

CITY OF MAPLE HEIGHTS PROPOSED CHARTER AMENDMENTS

Dear Maple Heights Residents,

The Charter of the City of Maple Heights has been in effect since 1931. It acts as the Constitution for how City government shall be organized and operated. It contains 21 Articles on topics ranging from the Mayor, City Council, Boards and Commissions to a Charter Review Commission (CRC). The CRC is comprised of 9 members, 7 of which are appointed by each Council person, and 2 appointed by the Mayor. The CRC meets every 5 years to review the Charter and recommend changes if necessary. The CRC members were appointed in February 2021 and met monthly through August 2021. After a thorough review of the Charter, the CRC recommended 6 amendments to appear on the November 2nd ballot for voter approval. The amendments were placed into ordinance form and, after approval by Council, were submitted to the Cuyahoga County Board of Elections where they were assigned issue numbers 42-47 and questions to be answered Yes or No were prepared to be placed on the ballot. A YES vote means you are in favor of the proposed change to the Charter. A NO vote means you do not want the Charter language to change.

The full text of the Charter provisions if they are amended by the passage of Issues 42-47 will read as follows. (Proposed additions are underlined and proposed deletions struck through with a line.) After the text of each proposed change is a summary of what the change means.

ISSUE 42 – Shall Article IV, of the Maple Heights Charter be amended in order to eliminate the requirements that the salary of all elected officials be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for the terms beginning on the next succeeding first day of January and that such salary cannot be changed during such term?

ARTICLE IV – SALARIES

The Council shall have the power to fix the salaries of all employees of the Municipality whether elected or appointed. ~~The salaries of all elected officials shall be fixed at least one hundred twenty (120) days prior to the date set for the Municipal election for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect to any such term or terms or any part thereof.~~ The Council may authorize the payment or reimbursement of expenses incurred by any official, employee, or member of any department, board or commission of the Municipality for travel or expenses incidental thereto incurred in the furtherance of the interests of the Municipality.

What does this proposed change mean? As currently written, the Charter requires that the salaries for elected officials (Mayor and Council) be set by the Council at least 120 days before their election to office for a new term and cannot be changed during their term. The term of office for the Mayor and Council is four years. However, the terms are staggered. For example, the terms for Council districts 1, 3, 5 and 7 expire on December 31, 2021 and districts 2, 4 and 6 expire on December 31, 2023. So, districts 1, 3, 5 and 7 are up for election on November 2, 2021 for a new term from January 1, 2022 to December 31, 2025. Any change in in the pay for Council districts 1, 3, 5 and 7 would have had to been set by July 2, 2021 (120 days before the November 2 election). But if Council decided to change the pay for districts 1, 3, 5 and 7, the pay for Council districts 2, 4 and 6 could not be changed until their new term begins after the 2023 election. So ,the result would be different pay for different Council districts. This change will allow the pay for the elected officials to be set at any time and eliminates the possibility of differing pay among the Council districts.

ISSUE 43 – Shall Article V, Section 8 and Article III, Section 4, of the Maple Heights Charter be amended in order to allow the Mayor to hold private employment so long as such employment does not conflict with the duties of Mayor?

ARTICLE III, SECTION 4. ACTIVITIES RESTRICTED; CONFLICT OF INTEREST.

The Mayor and the President of Council shall be allowed to serve on any federal, state, regional or metropolitan board or committees thereof.

The Mayor shall hold no other public employment. The Mayor may hold private employment which does not conflict with the duties of Mayor. Councilpersons may hold non-elected public employment outside the City of Maple Heights which does not conflict with Council duties. No elective officer shall be interested in the profits or emoluments of any contract, work or service for the Municipality.

ARTICLE V, SECTION 8. LOCATION OF OFFICE.

The Mayor shall have an office at the City Hall. ~~and, effective the first day in January of the new term, shall hold no other public or private employment.~~

What does the proposed change mean? As currently written, the Charter states that the Mayor is not allowed to hold any other job other than Mayor. If the proposed change is passed, the Mayor would be allowed to hold a job in the private sector as long as it does not interfere with the duties of the office of Mayor.

ISSUE 44 – Shall Article VII, Section 3, of the Maple Heights Charter be amended in order to provide an alternate meeting date for the swearing-in of newly elected officials if the original date is a legal holiday and to provide notice of special meeting dates by electronic transmission?

ARTICLE VII, SECTION 3. MEETINGS.

At seven (7) o'clock p.m. on the first Wednesday of the new term following a regular Municipal election and certification of the newly elected officials by the Board of Elections of Cuyahoga County, or as soon as practicable thereafter if the first Wednesday is a legal holiday, the Council shall meet at the usual place of holding Council meetings, at which time the newly elected members of Council shall be officially sworn in and assume the duties of their office. Thereafter the Council shall meet at such times and places as may be prescribed by ordinance or resolution. The Mayor, President of Council, or any three (3) members thereof may call special meetings of the Council upon written notice served by electronic transmission or personally upon each member at his or her usual place of residence, at least twenty-four (24) hours previous to the time fixed for such meetings, except in cases of public emergency. Any such request for special meetings shall state the specific subjects to be considered at the meeting and no other shall be there considered.

What does the proposed change mean? As currently written, the Charter states that newly elected officials must be sworn in on the first Wednesday in January, even if that first Wednesday is a legal holiday, such as New Year's Day. It also limits notice of special meetings to being given in person only. If the proposed change is passed, then newly elected officials would not have to be sworn in on the first Wednesday in January if it is a legal holiday, such as New Years Day, but as soon as practical thereafter. It also will allow for notice of special Council meetings to be given by email.

ISSUE 45 – Shall Article VII, Section 17, of the Maple Heights Charter be amended by deleting it in its entirety because the Service Director and Service Department are no longer solely responsible for determining the manner of making public improvements, and reserving Section 17 for future Charter provisions?

~~SECTION 17. MANNER OF MAKING PUBLIC IMPROVEMENTS.~~ Section 17 shall be reserved for future Charter provisions

~~Public improvements, works and repairs of all kinds shall be made by the Department of Service, either by direct employment of labor, and the purchase of the necessary supplies and material, with separate accounting as to each improvement so made, or by contract. The Council shall by ordinance determine by which method any improvement shall be made. All contracts shall be executed in the name of the City by the Director of Service only after approval by Council, and shall be entered into only with the lowest and best bidder after public competitive bidding. The Director of Service may enter into a contract without competitive bidding in the manner provided by the statutes of the State of Ohio.~~

What does the proposed change mean? Currently as written, any kind of public improvement, such as a road repair or installation of a sanitary sewer can only be done under the direction of the Service Department and Service Director. In reality, most public improvements over the last several decades have been made at the direction and supervision of the City Engineer. If the proposed change is passed it will eliminate the requirement that public improvements be made only under the direction of Service.

ISSUE 46 – Shall Article VII, Section 18, of the Maple Heights Charter be amended in order to allow the Mayor to designate a representative to sign contracts?

~~SECTION 18. CONTRACT SIGNATURE.~~

~~All contracts shall bear the signature of the Mayor, or the Mayor's designee, in addition to such other signature as may be required by this Charter or by ordinance."~~

What does the proposed change mean? Currently as written, the Charter states that the Mayor must personally sign every contract involving the City. If the proposed change is passed then the Mayor will be allowed to designate someone else to sign a contract, such as the Finance Director or Fire Chief.

ISSUE 47 – Shall Article XIX, Section 5, of the Maple Heights Charter be amended by deleting it in its entirety to remove its prohibition on the use of photo monitoring devices for the enforcement of traffic laws?

~~SECTION 5. LIMITING THE USE OF PHOTO MONITORING DEVICES.~~

~~The City shall not use any traffic law photo-monitoring device for the enforcement of a qualified traffic law violation, unless a law enforcement officer is present at the location of the device and personally issues the ticket to the alleged violator at the time and location of the violation; and that the City shall not enter into, renew, amend, modify, or make any payment under a contract with a vendor for traffic law photo-monitoring devices or services if the contract involves payment to the vendor that is contingent upon the number of tickets issued or the amount of fines levied or; and that qualified traffic violations shall be tried only before a judge in either a municipal or common pleas court, and the accused will be afforded all rights then generally afforded to defendants in criminal cases under the constitutions and laws of the United States and the State of Ohio."~~

What does the proposed change mean? Currently as written, the Charter prohibits the City from using photo monitoring devices to enforce traffic laws within the City, such as speeding. If the proposed change is passed, it will allow the City to use photo monitoring devices to enforce traffic laws such as speeding within the City.