole. Provision shall be made for public hearings on the proposed ordinance or resolution not later than thirty (30) days after the date on which such ordinance or resolution was submitted to the Clerk. The Council shall within forty (40) days after such ordinance or resolution is submitted, take final action thereon, either enacting or rejecting the proposed ordinance or resolution. If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the committee of the petitioners may require that it be submitted to a vote of the electors either in its original form or in the amended form by filing with the Clerk a supplemental petition signed by that number of additional registered electors which, when taken together with those who signed the original petition, will total at least ~~twenty ten~~-percent (~~210~~%) of the total number of voters casting ballots at the last regular municipal election~~the registered electors of the City,~~ and if said supplemental petition is signed by that number of additional registered electors which, when taken together with those who signed the original petition, will total at least ~~twenty-five~~ percent (~~250~~%) of the total number of voters casting ballots at the last regular municipal election ~~registered electors~~ the date of the election may be fixed therein, not less than ninety sixty (~~690~~) days from the time of filing such supplemental petition. Such supplemental petition shall be filed within ten (10) days after the final action on such ordinance or resolution by the Council. The Council shall thereupon provide, for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election in any year occurring more

than ~~ninety sixty~~ (690) days from the filing of such supplemental petition, if no date be so fixed therein.

SECTION 2. Referendum. The electors shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council, except as hereinafter provided. Within thirty (30) days after the final passage by the Council of an ordinance or resolution, a petition signed by registered electors of the City equal in number to at least ~~twenty ten~~ percent (210%) of the total number of voters casting ballots at the last regular municipal election ~~registered electors of the City~~ may be filed with the Clerk of the Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by registered electors of the City equal in number to ~~twenty-five~~ percent (250%) ~~of the total number of voters casting ballots at the last regular municipal election~~ ~~or more of such registered electors~~, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing thereof. When such petition is filed, the Clerk shall first ascertain the sufficiency of the petition, and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration the ordinance or resolution is not repealed, the Council shall provide for submitting it to a vote of the electors on the date so fixed, or at the first general election in any year occurring more than ninety (90) days from the filing of such petition, if no date be so fixed. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon. When the Council by law or under provisions of general ordinances, is required to pass more than one ordinance or resolution necessary to make and pay for any public improvement, the referendum provisions shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinances or resolutions relating thereto. Ordinances providing for the annual tax levy or for improvements petitioned by the owners of a majority of the feet front of the property benefitted and to be specially assessed therefor, and appropriation ordinances limited to the subject of appropriations shall not be subject to referendum, but all other ordinances, including emergency ordinances, shall be subject to referendum, except that emergency ordinances shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, 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 such measure shall be deemed sufficient authority for

payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

Ordinances submitted to the Council by initiative petition and passed by the Council either with or without change, but not required to be submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances.

ORDINANCE NO. 2023-31

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 09 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-___ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 09 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-25**

Proposed Amendment to the Charter No. 09

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment providing that the Vice Mayor shall preside at all meetings of Council.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
The Council and Mayor are separate but co-equal branches of government. The current language of the Charter requires that the Mayor preside at all meetings of the Council. This structure invites conflict because it demands that the Mayor conduct the meetings of the Council. The proposed amendment to the Charter would eliminate the Mayor's duty to preside over the meetings of the Council, thereby ensuring that the Council has the leeway to run its meetings independent of the Mayor.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 3; Art. 4.		
Procedure and Vote		
Proponent(s): Kretch		
Date of first discussion: March 14, 2023		
Date of second discussion: April 4, 2023		
Date of motion to adopt: April 4, 2023		
Movant: Kretch		
Second: Jackson		
Commissioners present: Wertheim, Crumrine, Farkas, Duffy-Friedman, Gould, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [9] Yes [0] No [1] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Abstain	Gould <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 3. COUNCIL

* * *

SECTION 5. Procedure. A majority of the members elected to the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members. The Council shall keep a journal of its proceedings.

All regular and special meetings of Council and Council committees shall be publicly announced and shall be open to the public in accordance with the provisions of the Ohio "Sunshine Law" as it may be amended from time to time, presently codified at Section 121.22 of the Ohio Revised Code. The Vice Mayor, or in the Vice Mayor's absence the Vice Mayor's designee, shall preside at all meetings of Council. Council may hold an executive session at any regular or special meeting of Council, upon the majority roll call vote of a quorum of Council, for the sole purpose of the consideration of any matter specified in Ohio Revised Code Section 121.22, as it may be amended from time to time.

The Council shall, by ordinance, make provision for the following:

- a. The time and place of regular meetings, providing for at least two regular meetings in each calendar month excepting the months of July and August;
- b. The manner of calling special meetings;
- c. The enforcement of attendance at its meetings and punishment of disorderly conduct thereat;
- d. The form and method of enacting ordinances and resolutions, but no ordinance or resolution except general appropriation ordinances shall contain more than one subject which shall be clearly stated in the title; and general appropriation ordinances shall be confined to the subject of appropriations;

e. The manner of giving public notice of the enactment of ordinances and of any other of its acts or proceedings which it deems proper to publish;

f. The reduction of unpaid installments and the return of paid installments of assessments levied in larger amounts than necessary to pay for public improvements, to the extent that such reductions and returns are authorized by the general law of Ohio;

g. The procedure for making public improvements and for levying assessments, provided that two or more public improvements, including the levying of assessments therefor, may be combined in one proceeding if the Council finds that it will be economical and practical to undertake said improvements jointly;

h. The advertising and awarding of contracts;

i. The employment of expert consultants to advise and assist the city officials and employees with respect to municipal problems and such other general regulations as the Council may deem necessary;

j. The printing, publishing and distribution of financial reports and such other reports of general interest as the Council shall determine, at City expense, providing that such reports shall be factual only and do not express an opinion or promote any person, position, group of persons, or any idea, theory or viewpoint of a political or controversial nature.

* * *

ARTICLE 5. THE MAYOR

* * *

SECTION 4. General Powers and Duties.

A. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.

B. Legislative. ~~The Mayor shall preside at all meetings of the Council and shall have the power to veto as specified in Article 3 Section 7 of this Charter.~~ The Mayor and directors of all departments established by this Charter, or by ordinance, also shall be entitled to seats in the Council. Neither the Mayor nor any director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

* * *

C. Executive. The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all departments and divisions except those reserved to Council or its officers and employees by this Charter. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced therein. He shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measure, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

The Mayor shall appoint all officers and employees of the City, except members, officers and employees of the Council, judges, Clerk of Council and the Director of Law and their assistants. All persons appointed by the Mayor,

except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter. The foregoing appointive powers of the Mayor may be delegated by him to the directors of any department or to the heads of any divisions with respect to the officers or employees in the classified service within their respective departments or divisions.

The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Mayor shall be recognized as the official and ceremonial head of the City government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

ORDINANCE NO. 2023-32

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE SUBMITTING CHARTER REVIEW COMMISSION PROPOSED AMENDMENT NO. 10 TO THE CHARTER OF THE CITY OF UNIVERSITY HEIGHTS TO THE ELECTORATE OF THE CITY AT THE NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING AN EMERGENCY.

WHEREAS, City of University Heights Council established a Charter Review Commission by Ordinance No. 2022-25 on June 7, 2022;

WHEREAS, the Charter Review Commission was charged with reviewing the Charter of the City of University Heights and submitting a final report and proposed amendments to the Charter to City Council for submission to the electorate;

WHEREAS, the Charter Review Commission published a duly adopted Final Report and Recommendations to the City Council on May 31, 2023, which has been adopted via the passage of Ordinance 2023-__ of even date herewith;

WHEREAS, Ordinance No. 2022-25 requires the City Council to consider the Final Report and Recommendations at this, its next regularly scheduled meeting, and thereafter to consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election; and

WHEREAS, City Council shall consider whether or not to place any of the proposed amendments on the ballot at the November 7, 2023 General Election via individual ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. The Clerk of Council is hereby authorized and directed to send to the Cuyahoga County Board of Elections Proposed Amendment to the Charter No. 10 to the Charter of the City of University Heights as attached hereto as Exhibit “A” for placement on the November 7, 2023, General Election ballot with ballot language to be approved by the Cuyahoga County Board of Elections.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance constitutes an emergency measure for the immediate preservation of public peace, health and safety of the citizens of the City of University Heights in order for the City to comply with the requirements of Ordinance 2022-35 and election law submission requirements for placement on the November 7, 2023 General Election ballot, and provided it receives the affirmative vote of not less than five (5) members of Council, it shall take effect immediately upon its passage and approval of the Mayor, otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO

MAYOR MICHAEL DYLAN BRENNAN

PASSED:

ATTEST:

KELLY THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:

LUKE F. MCCONVILLE, LAW DIRECTOR

**CHARTER REVIEW COMMISSION
CITY OF UNIVERSITY HEIGHTS, OHIO
2022-23**

Proposed Amendment to the Charter No. 10

Purpose		
<i>Brief description of the purpose of the proposal:</i>		
An amendment prohibiting discrimination by the City on the basis a person's membership in certain protected classes or groups.		
Problem		
<i>Brief description of the problem being addressed by the proposal:</i>		
This prohibition against discrimination adds protections for members of certain classes or groups from discrimination by the City at the local level in addition to the protections provided by state and federal law.		
Charter Provisions		
<i>Charter provision(s) proposed to be deleted or amended, if applicable:</i>		
Art. 8.		
Procedure and Vote		
Proponent(s): Wertheim		
Date of first discussion: April 4, 2023		
Date of second discussion: April 18, 2023		
Date of motion to adopt: April 18, 2023		
Movant: Myrick		
Second: Marshall		
Commissioners present: Wertheim, Duffy-Friedman, Gould, Jackson, Kretch, Marshall, Myrick, Sloan		
Vote result: [8] Yes [0] No [0] Abstain		
Roll call vote:		
Farkas <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Gould <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Sloan <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Marshall <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Bobes <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Jackson <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Myrick <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Wertheim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Duffy-Friedman <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain
Kretch <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	Crumrine <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Abstain	

CHARTER

ARTICLE 8. MISCELLANEOUS PROVISIONS

* * *

SECTION 12. The City shall not discriminate on the basis of race, color, national origin, religion, age, disability, marital or partnership status, sex, sexual orientation, gender identity, gender expression, genetic information, pregnancy, citizenship status, caste, tribal affiliation or any other classification protected by applicable federal, state, or local law unless reasonably necessary to normal operations and having a substantial relationship to job function and responsibilities.



Dustin Rogers
 Chief of Police
 (216) 932-1160

MEMORANDUM

City of University Heights Division of Police

2304 Warrensville Center Road
 University Heights, Ohio 44118



UNIVERSITY HEIGHTS

Michael D. Brennan
 Mayor/Safety Director
 (216) 932-7800

TO: University Heights Safety Committee
 University Heights City Council
 Michael Dylan Brennan, Mayor/Safety Director

FROM: Dustin Rogers, Chief of Police *DR*

DATE: June 1, 2023

RE: 06-05-23 Safety Committee Agenda / Council Meeting Agenda Item
 Motion to Renew Signal Service Agreement for Signal Monitoring and
 Maintenance Services

 Matters for consideration regarding the item proposal:

- Signal Service Company has been providing related comprehensive signal maintenance and monitoring services to the city since the Summer of 2021.
- On 04-07-21, the Signs and Signals 33-year city employee resigned from his position.
- Ongoing administrative assessment of the related Signs and Signals city position determined the following:
 - Over the last few decades, the Signs and Signals employee workload became significantly reduced as a result of no longer being responsible for city line striping (contracted out), no longer making city signs (contracted out), and no longer managing the city parking meters in various business districts on a daily basis (meters no longer in place).
 - Traffic signal work that involved complexity or significance has been historically contracted out to Signal Service Company, and not completed by the city employee.
 - The City of Beachwood formally contracts with Signal Service Company annually for all city signal maintenance and monitoring needs.
 - The City of Cleveland Heights never replaced their two in-house signal employees many years ago, and indicated that they had difficulty with finding qualified/interested candidates to fulfill this specialized type of service inhouse.

Since then, Cleveland Heights has used Signal Service Company for all signal needs.

- The City of South Euclid uses Signal Service Company for all significant signal needs.
 - The City of Lyndhurst utilizes the same formalized process as Beachwood for their signals through Signal Service Company.
 - The City of Shaker Heights has city employees who handle their signal needs, however they use Signal Service Company for anything that is beyond their capabilities for signal issues.
- The proposed Signal Service Company agreement identifies a cost of \$3,102.00 for annual traffic signal monitoring for up to 22 intersections, and \$70.00 per hour fee for maintenance services that come about. The 2023 budget has \$60,000 appropriated for traffic control equipment maintenance, and 20% of this budget has been encumbered through 05-24-23 (Target Percent: 41.67%).

Signal Service Company has provided a cost effective, professional, responsive, and comprehensive signal maintenance and monitoring solution to the city for years. Their services are also very unique and specific to our installed signal equipment, rare, and involve specialized skills and knowledge to the degree that the Law Department has historically affirmed their exemption from public bid requirements consistent with Ordinance 212.02.

Resultantly, I respectfully request for the Safety Committee/City Council to recommend/authorize the city to renew the annual agreement with Signal Service Company to provide comprehensive traffic signal monitoring and maintenance for the City of University Heights.

Signal Service Company

CONTROLS
TRAFFIC SIGNALS
INSTALLATION AND
MAINTENANCE

Phone: (216) 662-4820/21

Fax: (216) 662-4823

Email: signal@signalservicecompany.net

4341 Cranwood Parkway • Warrensville Heights, Ohio 44128

CITY OF UNIVERSITY HTS
2300 WARRENSVILLE CENTER RD
UNIVERSITY HTS, OH 44118

MARCH 9, 2023

QUOTE: UNI2--MT2023

ATTN: BRYAN LOMBARDO

APPROVED _____ DECLINED _____

QUOTATION

We are pleased to quote on the installation and/or purchase of Traffic Signal Equipment at the intersection of:

PREVENTATIVE MAINTENANCE
MONITOR TESTING
ONE (1) YEAR AGREEMENT

22 EA EACH LOCATION @ \$141.00 \$3,102.00

- TEST SIGNAL MONITORS & PROVIDE CUSTOMER WITH COPY OF RESULTS
- CLEAN & VACUUM INSIDE OF CABINET
- REPLACE AIR FILTERS
- CHECK CABINET COOLING SYSTEM
- CHECK CONTROLLER
- CHECK LOOPS & DETECTORS
- CHECK PEDESTRIAN SIGNALS & BUTTONS
- CHECK TRAFFIC SIGNALS
- CHECK TRAFFIC SIGNAL BATTERY BACK-UP SYSTEM
- DOCUMENT TIMING OF TRAFFIC SIGNALS

NOTE: ANY ADDITIONAL REPAIRS REQUIRED FOR TRAFFIC SIGNAL EQUIPMENT
WILL BE BILLED AT AN ADDITIONAL COST.

NOTE: ANY MAINTENANCE OF TRAFFIC, PROVIDED BY SIGNAL SERVICE,
WILL INCUR AN ADDITIONAL CHARGE.

Date _____ PO# _____

Complete Price Materials and Installation \$3,102.00

Authorized Acceptance Signature _____

Complete Price Materials Only _____

Above signed agrees to pay in full 30 days upon completion of work.

NOTE: Prices subject to change after 30 days.

Approximate Price _____

Sales Tax _____

"An Equal Opportunity Employer"

Total \$3,102.00

Quoted By David Boulton

CONTRACT WITH SIGNAL SERVICE COMPANY FOR TRAFFIC SIGNAL MONITORING AND REGULAR TRAFFIC SIGNAL MAINTENANCE SERVICE FOR 2023 YEAR

THE CONTRACT BY AND BETWEEN SIGNAL SERVICE COMPANY, AN OHIO CORPORATION LOCATED AT 4341 CRANWOOD PARKWAY, WARRENSVILLE HEIGHTS, OHIO 44128 (HEREINAFTER "CONTRACTOR") AND THE CITY OF UNIVERSITY HEIGHTS, 2300 WARRENSVILLE CENTER ROAD, UNIVERSITY HTS, OHIO 44118 (HEREINAFTER "CITY").

WITNESSETH, THAT IN CONSIDERATION OF THE CONTRACTOR BEING CHOSEN BY THE CITY FOR TRAFFIC SIGNAL MONITORING AND REGULAR TRAFFIC SIGNAL MAINTENANCE FOR THE CITY OF UNIVERSITY HEIGHTS FOR THE 2023 YEAR AND FOR THE MONEY CONSIDERATION PROVIDED HEREIN, THE PARTIES COVENANT AND AGREE TO AS FOLLOWS:

- 1.) CONTRACTOR SHALL PROVIDE TRAFFIC SIGNAL MONITORING (22) TWENTY-TWO INTERSECTIONS IN AN AMOUNT NOT TO EXCEED THREE THOUSAND ONE HUNDRED AND TWO DOLLARS AND NO CENTS (\$3,102.00) AND REGULAR TRAFFIC SIGNAL MAINTENANCE SERVICE AT A RATE OF SEVENTY DOLLARS AND NO CENTS (\$70.00) PER HOUR FOR THE PERIOD OF JANUARY 1, 2023 THROUGH DECEMBER 31, 2023.

- 2.) CONTRACTOR WILL PROVIDE NECESSARY LABOR AND MATERIALS TO SERVICE, MAINTAIN, REPAIR AND/OR REPLACE ALL TRAFFIC SIGNAL CONTROLLERS, SIGNALS, SCHOOL FLASHING LIGHTS, AND ASSOCIATED EQUIPMENT OWNED AND OPERATED BY THE CITY THAT NEEDS REPAIRS DUE TO EITHER MALFUNCTIONS, ACCIDENTS, STORM DAMAGE, VANDALISM OR OTHER MEANS, SUCH SERVICES TO BE AVAILABLE TWENTY-FOUR (24) HOURS PER DAY, SEVEN (7) DAYS A WEEK, INCLUDING HOLIDAYS. SUCH SERVICES SHALL BE FURNISHED ONLY UPON REQUEST OF THE CITY, WITH ALL WORK CONFORMING TO THE QUOTATION, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE. ALL WORK WILL BE PERFORMED IN A GOOD AND WORKMANLIKE MANNER AND ON A TIMELY BASIS CONSISTENT WITH THE CITY'S SCHEDULE.

- 3.) THE CITY SHALL PAY THE CONTRACTOR COMPENSATION AT THE RATE OF SEVENTY DOLLARS AND NO CENTS (\$70.00) PER HOUR FOR NORMAL OR NON-REGULAR WORKING HOURS. A PERCENTAGE NOT TO EXCEEDED 150% MAY BE ADDED TO THE MANUFACTURER'S LIST PRICE OF PARTS AND/OR MATERIALS COSTING FIFTEEN DOLLARS (\$15.00) OR LESS; A PERCENTAGE NOT TO EXCEED 100% MAY BE ADDED TO THE MANUFACTURE'S LIST PRICE OF PARTS AND/OR MATERIALS COSTING FIFTEEN DOLLARS AND NO CENTS (\$15.00) OR MORE, UP TO TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$250.00); AND A PERCENTAGE NOT TO EXCEED 35% MAY BE ADDED TO THE MANUFACTURER'S LIST PRICE OF PARTS AND/OR MATERIALS COSTING TWO HUNDRED FIFTY DOLLARS AND NO CENTS (\$250.00) OR MORE.
- 4.) THE CONTRACTOR SHALL FURNISH THE CHIEF OF POLICE AND CITY FINANCE DIRECTOR WITH A DETAILED RECORD OF SERVICES RENDERED MONTHLY, NOT LATER THAN FIVE (5) DAYS FOLLOWING THE END OF EACH MONTH ON FORMS APPROVED BY THE FINANCE DIRECTOR.
- 5.) THE CONTRACTOR IS AN INDEPENDENT CONTRACTOR WHICH SHALL PROVIDE ALL EQUIPMENT, MATERIALS AND LABOR NECESSARY TO PERFORM THE WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR ARRANGING FOR WORKERS COMPENSATION COVERAGE FOR ITS EMPLOYEE AND SHALL DELIVER TO THE CITY A COPY OF A CERTIFICATE SHOWING COMPLIANCE WITH SUCH LAWS. CONTRACTORS FURTHER AGREES TO FILE AN INCOME TAX RETURN WITH THE UNIVERSITY HEIGHTS TAX DEPARTMENT IN ACCORDANCE WITH MUNICIPAL TAX LAWS.
- 6.) THE CITY SHALL BE ENTITLED TO CANCEL THIS CONTRACT UPON GIVING FIVE (5) DAYS WRITTEN NOTICE TO THE CONTRACTOR FOR FAILURE OF THE CONTRACTOR TO COMPLY WITH ANY OF THE PROVISIONS OF THIS CONTRACT OR TO FURNISH SATISFACTORY WORK IN CONNECTION WITH THE REQUIRED SERVICES. THE CITY SHALL BE ENTITLED TO TERMINATE THIS CONTRACT IMMEDIATELY UPON A DETERMINATION BY THE CHIEF OF POLICE OR HEALTH OF ANY PERSON. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE MAINTENANCE AND CLEANLINESS OF THE WORK AREA AND WILL PERFORM ALL WORK IN ACCORDANCE WITH THE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS GOVERNING SUCH SERVICES. THE CONTRACTOR SHALL WORK DURING TIMES APPROVED AND SPECIFIED BY THE CITY.

- 7.) CONTRACTOR WILL PROVIDE THE WORK WITHOUT ANY SUB-CONTRACTORS AND WILL PROVIDE PROPER SUPERVISION AND SUPERVISORY PERSONNEL IN CONNECTION WITH ALL OF THE WORK.
- 8.) CONTRACTOR SHALL FURNISH THE CITY WITH EVIDENCE OF GENERAL LIABILITY INSURANCE FROM A COMPANY LICENSED BY THE STATE OF OHIO IN THE AMOUNT OF THREE MILLION DOLLARS (3,000,000.00) FOR ANY ACCIDENTAL OCCURRENCE ARISING OUT OF ANY ACT OR OMISSIONS BY THE CONTRACTOR WHICH CAUSES BODILY HARM OR PROPERTY DAMAGE AND SHALL CAUSE THE CITY TO BE NAMED AS AN ADDITIONAL INSURED ON THE POLICY. CONTRACTOR AGREES TO FULLY DEFEND, INDEMNIFY AND HOLD THE CITY HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS OR CAUSES OF ACTION FOR PERSONAL INJURY, PROPERTY DAMAGE OR OTHERWISE ARISING FROM THE WORK AND SERVICES PROVIDED, AND WHETHER INVOLVING EMPLOYEE CLAIMS OR THIRD-PARTY CLAIMS.
- 9.) THIS CONTRACT SHALL BE DEEMED MADE AND ENTERED INTO IN THE STATE OF OHIO AND SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF OHIO AND THE LAWS OF THE UNITED STATES IN THAT ORDER. ANY CONTROVERSY OR CLAIM, WHETHER BASED UPON CONTRACT, STATUE, TORT, FRAUD, MISREPRESENTATION OR OTHER LEGAL THEORY, RELATED DIRECTLY OR INDIRECTLY TO THIS CONTRACT, WHETHER BETWEEN THE PARTIES, OR OF EITHER OF THE PARTIES' EMPLOYEES, AGENTS, OR AFFILIATED BUSINESSES, WILL BE RESOLVED IN THE APPROPRIATE COURT IN CUYAHOGA COUNTY, OHIO.
- 10.) CONTRACTOR ACKNOWLEDGES THAT NO MODIFICATIONS CAN BE MADE TO THIS CONTRACT WITHOUT PRIOR WRITTEN ACTION AND PRIOR APPROVAL BY THE MAYOR AND CITY COUNCIL.
- 11.) THIS CONTRACT REPRESENTS THE ENTIRE AGREEMENT BETWEEN THE PARTIES, WILL BE GOVERNED BY THE LAWS OF THE STATE OF OHIO, AND SHALL BE BINDING UPON BOTH PARTIES. THIS CONTRACT CANNOT BE ASSIGNED BY THE CONTRACTOR WITHOUT THE WRITTEN PERMISSION OF THE CITY.

IN WITNESS WHEREOF, THE PARTIES HAVE SET THEIR HAND TO THIS CONTRACT ON THE DATES NEXT TO THEIR RESPECTIVE SIGNATURES.

CONTRACTOR
SIGNAL SERVICE COMPANY

DATE: _____

BY: _____

TITLE: _____

CONTRACTOR ADDRESS
4341 CRANWOOD PARKWAY
WARRENSVILLE HTS., OH 44128

CONTRACTOR FEDERAL I.D. # 34-1101973

CITY OF UNIVERSITY HEIGHTS

DATE: _____

BY: _____

MAYOR: _____


APPROVED FOR FROM

CITY LAW DEPARTMENT

2300 WARRENSVILLE CENTER ROAD
UNIVERSITY HEIGHTS, OH 44118
(216) 932-7800

CITY OF UNIVERSITY HEIGHTS
INTEROFFICE MEMORANDUM

TO: CITY COUNCIL MEMBERS/MAYOR MICHAEL BRENNAN

FROM: DENNIS KENNEDY, FINANCE DIRECTOR 

SUBJECT: ALTERNATE TAX BUDGET - 2024

DATE: JUNE 1, 2023

CC: KELLY THOMAS, CLERK OF COUNCIL

I would request that the following item be added to the Council agenda for the meeting scheduled for June 5, 2023: approval of the 2024 Alternate Tax Budget – Resolution 2023-33. This item can be added to the agenda under first reading. Approval at the June 20, 2023 meeting will allow sufficient time for filing the document with the County on or before July 20, 2023 and will eliminate the need for a special meeting in July.

The purpose of this submission is to provide the Cuyahoga County Budget Commission with prospective revenue and expenditure data to support the levy of property taxes for operations and debt. There is no change to the overall proposed millage from 2023. Tax rates for commercial and residential properties will not change next year – the only change in property tax payments would be a result of value changes as determined by Cuyahoga County.

This tax budget submission allocates the 0.50 mills previously allocated from inside millage to an even split (0.25 mills) to both the Police and Fire Pension Funds. Doing so will allow for us to offset General Fund expenses by an additional \$120,000 (estimate) annually moving forward. Safety forces pension payments are paid from the pension funds with any remaining liability assumed by the General Fund.

The total inside millage assigned for tax purposes is 4.05 mills, which is the same amount levied in 2023.

For outside (voted) millage, the total mills of 9.15 remains the same as in effect for 2023. The total mills levied for all the City taxes is 13.20, which is consistent with the 2023 tax rates.

I have sent a draft tax budget to the County Budget Commission for their review and they have indicated that it is acceptable for their purposes. Once the tax budget is formally submitted to the Budget Commission, we will receive an acknowledgment in late August that will need to be formally adopted by Council to set tax rates for 2024. Last year the tax rates were affirmed on September 19, 2022 via Resolution 2022-49.

There will be no change to the tax rate imposed on residential and commercial properties by the City in 2024.

Attachments

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit _____ City of University Heights _____

For the Fiscal Year Commencing _____ January 1, 2024 _____

Dennis G. Kennedy _____ June 2023 _____

COUNTY OF CUYAHOGA

Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.

GUIDELINES FOR COMPLETING THE ALTERNATIVE TAX BUDGET INFORMATION

SCHEDULE 1

The general purpose of schedule 1 is to meet the requirement of Ohio Revised Code (ORC) Section 5705.04 which requires the taxing authority of each subdivision to divide the taxes levied into separate levies. For help use the schedule B issued by the budget commission for the current year and add any new levies. This will help to ensure that no levies are missed.

In column 1 list only those individual funds which are requesting general property tax revenue. In column 2 purpose refers to the following terms, inside, current expenses, and special levy for example. In column 4 levy type refers to renewal, additional, and replacement for example. In column 9 identify the amount of general property tax you wish to request.

NOTE:

The general purpose of column 9 is to demonstrate the need to produce property tax revenues to cover the estimated expenditures for the budget year. ORC Section 5705.341 states in part;

"Nothing in this section or any section of the ORC shall permit or require the levying of any rate of taxation, whether within the 10 mill limitation or whether the levy has been approved by the electors, the political subdivision or the charter of a municipal corporation in excess of such 10 mill limitation, unless such rate of taxation for the ensuing fiscal year is clearly required by a budget properly and lawfully, adopted under this chapter or by other information required per ORC 5705.281."

Property tax revenue includes real estate taxes, personal property taxes, homestead and rollback, and the personal property 10,000 exempt monies.

SCHEDULE 2

The general purpose of schedule 2 is to produce an Official Certificate of Estimated Resources for all funds.

In column 3, total estimated receipts should include all revenues plus transfers in excluding property taxes and local government revenue. All taxing authority must submit a list of all tax transfers.

SCHEDULE 3

The general purpose of schedule 3 is to provide inside/charter millage for debt service. The basic security for payment of general obligation debt is the requirement of the levy of ad valorem property taxes within the 10 mill limitation imposed by Ohio law. Ohio law requires a levy and collection of ad valorem property tax to pay debt service on general obligation debt as it becomes due, unless that debt service is paid from other sources.

SCHEDULE 4

The general purpose of schedule 4 is to provide for the proper amount of millage to cover debt service requirements on voted bond issues. Major capital improvement projects are sometimes financed through the use of voted bonds. The taxing authority seeks voter approval of general obligation bonds and of the levy of property taxes outside the indirect debt limitation in whatever amount is necessary to pay debt service on those bonds.

SCHEDULE 5

The general purpose of schedule 5 is to properly account for tax anticipation notes. See schedule 5 for more details.

DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)
(List All Levies Of The Taxing Authority)

SCHEDULE 1

I	II	III	IV	V	VI	VII	VIII	IX
Fund	Purpose	Authorized By Voters On MM/DD/YY	Levy Type	Number Of Years Levy To Run	Tax Year Begins/ Ends	Collection Year Begins/ Ends	Maximum Rate Authorized	\$ AMOUNT Requested Of Budget Commission
General Fund (inside)	Current operating expenses			Ongoing			2.55	\$672,200.00
Debt Service (inside)	Current operating expenses			Ongoing			0.50	\$131,805.00
Police Pension (inside)	Current operating expenses			Ongoing			0.50	\$131,805.00
Fire Pension (inside)	Current operating expenses			Ongoing			0.50	\$131,805.00
					Total inside mills		4.05	\$1,067,615.00
General Fund (outside)	Current operating expenses	3-Jun-41	Operating	Ongoing			6.00	\$1,581,635.00
General Fund (outside)	Current operating expenses	7-Nov-89	Operating	Ongoing			2.45	\$645,835.00
Debt Service (outside)	Park bonds	1-Nov-14	Operating	15			0.70	\$184,525.00
					Total outside mills		9.15	\$2,411,995.00
Totals					TOTAL ALL		13.20	\$3,479,610.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
General	5,654,075.00	3,374,670.00	14,242,600.00	23,271,345.00	17,694,205.00	5,577,140.00
Unclaimed Monies	2,500.00		0.00	2,500.00	1,000.00	1,500.00
Street Maintenance	615,650.00		912,400.00	1,528,050.00	1,076,555.00	451,495.00
Sewer & Water Maintenance	940,395.00		709,340.00	1,649,735.00	808,900.00	840,835.00
Shade Tree Maintenance	451,970.00		193,490.00	645,460.00	265,510.00	379,950.00
Street Lighting	7,500.00		260,000.00	267,500.00	228,000.00	39,500.00
Police Pension	15,500.00	131,805.00	0.00	147,305.00	143,400.00	3,905.00
State & Local Law Enforcement	19,800.00		0.00	19,800.00	10,000.00	9,800.00
Federal Law Enforcement	11,860.00		7,000.00	18,860.00	8,000.00	10,860.00
Community Diversion Grants	22,000.00		0.00	22,000.00	10,000.00	12,000.00
BCI & FBI Fee	5,000.00		0.00	5,000.00	5,000.00	0.00
Fire Pension	15,500.00	131,805.00	0.00	147,305.00	141,400.00	5,905.00
Ohio Department of Public Safety	50,100.00		0.00	50,100.00	24,000.00	26,100.00
Federal Emergency Management Grant	12,475.00		88,400.00	100,875.00	18,000.00	82,875.00
Ohio Board of Building Standards	2,910.00		4,975.00	7,885.00	4,000.00	3,885.00
Construction Deposits	52,500.00		21,000.00	73,500.00	13,000.00	60,500.00

UNVOTED GENERAL OBLIGATION DEBT

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)

(Do Not Include General Obligation Debt Being Paid By Other Sources)

(Do Not Include Special Obligation Bonds & Revenue Bonds)

SCHEDULE 3

I Purpose Of Bonds Or Notes	II Date Of Issue	III Final Maturity Date	IV Principal Amount Outstanding At The Beginning Of The Calendar Year	V Amount Required To Meet Calendar Year Principal & Interest Payments	VI Amount Receivable From Other Sources To Meet Debt Payments
			\$0.00	\$0.00	\$0.00
Totals			\$0.00	\$0.00	\$0.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
Street Opening Deposits	500.00		500.00	1,000.00	500.00	500.00
University Square TIF	0.00		321,500.00	321,500.00	321,500.00	0.00
Community Development Block Grants	0.00		0.00	0.00	0.00	0.00
Ohio Department of Natural Resources Grants	0.00		0.00	0.00	0.00	0.00
Performance Bond	51,500.00		5,000.00	56,500.00	5,000.00	51,500.00
Opioid Distribution Fund	7,000.00		2,200.00	9,200.00	2,000.00	7,200.00
Local Coronavirus Relief Fund	0.00		0.00	0.00	0.00	0.00
Payroll Stabilization	92,000.00		27,000.00	119,000.00	0.00	119,000.00
Debt Service	103,775.00	184,525.00	0.00	288,300.00	141,600.00	141,600.00
General Capital Improvements	102,500.00		877,000.00	979,500.00	756,110.00	223,390.00
Sewer & Water Capital Improvements	408,500.00		133,200.00	541,700.00	114,300.00	427,400.00
Facilities Capital Improvement Fund	204,200.00		50,000.00	254,200.00	82,800.00	171,400.00
Community Improvement Corporation	97,800.00		25,000.00	122,800.00	25,000.00	97,800.00
Total page 1 Schedule 2	7,879,735.00	3,638,280.00	16,439,205.00	27,957,220.00	20,450,970.00	7,506,250.00
Total Page 2 Schedule 2	1,067,775.00	184,525.00	1,441,400.00	2,693,700.00	1,448,810.00	1,239,790.00
TOTAL Schedule 2	8,947,510.00	3,822,805.00	17,880,605.00	30,650,920.00	21,899,780.00	8,746,040.00

RESOLUTION NO. 2023-15

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

A RESOLUTION CALLING UPON THE STATE OF OHIO TO BAN THE AR-15 AND AR-15 STYLE OF SEMI-AUTOMATIC WEAPONS, AMONG OTHER COMMON SENSE GUN SAFETY REFORMS.

WHEREAS, the Mayor and City Council are troubled and saddened by the March 27, 2023 mass shooting at Covenant School in Nashville, Tennessee, killing three 9-year-old students and three adults;

WHEREAS, as a diverse and welcoming community, we are especially alarmed by the escalation of gun violence given that a significant portion of our residents, as a demographic, are the target of violence and hate;

WHEREAS, as reported by Jewish Federation of Cleveland, American Jews make up 2.4% of the U.S. population, and are on the receiving end of 55% of all religious hate crimes in the United States; that Jewish people are the target of fringe neo-Nazi hate amplified on the internet, such as the recent National Day of Hate on February 25, 2023; that the 2018 Tree of Life Synagogue shootings which left 11 dead and countless scarred in and beyond the Squirrel Hill neighborhood of Pittsburgh, was carried out by a white supremacist armed with an AR-15 assault rifle and at least three handguns; and

WHEREAS, according to the Federal Bureau of Investigation, 64.9 percent of the 8,052 reported hate crime incidents in 2020 were based on race, ethnicity or ancestry bias, and within that category, Black Americans made up more than half of the victims; as further reflected by F.B.I. data, the number of reported hate crimes against African Americans in 2020 was 2,871, up from 1,972 in 2019; that the racist slaughter of Black Americans in a Buffalo, New York grocery store on May 14, 2022 killing 10 and injuring 3 was by a white supremacist espousing “great replacement theory” and “white genocide theory,” and armed with a Bushmaster XM-15 AR-15-style semi-automatic rifle; and

WHEREAS, just last year on November 19, 2022, in Colorado Springs, a mass shooting at LGBTQ nightclub “Club Q” left five people dead and 25 injured, on the eve of the Transgender Day of Remembrance; that the accused (who is awaiting trial) is alleged to have used an AR-15 style of semi-automatic rifle; and

WHEREAS, we recently marked the 10 year anniversary of the Sandy Hook Elementary School shooting of December 14, 2012 in Newtown, Connecticut, where 26 people including 20 children between the ages of six and seven years old were killed by a 20-year-old gunman before turning a gun on himself; among the weapons used at Sandy Hook was a Bushmaster XM15-E2S AR-15-style semi-automatic rifle; that at a moment when then it seemed we might at last do something as a country, alas, our federal government failed to take action; and

WHEREAS, on August 4, 2019, in the Oregon District of Dayton, Ohio, a gunman shot and killed nine people, including his transgender brother, and wounded 17 others; the gunman was armed with an AR-15 style weapon; that at a moment when then it seemed we might as at least do something as a state, alas, our state government failed to take action; and

WHEREAS, on May 24, 2022, at Robb Elementary School in Uvalde, Texas, a mass shooting of 19 Latinx fourth graders and their 2 teachers at the hands of an 18-year-old armed with a Daniel Defense DDM4 V7 AR-15 style semi-automatic rifle, was the third-deadliest school shooting in the United States, after the Virginia Tech shooting of 2007 and the Sandy Hook Elementary School Shooting of 2012;

WHEREAS, the above are just a handful of examples of mass shootings; that as of March 28, 2023 there have been 131 mass shootings in the United States in 2023; that per the Kaiser Family Foundation the United States gun mortality rate for children and teens ages 1-19 years is 5.6 per 100,000, compared to 0.8 in Canada, 0.5 in France, 0.4 in Switzerland, 0.4 in Austria, 0.3 in Belgium, 0.3 in Sweden, 0.3 in Australia, 0.1 in Germany, 0.1 in Netherlands, 0.1 in United Kingdom, 0.1 in Japan; that in the United States, firearms is the leading cause of death among

children and teens, while in the other countries listed above motor vehicles or cancer are the leading causes of death among children and teens; and

WHEREAS, we condemn the violence committed against Jews, Blacks, Latinx, children, teachers, LGBTQ individuals, and against the general public at large going about their days in our schools, grocery stores, movie theaters, concert and entertainment venues and other public places; and

WHEREAS, we condemn the failure to act, together with the nihilism implied in the failure to act, and implicit in the words of those who claim that there is “nothing we can do” as a state or a country, or that this is “the price of freedom,” when free peoples and free nations around the world do not allow their children’s blood to be shed as we do in our state and country; and

WHEREAS, the Ohio General Assembly passed preemptive legislation during the 2006 lame duck session (overruling Governor Bob Taft’s veto) prohibiting local governments from enforcing regulations on guns, accessories, or ammunition, sweeping away 80-some local gun ordinances around the state of Ohio; this legislation being set forth in the Ohio Revised Code as 9.68; and

WHEREAS, the City of Cleveland challenged the law and lost; the City of Cincinnati challenged the law and lost; the City of Columbus is now challenging the law, and the State of Ohio Attorney General is now defending O.R.C. 9.68 in Fairfield County Court of Common Pleas; and

WHEREAS, our own City was challenged to remove the “no gun” signs from Purvis Park in 2017, leading to their removal by City Administration in 2018 under threat of litigation per O.R.C. 9.68; our parks are not safer as a result, even as we also then modified the park to add emergency exits so residents might flee in the event of an active shooter, and even as we increased police presence at certain pool events; and

WHEREAS, again we find ourselves wondering what can be done by we as local officials, when the state has tied our hands with O.R.C. 9.68, and so we now direct our state to fulfill its responsibility to protect our community consistent with our values.

NOW, THEREFORE, BE IT RESOLVED JOINTLY BY THE MAYOR AND CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, COUNTY OF CUYAHOGA, AND STATE OF OHIO, THAT:

Section 1. The Mayor and City Council of the City of University Heights call upon the government of the State of Ohio to take the following actions without delay in order to promote health, safety, and welfare in our community and in communities across Ohio:

- a. Issue a statewide ban the sale, transfer, possession, and use of AR-15 and AR-15 style semi-automatic weapons;
- b. Require universal background checks for all purchasers of firearms, including transactions without a federally licensed dealer and at gun shows;
- c. Strengthen pink slip laws and implement strong red flag laws;
- d. Restore the requirement of a concealed carry course and an application process, and again require a permit for carrying a concealed weapon in the State of Ohio;
- e. Ban large capacity magazines with 30 rounds or more;
- f. Require the use of gun locks as a matter of safe storage of firearms in homes where children are present;
- g. Ban “straw sales,” where one person buys a gun for someone else who may be under a legal disability from owning or possessing a firearm;
- h. Require a cooling off period of at least three days before a person may receive a gun after making a purchase;
- i. Enact other such common sense legislation to promote public safety as it pertains to firearms, as this list is not exhaustive.

Section 2. Nothing in this legislation is intended to infringe upon the rights of people to lawfully and responsibly possess firearms; that in our nation of ordered liberty, we recognize that rights come with responsibilities, and that the right to bear arms carries the responsibility to ensure the public health, safety, and welfare of the community at large as well as the individual; that the right to live in a society, to go to school, to go to church or synagogue or

mosque, to go to a grocery store or movie theater or entertainment venue that is free of gun violence is at least as important as the right to possess and use a firearm defensively.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 4. The Clerk of Council is directed to forward a copy of this resolution to Governor Mike DeWine and Ohio Attorney General Dave Yost, together with all members of the Ohio General Assembly, including but not limited to: Representative Juanita Brent, Senator Kent Smith, House Speaker Jason Stephens, Senate President Matt Huffman, House Minority Leader Allison Russo, and Senate Minority Leader Nickie Antonio.

CITY OF UNIVERSITY HEIGHTS, OHIO

MICHAEL DYLAN BRENNAN, MAYOR

Passed: _____

Attest: _____
Kelly M. Thomas, Clerk of Council

Approved
as to form: _____
Luke F. McConville, Law Director



Starfish Computer
 Phone: 440-808-0468
 Fax: 440-808-0470
 24831 Lorain Road
 North Olmsted, OH 44070

Quote
 No.: **13193**
 Date: 5/26/2023

Prepared for:
 Michael D Brennan (216) 932-7800
 City of University Heights
 2300 Warrensville Center Road
 University Hts., Ohio 44118

Prepared by: Patrick Hanrahan
 Account No.: 12849
 Phone: (216) 932-7800

Quantity	Description	UOM	Sell	Total
Emergency Support and Service through 6/30/2023				
*Quantity of 1 is for month of June				
Emergency Support and Service				
1.00	20-Hour Block of AdHoc Network Support Services	HR	\$3,100.00	\$3,100.00
Spam Filter				
1.00	Spam Filter Monthly Services	EA	\$270.00	\$270.00
Server, Desktop Patching, Monitoring and Antivirus				
1.00	Server, Desktop Patching, Monitoring and Antivirus for 35 Desktops - Monthly Service	EA	\$780.00	\$780.00
Loaner Switch and Server				
1.00	Starfish Computer Loaner Switch and Server Montly Utilization	EA	\$300.00	\$300.00
Backup/Disaster Recovery - Device is Property of Starfish Computer Corporation				
1.00	Backup Disaster Recovery Monthly Service	EA	\$1,100.00	\$1,100.00
Hybrid Cloud Backup				
Bare Metal Restore				
Advanced File Level Restore				
Inverse Chain Technology				
Instant On-Site Virtualization				
Instant Off-site Virtualization				
Screenshot Backup Verification				
Message Level Exchange Recovery				
CAPACITY				
Storage Capacity 6000GB (3000GB Usable)				
CLOUD				
Capacity 1 Year Data Retention				
Dual Bi-Coastal US Based SAS70 Rated Data Centers				

Your Price: _____
\$5,550.00

Total: _____
\$5,550.00

Prices are firm until 6/16/2023

Terms:

Prepared by: Patrick Hanrahan, phanrahan@starfishcomputer.com

Date: 5/26/2023

Accepted by: _____

Date : _____

Quote

No.: **13193**

Date: 5/26/2023

Disclaimer

Prices are subject to change, error and availability. Prices do not include shipping and handling, if any. Return Policy: Returned parts will be charged a 20% restocking fee. Returns must be made within in 30 days of our order date. Special order parts are non-returnable.

Please fax signed quote to 440-808-0470 or email to sales@starfishcomputer.com so that your order can be placed. Thank you for your business.