



City of Cleveland Heights
Charter Review Commission

**Considerations for Discussing and Planning
Forms of Government**

Considerations for a system with a directly elected mayor

Documents

Model City Charter (MCC), § 2.03 and Commentary, pp. 10 and 11 for a general overview of the Office of Mayor in a Council-Manager form of government

Cleveland Heights City Charter (CH Charter), *Section III-11 Mayor and Vice Mayor*

1. Would the mayor be considered as full time or part time (with commensurate compensation)?
2. Would the mayor be intended as ceremonial/cheerleader, or also to have substantive powers?
 - A. If the mayor would have substantive powers, what would be the extent of those powers?

In relation to city council:

1. Would the mayor be a member of council or not?
2. If the mayor is not a member of council, would he/she preside at council meetings and/or have the authority to convene council meetings?
3. Would the mayor appoint the members of council committees and/or designate the chairs of the committees?
4. Would the mayor have veto power? If so, then on all items or only certain items, and if the latter, then which ones?
5. If there is veto power, then would the council have the power to override a veto, and if so, then on all items or only certain items, and if the latter then which ones?
 - A. For any veto, what vote would be required?

In relation to city administration:

3. Would the mayor appoint the heads of some or all the city departments? If at least some are so appointed, would it make a difference whether the departments are established by charter or by ordinance?

- A. If the mayor does appoint, then would the appointments (or some of them, and then if so which ones) be subject to confirmation by council, and if so by what vote?
4. Would the mayor appoint, or control the appointment of, other city employees? with or without confirmation?
 - A. Would the employees in confirmable positions serve at the pleasure of the mayor? If not, then what charter-based restrictions would there be on the mayor's authority to suspend or terminate? Same questions for non-confirmable positions?
5. Would there be a vice-mayor?
 - A. If so, how would he/she be selected? A member of council, either *ex officio* or by specific designation? From outside?
 - B. If not *ex officio* from council, and selected by the mayor, would the appointment be confirmable by council, and if so by what vote?
 - C. What authority would the vice mayor have, and under what circumstances?
6. What would be the length of the mayor's term?
 - A. What would be the provisions for succession in the event the elected mayor does not serve out a full term?
 - B. Would the mayor be term limited, and if so, how many terms?
7. Would there be any qualifications (other than, presumably, residence) established for a mayor -- such as, for example, prior service of a certain length on city council?
8. Would there be, by charter, a chief administrative officer? If so, then,
 - A. How would that person be selected – by the mayor? by council? If by the mayor, then confirmed by council, and if so by what vote?
 - B. Would the administrative officer serve at the pleasure of the mayor? If not, then what charter-based restrictions would there be on the mayor's authority to suspend or terminate?

- C. Would the administrative officer’s duties be defined in the charter (and if so, then what would they be?), or would they be set by ordinance or left open for whatever a mayor might direct?
- D. Would the council have any authority to direct the activities of the administrative officer? If so, how would that authority be defined?

Documents

MCC Appendix Options for Council-Mayor Cities, pp. 61-68, overviews options such as a Chief Administrative Officer for cities with a strong mayor

Shaker Heights Code 117.01

117.01 CHIEF ADMINISTRATIVE OFFICER.

(a) There is hereby established the office of Chief Administrative Officer (CAO) of the City. The CAO shall be appointed by the Mayor solely on the basis of executive and administrative training and experience, and confirmed by a majority of the members of Council, and shall serve at the pleasure of the Mayor. He may serve as the Director of a department and shall perform such other duties as may be required of him by the Mayor.

(b) The CAO shall assist the Mayor in the operation of his office and subject to the supervision and control of the Mayor, be responsible for the preparation of the annual budget for presentation to the Council, and supervise the administration of personnel policies and practices in all of the departments. He shall render advice to the Mayor regarding appointment, promotion, transfer, reduction and removal of all City personnel. He shall, subject to the supervision and control of the Mayor, establish reporting procedures, require the submission of and review progress reports and operating goals, and generally assist in the coordination of activities of all departments, divisions, boards, commissions, officers and employees of the City, except for the professional activities and responsibilities of the Law and Health Departments.

(c) The CAO shall make periodic written reports to the Mayor and Council, not less often than semi-annually, with such recommendations as he deems appropriate, concerning the administration of all departments, divisions, boards and commissions of the City and their needs and requirements for the future.

Ord. 74-110. Enacted 10-28-74.)

- 9. If the mayor would be ceremonial/cheerleader, then would the current provisions regarding the city manager remain as-is or be changed, and if the latter, then in what particulars?

- A. Would there be provisions explicitly demarcating mayor/manager authority and expectations to avoid or minimize the potential for territorial conflict?
- B. Would one or more provisions in any other portion of the charter, and the retention of or change to that provision(s), affect the views on any of the items noted above?

Documents

MCC Article III and Commentary, pp. 22 - 26 for a general overview of the Office of City Manager

CH Charter Section IV-3 Powers and Duties [City Manager]

Some considerations regarding a council/manager system

MCC Article III, pp. 22 – 26, City Manager provisions and commentary.

CH Charter Sections IV-1 to IV-3

1. Would the title, powers and stated expectations for the city manager be the same as in the current charter, or would they be changed?

A. If to be changed, then would the status and authority be reduced (and if so how) or expanded (and if so how)?

For possible expansion:

1. Would the city manager be deemed to be, and given the title, “chief executive officer” in addition to or instead of “chief administrative officer”, which is the title in the current charter.
2. Would the city manager be explicitly recognized as the official head of city government? as the representative of the city in intergovernmental relationships?

B. Might the city manager be expressly directed to:

1. Develop and submit to counsel policy proposals, including from time to time proposals for new or revised master or strategic plans or the equivalent?
2. Develop and recommend ordinances, resolutions and other actions for consideration by council?
3. Prepare and submit annually both an operating budget and a capital budget (the latter projecting also for future years)?
4. Prepare, deliver and publish a written (and oral) message annually dealing with the state of the city, the establishment and achievement of future goals including specific initiatives to be undertaken, and longer-term risks reasonably likely to affect the city’s well-being
5. Promote and pursue the vision and plan for the city as determined by council

C. Would there be a residency or any other requirement for the city manager position?

MCC §3.03, p. 14, Acting City Manager and commentary

CH Charter Sections IV-4 and IV-5

2. Would there be a vice manager, and if so, then—
 - A. Would there be a residency or any other requirement for the position?
 - B. Who would appoint the vice manager? If the manager, then would the appointment be subject to confirmation by the council? And if so, by what vote?
 - C. Would the vice manager serve at the pleasure of the manager, or would there be restrictions on the termination, and if so what would they be?
 - D. Would the position be deemed to be an executive position? If so, should the description of duties in the existing charter be augmented to reflect that role more explicitly?

Documents

Model City Charter (MCC), § 2.03 and Commentary, pp. 10 and 11 for a general overview of the Office of Mayor in a Council-Manager form of government

Cleveland Heights City Charter (CH Charter), *Section III-11 Mayor and Vice Mayor*

3. Should there be a directly elected ceremonial mayor without substantive powers?
 - A. If there is no elected, ceremonial mayor, should the title “mayor” continue to be attached to the president of council, or should the title be eliminated?
4. Would one or more provisions in any other portion of the charter, and the retention of or change to that provision(s), affect the views on any of the items noted above?

Some considerations for elections for council.

Documents

MCC § 2.02 and Commentary, pp. 6 - 10 for an overview of council structures and elections

CH Charter Section III-1 Powers, Numbers and Terms

1. Election entirely at large

- A. Should there be a serious consideration of rank choice voting?
- B. Should there be voting on a seat-by-seat basis, with each seat contested head to head?
- C. Should each council member, although required to run citywide, be assigned and publicly identified and promoted as a contact person for entrée to city resources for residences/businesses in an assigned geographic area, one-seventh of the city.

2. Mixture of wards and at large

- A. It may be appropriate, or even wise, first to examine what the proposed ward boundaries would be, to assess whether perceived benefits of a ward system could be achieved and would outweigh potential negatives?
- B. What would be the criteria for establishing ward boundaries?

Documents

MCC § 6.02 and Commentary, pp. 42 - 47 for a Method of determining ward boundaries and redistricting

- C. Who would be responsible for drawing proposed boundaries in the first instance? Who would have the final word – city council?
- B. How frequently would boundaries be reexamined?
- C. What would be the numerical split between wards and at large?
- D. Would at-large council persons have any greater standing? For example, would the council president have to come from the at large group? In an

elected mayor system, if council experience were a requirement for mayor, would that experience have to come from service at large?

3. All by ward/none at large

A. Same questions as above, to the extent bearing on ward considerations.

Documents

MCC § 2.06 and Commentary, pp. 14 and 15 for determining and filling vacancies on council

CH Charter Section III-4 Vacancies

4. Filling council vacancies

A. What, if any, changes should be made?

B. Vacancy be left unfilled until the next general city election, then contested for the remaining two years, or the full four years, depending on timing of the vacancy?

C. Vacancy left unfilled until special election, if general election is too far distant, beyond a specified time?

D. Vacancy filled by next highest vote getter in the most recent election applicable to the seat?