

## Report to City Council On the Proposed Changes to the Charter

*Every 10 years nine citizens are appointed to review the charter for the City of Lakewood. In 2004 the nine members of the commission were:*

*Ed Patton, chair*

*Dr. Larry F. Keller, Sec'y*

*Dean Boland*

*Joan Burda*

*Stephen Davis*

*Lynn Farris*

*Jennifer Scott*

*Dan Shields*

*Ellen Todia \**

*\*served until May 2004*

*Mary McGraw Assistant Law Director and Liaison for the Commission*

The 3 major objectives of the commission were as follows:

- A) Update and simplify the language of the charter. This was one of the major goals of the Commission. We wanted to make the charter easy to read and understand. No citizen should have to hire an attorney to read the charter. As much as possible all the information that one needed should be expressed in clear and understandable language in the Charter. As a result almost every section of the charter has been updated.
  
- B) Update for current and future needs of the city. We wanted the charter to be flexible and able to grow with the city while still respecting the fundamental rights of the citizens. To achieve this we left much of the operational aspects of the charter to be determined by ordinance. In addition, we changed provisions such as referendum on water rates in light of the immediate challenges we face as a community in updating and maintaining our infrastructure.
  
- C) Recommend for consideration the city manager form of government. The majority of the commission (7 - 2) was in favor of the City Council considering the City Manager form of Government. However we are presenting two charters both a Council-Mayor Form of Government Charter as well as a Council-City Manager Form of Government Charter to you for the following reasons:
  - 1) We are well aware that the choice of what to put on the ballot belongs to the City Council. The choice is important for the future of Lakewood, both in the short as well as long term, will be affected. In

the event that the discussion about the Council-City Manager Form of Government takes some time, we felt that some changes were necessary in the current Charter under the Council-Mayor Form of government.

- 2) We didn't want the discussion to be abstract and involve comparing a current written document with a mere proposal. Thus, we wrote a complete Council-Manager Charter for Lakewood that could be adopted today. We hope this facilitates a more focused discussion and educates all our citizens about the Council-Manager form of government. The majority of the Commission is convinced that the Council-Manager form of government is the preferable choice though some members of the Commission disagree. All agree that the form of government should be part of our community dialogue over our future and that current issues with the Charter should not be postponed during that discussion

In light of these objectives we have submitted along with this Summary and Overview, two draft Charters. One updates the current Charter and is entitled **A Revised Charter for the City of Lakewood**. A second lays out the Council-Manager Form of government and is entitled **A Council-Manager Charter for the City of Lakewood**.

A final document is a Tabular comparison of the provisions of the current Charter with the Revised Charter and the Council-Manager one. This is a three (3) column document that lists each section of the current Charter and compares it with the corresponding provisions of our two (2) proposed Charters.

**The following major changes have been proposed in the Revised Charter:**

- 1) Eliminating the need to vote on water rates, service rates and increases in Mayor's and Council's salary. This was controversial because of the fact that these items were passed by the citizens in Charter Amendments. However many testified as to the need for council to have flexibility to increase these rates when necessary. This is a significant issue as the water and sewer lines in Lakewood are nearly a hundred years old. They are reaching the end of their "lives" and the city must replace them. To do this may require changes in rates and in light of the immediately pressing need for replacement, we cannot afford the delay that may occur in a referendum process.

Salaries for both the Council and Mayor need to be addressed. These positions require a considerable amount of time and energy and we need to attract capable citizens to serve in them. This requires periodic review and adjustment of the compensation for such public service. This is best done by having the Civil Service Commission study the issue and the Council have to consider their findings rather than making it an election issue.

Citizens have a voice on these issues by whom they choose to represent them on Council and who they vote for as Mayor.

- 2) Modifying the procedure to pass a resolution or ordinance to minimize the need for emergency ordinances. Many indicated the fact that with so many ordinances and resolutions passed by emergency ordinance, the “emergency” aspect of it seems to be overused. We attempted to review the cause and have changed the procedure for passing ordinances. We eliminated the three (3) readings in three (3) separate Council meetings to having the proposed ordinance or resolution published 7 days before hand and requiring the Council to hold a public hearing on all proposed ordinances. Any citizen may participate in the hearing and following the hearing Council can proceed to consider the ordinance.

Emergency ordinances can be passed as necessary but they expire in sixty (60) days. This requires Council to use the regular ordinance process for the normal governing of the City.

- 3) Changing the succession to Mayor from appointed individuals to elected individuals. In the Mayor Council form of Government, we have changed the line of succession for vacancy to the President of Council, Vice President of Council, and then other members of council in order of seniority. We feel an elected office should be filled by an elected official rather than an appointed one as under the current Charter.
- 4) Updating the Initiative, Referendum, Charter and Recall procedures to reflect accurate procedures. (Clarifying information—not changing it.) This was an area where an individual had to refer back and forth from the Ohio Revised Code to our less than clearly written current Charter. The Ohio Revised Code references individuals/offices that do not exist in Lakewood Government. We did not change any current requirements, but sought to clarify the procedure so that it could be understood easily. We also changed the responsibility for determining if the signatures were valid from the Clerk of Council and gave it to the appropriate governmental agency.
- 5) Updating protected and unprotected employees under civil service We unprotected personal staff of the Mayor as well as Department Heads. We also stated that the Law of Ohio on Civil Service applies unless the Civil Service Commission clearly states otherwise in its rules and regulations. These were provisions desired by the Commission.
- 6) Adding COLA to Mayor’s and Council’s salary. We feel that public service should be fairly compensated. We are not proposing that public officials be paid extravagantly but that the often difficult service be recognized by timely revising pay rates. We proposed to do this for the members of Council and the office of Mayor by utilizing the Cost of Living Increase Adjustment to Social Security payments. It was our belief that most people in Lakewood were familiar with that and hopefully after a one time adjustment in the salary, this form of periodic increase could keep pace with other cities without the need for increases in the base salaries.

- 7) Requiring training for City Council and members of Boards and Commissions. We recommended training for New City Council members in their first year. This training was non-specific and would be paid by the city. Likewise, we suggested a small amount of training which could be conducted internally for people assigned to Boards and Commissions. We feel that the cost of training is minimal compared to the benefits of having more informed officials for our government. Also, such training should be a benefit for those citizens who are willing to shoulder the burden of public service and who make decisions that effect all of us now and in the future.
- 8) Allowing most Departments to be created or deleted by Ordinance. We felt that this allowed for flexibility in the government and more timely responses to future issues. All current departments, boards and commissions would continue as they are unless changed by Council in the future. Similarly, our current office holders would continue in their current terms.
- 9) We defined Publish. We want to require the use of the excellent City Web Page to be one of the places where information is required to be published. This makes finding information about our city easier for our citizens.

**Main Provisions of the Council-Manager Charter are:**

- 1) Office of City Manager. **Article III** outlines the office of city manager. Under this form of government, the Council appoints a chief executive who serves at their pleasure. The Council determines the salary and agenda of the city manager. The system is very similar to the School Board/Superintendent form of our School District. The Superintendent is hired by the Board and serves at their pleasure. The school district and the city under the Council-Manager form can hire executives with experiences and capabilities appropriate to the current needs of the schools and city.  
  
The City Manager is the chief executive of the city and is responsible for the daily operations of the city. All administrators report to the manager. In addition the manager attends all council meetings and must answer any questions from the members of council. Within three (3) months of his or her appointment, the manager must become, and remain during his or her service, a resident of the city.
- 2) City Council. The Council has all the policy authority under this form of government. The Council creates policies which the manager implements. The Council elects from their membership a member to serve as Mayor. This is a ceremonial office though the Mayor does have some appointment authority for Boards and Commissions. The Mayor presides over the Council and serves a two (2) year term, that is, for a session of Council. The size, terms, number of wards, etc., of Council are the same as in the current and revised Charters.
- 3) Financial Management System – **Article V** provides a comprehensive financial management system. The system handles both operational and

capital funds. The Finance Director is mainly responsible for the system which uses up-to-date budgeting and accounting procedures.

- 4) Appointment and Removal of the Law Director and Finance Director. These offices serve both the Council and the city manager. Thus, in our draft Council-Manager Charter Council must approve both their hiring and firing as does the Mayor. Both have professional qualifications and the Law Director must be a resident of the city prior to his or her appointment. These are critical offices for the efficient and effective conduct of our government, particularly in informing the Council about the state of the city and the government. Even though the city manager is a professional also, these offices need to be able to report as they see fit on all issues and concerns.

#### Main Provisions of both Charters are:

- 1) Preamble and Article I. The **Preamble** and **Article I** were rewritten to emphasize the desirability of home rule and equality of all citizens in the former and to clarify the relation of our Charter to state law in the latter. In addition, we defined key terms in Section 3 of the first **Article** and required that all information available to the public be posted to the city website if publication was required. We replaced the hoary term of “elector” with the more contemporary term “registered voter” so that citizens would not be confused. We defined “registered voter” in section 3 to include all authority and power granted to electors in Ohio Law.
- 2) Department and office holders. In both Charters, authority is granted to Council to determine departments and their missions. We think **Articles V** through **X** of the current Charter are too detailed and make the government unresponsive to changing times.
- 3) Boards and Commissions. We defined a Commission as having only citizens as members and a Board as having members who hold positions with the city. This requires renaming of some existing bodies such as the Planning Commission becoming the Planning Board and Board of Zoning Appeals becoming the Commission on Zoning Appeals. In all cases, except for the Civil Service Commission provisions as detailed above and the names of some, none of the substance of the Charter on specific Boards and Commissions was changed.
- 4) Unchanged Provisions. Current Charter provisions for the following were left unchanged in substance though the **Articles** were reordered and renumbered: Lakewood Hospital; Recall; Elections; Appropriation of Property; Improvements and Assessments; and Franchises. In some cases, language was clarified and corrected.

We lacked the time to review some of these current **Articles** though they may need to be changed greatly or even eliminated. For example, the provisions on Improvements and Assessments is overly detailed and

should be an ordinance rather than consume nearly one-sixth of the total Charter content. However, we could not devote the time to make sure that was feasible.

- 5) General Provisions. Charter Review Commission provision was moved to the **Article** on Boards and Commissions. Section 1 is a rewritten provision that deals with conflicts of interest and prohibited activities. Council is commanded to pass an ordinance on conflicts of interest which must deal with a list of activities though it is not limited to those. The penalty for violation of a prohibited activity is loss of office or position and an inability to hold an office or position for five (5) years. Amendment sections, except for the Charter Review Commission noted above, and a severability clause are in a separate **Article**. The separation should help citizens understand the topics better as existing provisions tend to be long sentences and paragraphs that look foreboding and are quite difficult to read.

### **Final Note:**

None of our recommendations, even the call for changing our form of government, were the result of any evaluation of current officials. In fact, we were impressed with those serving in all offices and positions, all of whom cooperated without reservation in our deliberations. We were glad to see that Lakewood is continuing to attract and engage talented and committed active citizens and public servants. In all cases we were driven by a desire to improve the government of Lakewood. The improvements are necessary as the city faces increasingly difficult problems ahead. Not only does the economy in northeast Ohio continue to lose manufacturing and other formerly high paying jobs, the city's infrastructure demands attention. Thus the city is faced with rising costs in a contracting economy as well as continuing changes in demographics. The city must attract middle class and professional families if it is to meet these challenges. For all of us this demands changes in the existing Charter; for a majority, it demands the employment of professional Council-Manager government.

### **Brief History of the Commission:**

We were appointed in late January by the Council and Mayor according to Section 8 of **Article XXIII** of the City Charter of Lakewood. The former appointed five (5) members and the latter four (4). The Commission has six months from the date of its appointment to recommend changes in the Charter to Council. All recommendations must be approved by two-thirds of the Commission, that is, six (6) members. Council then accepts, rejects or changes the recommendations.

All Charter amendments must be approved by Council and sent to the voters. They are adopted if a majority of those voting in that election approve.

Mary McGraw, an Assistant Law Director, set up our first meeting in late February and continued to serve as our liaison with the city. We could not have fulfilled our mission of reviewing the Charter and recommending necessary and desirable changes without Mary's committed and always professional assistance. She not only

discharged mundane tasks of scheduling rooms but performed any requested legal research.

The Commission met at least once and often twice a week until the end of June. We conducted two (2) public hearings, one at the start of our deliberations to gather concerns of the community, and one at the end to share our conclusions. We drafted materials and constantly revised them until we produced final drafts that met problems identified by citizens and officials of the city, and improved our ability to take advantage of future opportunities for making an even better governed community.

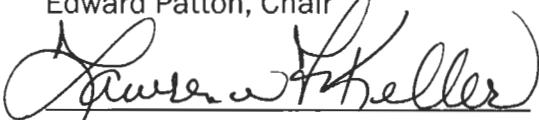
All members are grateful for the opportunity to serve on this important Commission and remain committed to improving the government of our community.

### Signatures

We, the members of the Commission, adopted the above recommendations by the required two-thirds vote and hereby submit them to the Council for your review.



Edward Patton, Chair



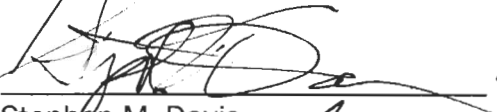
Dr. Lawrence F. Keller, Secretary



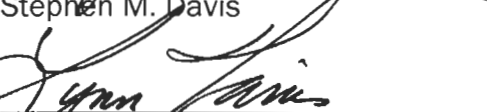
Dean Boland



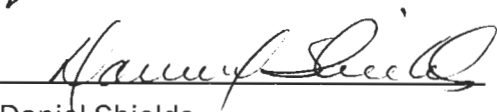
Joan Burda



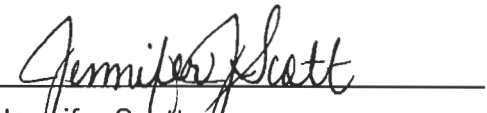
Stephen M. Davis



Lynn Farris



Daniel Shields



Jennifer Scott