



OPEN

Charter Amendment Ballot Information Inside



CLEVELAND CITY COUNCIL:

Working for You

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PERMIT NO. 2893

Exercise your right to vote!

Don't miss the opportunity to make your voice heard and your opinion count
Vote on November 4, 2008!

If you are not registered to vote, there are several ways to register:

- go to www.boe.cuyahogacounty.us, fill out the voter registration card and mail it to the Cuyahoga County Board of Elections at 2925 Euclid Avenue, Cleveland, Ohio 44115;
- call the Cuyahoga County Board of Elections at (216) 443-3298 and ask for a **Voter Registration Card to be mailed to you** or for a location near you where you can go to register

If you have recently moved, please remember to change your address by calling (216) 443-3928 or going to www.boe.cuyahogacounty.us.



If you are not sure if you are registered, you can check your voter registration status by:

- requesting to vote by mail ballot from the Cuyahoga County Board of Elections;
- or by checking your status at My Voting Information at www.boe.cuyahogacounty.us

If you would like to vote by mail, call the Board of Elections at (216) 443-3928 and request a form to be mailed to you.

If you request to vote by mail and then change your mind election day, you can still vote. However, you will have to fill out a provisional ballot.

A Message from the Council President Martin J. Sweeney



Dear Resident:

In January of this year the Cleveland City Council appointed 15 City of Cleveland electors to the 2008 Cleveland Charter Review Commission, in accordance with Section 200-1 of the City of Cleveland Charter. This section of our City's Charter requires that the document itself, which is the City's governing document, be reviewed by a group of Cleveland voters once every 20 years. Cleveland City Council took the appointment of the Charter Review Commission very seriously and encouraged members to view the Charter Review process as an opportunity to streamline outdated codes and procedures and to take a close look at the way the City operates.

The 15 members of the Charter Review Commission, under the leadership of Charter Review Commission Chairwoman Phyllis Cleveland, worked diligently to examine every aspect of the City of Cleveland Charter and presented a final report with recommendations for Charter change to Cleveland City Council at the beginning of August 2008. This report contained numerous recommendations that pertained to specific sections of the City of Cleveland Charter along with a prioritization of issues. The report, available at www.clevelandcitycouncil.org, also contained a letter from Chairwoman Cleveland that outlined some of the Commission's hard work, including meeting at least once a week for six months to examine and debate changes proposed by various City Departments and citizens, soliciting public input, meeting in sub-committees formed to address certain issues in more depth and considering the weight and value of each of 150 proposals the Commission heard. The Commission clearly communicated to the

Council that the final report contained recommendations that will enhance and improve the effectiveness of local governance for the citizens of our City and will improve the City's ability to provide and deliver services to Cleveland residents.

Cleveland City Council carefully considered the recommendations of the Commission and has moved to place six of the issues identified by the Commission on the November 4, 2008 ballot. The Council will further consider placing recommendations not addressed in this election cycle on future ballots. **Inside this mailer are the proposed amendments on which the voters will be asked to decide:**

- (1) **Issue 35** streamlining the elections process;
- (2) **Issue 36** increasing the size of the Police Review Board;
- (3) **Issue 37** addressing the City's purchasing and procurement protocols;
- (4) **Issue 38** addressing Civil Service issues;
- (5) **Issue 39** pertaining to City Council right-sizing; and
- (6) **Issue 40** adjusting the time period allotted for referendum.

Cleveland City Council believes in the importance of the citizens' right to decide on these issues. Please take your time in reviewing this document and carefully consider each issue. Do not hesitate to call your local Council Member or Council Offices at (216)664-2840 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Martin J. Sweeney". The signature is written in a cursive, flowing style.

Martin J. Sweeney, Ward 20
Cleveland City Council President

ISSUE 35

CITY OF CLEVELAND

PROPOSED CHARTER AMENDMENT



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

What does ISSUE 35 mean?

As the media has recently highlighted, elections can be costly to taxpayers and time consuming. The Cuyahoga County Board of Elections carefully examined their own processes and came to the Charter Review Commission with several recommendations to streamline elections in order to make them more cost effective as well as allow the Board of Elections to use time more wisely. Issue 35 allows for more time between primaries and general elections so that the Board of

Elections can more effectively address issues that may arise between the two election cycles; eliminates redundant paperwork; cuts out contradictions between state and local law by conforming local practices to state law and adds additional clarification, such as frames for filing deadlines. The Cuyahoga County Board of Elections further hopes that other municipalities will also take action toward election reform, further streamlining the voting process across the county.

ISSUE 36

CITY OF CLEVELAND



PROPOSED CHARTER AMENDMENT

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

What does **ISSUE 36** mean?

The City of Cleveland Police Review Board, made up of City of Cleveland residents, acts as an external check on the City of Cleveland Police Department. The Police Review Board works to ensure that the Police continue to act fairly and responsibly and helps protect the rights of Cleveland Citizens. Issue 36 adds two additional members to this board, increasing citizen representation.

Civilian investigators operating out of the City of Cleveland's Office of Professional Standards, like the Police Review Board, serve as a check on the City of Cleveland Police Department. These investigators provide an outside perspective to police matters that are being examined by the Police Department or at the wish of the Mayor. The Charter Review Commission believes that more investigators will allow more cases to be addressed in a timely fashion in addition to adding

perspective.

The number of Police Review Board members and the number of civilian investigators can only be changed through a vote of the people.



ISSUE 37

CITY OF CLEVELAND

PROPOSED CHARTER AMENDMENT

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



What does *ISSUE 37* mean?

In order for the City of Cleveland to purchase anything from supplies to services to equipment, a process of purchasing and procurement must be undertaken. As part of the checks and balances of government, Cleveland City Council must currently review and approve any transaction with a vendor of \$10,000 or more. The purpose of this check and balance is to make sure that the City of Cleveland's larger purchases are necessary and in the best interests of the City of Cleveland. Purchases under \$10,000 are considered small enough not to require this

additional check on the system.

Issue 37 raises this minimum cost requiring Cleveland City Council approval from \$10,000 to \$50,000. The \$10,000 amount was established many years ago and the cost of just about everything has increased since that time. The Charter Review Commission believes that the purpose of the Council's role as a check on City spending can be maintained even when the minimum amount requiring approval is increased to \$50,000 because, due to cost increases and inflation, the type of purchases falling under the \$50,000 amount are consistent with the spirit of the check on the system when it was written years ago. Stated simply, Issue 37 allows the City to purchase items such as computers or vehicles that fall under \$50,000 without having to be delayed by the legislative approval process which can take anywhere from weeks to months.



ISSUE 38

CITY OF CLEVELAND

PROPOSED CHARTER AMENDMENT

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

What does ISSUE 38 mean?

The City's Civil Service was established as a way to ensure that employees of the City of Cleveland are qualified to do their jobs and that those jobs are awarded based upon merit. Issue 38 proposes to (1) decrease the length of a suspension before an appeal can be made from 10 days to three days; (2) to add assistant directors, executive and special assistants to the Mayor and temporary and seasonal employees to unclassified service and thereby increase accountability; (3) to clarify the definitions of the non-competitive

and general labor classes; (4) to grandfather employees hired before August 6, 2008 who have served for more than 90 days without a test, meet the qualifications of the position and have a satisfactory employment record; and (5) to allow for the temporary filling of positions without a test for no more than a year if no eligible list is available. These changes are intended to preserve the value of the Civil Service system in preserving and increasing the rights of Civil Service employees while also giving the City more hiring flexibility.

ISSUE 39

CITY OF CLEVELAND

PROPOSED CHARTER AMENDMENT

Shall Sections 25 and 25-1 of the Charter of the City of Cleveland be amended to provide that, by April 1, 2009, the Council shall redivide the City into wards based on the City's population as of February 15, 2009 as determined by estimated population figures compiled by the U.S. Census Bureau or other reliable source as determined by the Council; that the number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the table contained in the Charter that reflects a ratio of one ward for every 25,000 people based on the estimated population figure; that if the Council does not act by that date, the Mayor shall redivide the City into wards within 7 days thereafter; that, in the future after each decennial Federal census, the Council shall reapportion the City into wards in the same manner to determine the number of wards based on the census figures, provided that if reapportionment occurs in any year when the City conducts a regular Municipal election and the determination of the Census figures occurs less than 120 days before the filing of nomination petitions, then the reapportionment of wards shall be effective for the next regular Municipal election in four years and subsequent elections; and that the Council shall act within 60 days of the determination of the census figures and if the Council does not act by that date, the Mayor shall have 15 business days to reapportion the City into wards?



What does ISSUE 39 mean?

Issue 39 contains a proposal to right-size Council, which was unanimously approved by the Charter Review Commission. The right-sizing of Council is designed to protect and enhance the essential qualities Cleveland demands of its local elected officials: accountability, accessibility, and engagement as a neighborhood ombudsman.

The passage of Issue 39 would result in a ward-based Council model where every 25,000 residents are represented by one Council Member. The number of wards would be determined by April 1, 2009, based on the City's population as of February 15, 2009, as determined by estimated population figures compiled by the US Census Bureau or other reliable sources so that the wards are an odd number between a maximum of 25 wards and a mini-

mum of 11 wards. Issue 39 further calls for the reapportionment of the City's wards after each US Census, conducted every 10 years.

The preservation of the ward-based system and the citizen-to-government ratio that has existed in Cleveland for decades guarantees that residents continue to receive their current level of representation despite Cleveland's current population trend. The preservation of the ward-based system also preserves the role of the Council Member as ombudsman, serving as a single point of contact for residents on a myriad of issues that crop up. A ward-based Councilmember is the essential link between a resident's concerns and the public resources to solve them.

ISSUE 40 CITY OF CLEVELAND

PROPOSED CHARTER AMENDMENT

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



What does **ISSUE 40** mean?

Currently, legislation passed by the Cleveland City Council goes into effect 40 days following its passage. The time period between passage and the

date the legislation is effective is reserved to allow for a citizen referendum should residents disagree with an ordinance that has been passed by the Cleveland City Council. This time frame for referendum applies to all ordinances.

A significant portion of legislation passed directly affects the financial situation of the City of Cleveland. The 40 day period set aside for referendum creates a delay between the time an ordinance is passed and the time that any action can be taken as a result of its passage. Today's financial market, on the other hand, often requires swift action in order to secure rates on bonds.

The Charter Review Commission feels that Issue 40 creates an effective balance that both allows the City of Cleveland to act more swiftly and yet still effectively protects the citizens' rights to referendum.

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

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