

**Final Recommendations**  
**Lakewood Charter Review Commission**  
**September, 1995**

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## *Preface*

### **Lakewood Charter Review Commission**

The **Lakewood Charter Review Commission (LCRC)** is charged by the **Lakewood Charter** in **Article XXI, Section 10**, to review the **Charter** and recommend amendments to the Council. [See *Appendix A* to the **Final Report**] The **LCRC** has nine (9) members. Five (5) members are appointed by the Council and the other four (4) by the Mayor. The **Charter** calls for the appointment of members in January of every tenth year beginning with 1985. The **LCRC** has six (6) months to complete its task of reviewing the **Charter**. Council may or may not submit any proposed amendments by the **LCRC** to the voters.

The members of the 1995 Commission are:

Sara J. Fagnilli, Chair

Edward FitzGerald, Vice Chair

Alice Bader

Kathy Craig

Christopher Johnson

Kenneth Laino

Robert Potts

Daniel Stringer

James Westfall

The Commission Staff Director is Dr. Lawrence F. Keller, Ph. D, J. D., who is a professor of Public Administration and Senior Research Associate at the Maxine Levin Goodman College of Urban Affairs. John Brennan, a doctoral candidate at the Levin College, is a Research Analyst for the Commission.

## Summary of Recommendations and Issues

The **Charter Review Commission** closely examined the current **Charter** for several months and recommends the following changes. In addition, the **Commission** identified numerous issues which must be examined further. We recommended a Task Force on Community Governance to implement the recommendations and follow-up on the issues. The Task Force should be appointed by the Council as soon as possible, and report back a rewritten **Charter**. Building upon the work of the **Charter Review Commission**, the Task Force should be able to complete its work within a year. The Task Force should work with community groups to create a broad, community-wide dialogue on how we should be governed.

The page numbers following the recommendations and issues indicate where they can be found in the **Final Report**.

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**Seventh Recommendation** - The **Charter** should be gender neutral in its language. Page 13

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The **Commission** recommended four **Charter** amendments to Council in July, 1995. The Council decided to wait until the **Final Report** before handling the recommendations. The four (4) recommendations can be found in *Appendix C* and are listed below.

**First Recommendation** - delete *Section 7* of **Article II** and renumber the *Sections* following it

**Second Recommendation** - Amend *Sections 13* and *14* of **Article III** to require codification of the Ordinances of Council and their publication

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***Third and Fourth Recommendations*** - Amend **Article XXI, Section 10** to change the timing of **Charter Review Commissions** to even years by amending the calling of the next **Charter Review Commission** to be in nine (9) years; and, eliminate the discretion of Council in reviewing recommendations of **Charter Review Commissions**.

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In addition to the recommendations, the **Charter Review Commission** highlighted the following issues that should be examined in rewriting the **Charter**.

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## Introduction

This **Final Report** sets forth the recommendations of the second **Charter Review Commission** and issues that warrant further attention. The **Commission** reiterates the need to rewrite the **Charter** in total. Our first recommendation is a general one calling for a Task Force to be created and vested with the responsibility for rewriting the **Charter**. We also list more specific recommendations and identify what we see as issues with which the Task Force must deal. Ideally, the recommendations and issues will help the Task Force that we call to be established accomplish an effective rewrite.

We have placed names of offices and institutions such as the **Charter** in **bold** or *italic* type. The purpose is to highlight these because of their significance to the governing of our community. The **Report** also outlines the nature of a **Charter** and criteria for assessing it. A table of contents and an index are provided to help the reader find specific topics and references.

We will first review what a **Charter** is and the law that surrounds it. This information is provided by our staff. This background information is desirable because the effectiveness of this **Report** depends in large part upon the public's understanding of our government and the issues that we face. We hope this **Report** transmits our understanding as we face some serious issues as a community.

## Background

It may be useful to review what a **Charter** is and the process for **Charter** review in Ohio. Municipal law is a highly specialized area and to a great extent determines what can be done with a **Charter** review.

As in all states, cities in Ohio are municipal corporations and are regulated by state law. Contrary to most states, Ohio has a provision in the state **Constitution**, specifically **Article XVIII**, that grants cities the authority to adopt their own laws by writing and adopting **Charters**. [**Article XVIII** is in *Appendix D* of this **Report**.] If a city adopts a **Charter** by following the provisions of *Section 8* of that **Article**, it can control to a great extent its own government. The **Charter** can subsequently be amended, both by the process contained in the state **Constitution** and a **Charter** provision or provisions. Any amendment must be submitted to a vote of the citizens, that is, a Referendum.

Even though a **Charter** can be locally written and adopted, it is not a **Constitution**. Cities remain subject to state law in many areas and courts interpret **Charters** more restrictively than **Constitutions**. However, a **Charter** in Ohio can fulfill many of the functions of a **Constitution** because of the broad discretion over the content of **Charters** granted to cities.

If a city does not adopt a **Charter** it is governed by the state statutes of Ohio. *Section 2* of **Article XVIII** required the legislature to develop a comprehensive set of statutes for governing cities and villages. [Villages are municipal corporations with less than five thousand (5,000) population.] Under those statutes, Ohio cities have a choice in the form of government. By default a city has a Council-Mayor form of government. However, a city can hold a referendum and decide by a vote of the people to be governed by the statutes that provide Council-Manager and Commission forms of government. The size of Council, what offices are to be elected, their terms of office, etc., are all specified in the statutes. In contrast, a city

can determine its own form of government, including all specifics such as the size of Council, by adopting a **Charter**. Lakewood adopted a **Charter** in 1913, the year after **Article XVIII** was added to the **Ohio Constitution**.

Though a city can develop many of its own laws and regulations by adopting a **Charter**, it cannot escape from the general municipal laws of the state. What is a general law is not always clear and is often decided by the Ohio Supreme Court. Some aspects of municipal government are clearly covered by general state law. For example, there is a general state law that regulates all public sector labor relations.

Amending a **Charter** is usually addressed in each **Charter**. Many **Charters** in Ohio call for regular review, typically every ten (10) years. Similarly, the state **Constitution** calls for the question of a constitutional convention to be addressed every twenty (20) years. The purpose is to keep the **Charter** current and in touch with changes in the community. The typical process is for an elected or appointed committee to review the current **Charter** and make recommendations to the City Council. In many cases, the recommendations require more than a majority vote of all members of the committee. In many cases the Council must place the recommendations on the next ballot; in other cases, such as Lakewood, the Council can decide which, if any, of the issues recommended by a two-thirds (2/3) vote of a **Charter Review Commission** they want to place on the ballot. A **Charter Review Commission** is appointed every ten (10) years in Lakewood. No issue can be placed on the ballot unless it is passed as an ordinance by a Council.

Under most **Charters**, Councils can submit **Charter** amendments to the voters at any time. In some cases, the submission requires more than a majority vote of all the members of Council. Many **Charters** also permit citizens to create amendments and to submit these to the voters. The process is called the Initiative and is a petition process. Under this process, a citizen or a group of citizens form a committee which gathers signatures from registered voters on a petition. The

petition must specify the amendment, that is, have it available for anyone to read, and the signatures must be verified. How many signatures are required is stated in the **Charter**. The number is usually expressed as a percentage of the number of electors (this is the legal term in Ohio for those who qualify as voters) who voted in the last municipal or state election. If a petition contains the needed verified signatures, the amendment is submitted to the vote of the people in a Referendum. If conflicting amendments are adopted, the one with the most votes is adopted.

In Lakewood, if ten percent (10%) of the electors (registered voters) sign a petition calling for a specific amendment to the **Charter**, it must be submitted to the voters. Council may also submit amendments to the voters by a two-thirds vote of its members. As in the case of state law, if conflicting amendments are adopted the one with the most votes "shall become a part of this **Charter**."

Amending a **Charter** is a serious process because it determines, to a great extent, what laws apply and how well a community is governed. With this in mind, we turn to the criteria we used to ascertain how effective our **Charter** is and which we believe should guide future efforts to improve it.

## Charter Purposes and Criteria

A **Charter** needs to fulfill many of the functions of a **Constitution** while also being legally valid. It cannot be a **Constitution** since many laws that apply to particular situations are general state statutes and these can be neither changed nor overridden by a **Charter**. With this limitation in mind, a **Charter** should:

1. express how citizens want their community to be governed;
2. insure that all aspects of the government are consistent with how the citizens want their government organized;
3. grant sufficient authority to public officials to fulfill the obligations they are assigned by the **Charter** and by general state statutes;
4. explicitly note the responsibilities of each public office and how all such offices relate;
5. embody a consistent set of ethics for how citizens and public officials are to interact in governing the community;
6. state broad policy and administrative guidelines while avoiding management and policy details that need to be updated often by elected and appointed officials;
7. provide any details that facilitate citizens participating fully in governing even if state statutes are quoted, such as the particulars of city elections;
8. meet legal requirements, especially decisions of the Ohio Supreme Court, even if this results in provisions that are difficult to read and are expressed in more detail than is otherwise desirable; and, lastly,
9. read as clearly as is possible in light of the other criteria, so as to produce a document that is coherent to all citizens, elected and appointed public officials.

With these criteria in hand, we examined the current **Charter** over several months and discussed alternative provisions. The next sections report the results of our analysis.

## General Considerations

The **Lakewood City Charter** was written in 1913, adopted the following year, and revised again in 1957. Thirty eight (38) years later, it is apparent that our **Charter** has not kept pace with the changing dynamics of our community [See *Appendix F* for a brief history of our **Charter**]. It is time for a thorough rewrite. Delay in rewriting the **Charter** could lead to legal and other controversies over its current provisions. A better, more organized **Charter** may help improve the operations of government and how citizens interact with public officials. We agree with the pointed assessment of the first **Charter Review Commission** who concluded their report to Council, dated June 17, 1985, by noting that:

...[The **Charter**] is a document fraught with grammatical monstrosities, run-on sentences that become totally unintelligible, and archaic constructions that caused each of us a great deal of stress in our efforts to effect substantive results.

They not only critiqued the **Charter** but called for a "complete and total" rewrite as soon as possible. We quote their emphatic recommendation to Council.

It is our collective recommendation that you make a priority of yours a complete and total rewriting of the **Charter** now [emphasis in original], not ten years from now as mandated. This is no mean task and, undoubtedly, will entail a lengthy period of time - much more than any officially constituted **Charter Review Commission** can expend - and will cost a good deal of money. However, we believe that it will be time and money well spent.

We agree with both their assessment and their recommendation. At the end of this section we suggest a process for the rewriting of the **Charter**.

The rewriting of the **Charter** is also an opportunity for us to develop a consistent vision of how government should look and be conducted. A coherent, well

organized **Charter** can express and motivate our community spirit. The current **Charter** has too many detailed provisions which are fifty (50) or more years old. The provisions have not kept pace with the changing needs of our community and often interfere with the efficient conduct of government. For example, the lengthy provisions on assessments (**Article XIV**) is not an accurate description of the current process. Similarly, the provisions for budgeting based on estimates prepared by the Mayor, Director of Public Works and the Director of Finance (**Article III, Section 10**) are not a feasible process for creating an accurate budget for a multi-million dollar municipal corporation. The community cannot be well governed under these conditions.

Finally, we see the rewriting of the **Charter** as an opportunity to determine what is the best form of government for our community. Several public officials have suggested looking at the Council-Manager plan. The needed rewriting of the **Charter** presents an opportunity for a community process of evaluating alternative forms of government. This examination requires a public process longer than our six (6) month tenure. The process should involve experts on government as well public officials from both systems.

Along with evaluating what form of government is best suited for Lakewood, we also recommend evaluation of non-partisan elections. The original **Charter** called for non-partisan elections. This was changed in the last rewrite of the **Charter** in 1957. The issue is related to the form of government as most Council-Mayor systems have partisan elections while Council-Manager systems are usually non-partisan.

In light of the above considerations, we recommend the following process.

## General Recommendation

**First Recommendation** - Council appoint a Community Governance Task Force charged with rewriting the **Charter**.

**Discussion** The Task Force should represent all parts of the community and report directly to Council. The Task Force should consult with current public officials and community organizations. If the effort is to be successful, the community must have a dialogue that is candid and informative. This requires the participation of community groups in meaningful roles and input from current officials. Furthermore, the Task Force must be charged with holding public hearings, especially one when a complete draft of a **Charter** is available, and to respond to all the input they receive in such hearings.

The Task Force should complete its work in a timely manner, but take whatever time is necessary to effectively rewrite our **Charter** as part of a community dialogue. We recommend that the Task Force be viewed much like a **Charter Commission**. Under the **Ohio Constitution**, **Charter Commissions** have fifteen (15) members and must develop a **Charter** by the next election. This requires the **Commissions** to conclude their work by the August of the year following their November election.

Task Forces work best if they are composed of informed citizens and provided with professional staff. The Task Force should be provided a budget for staff and other technical aspects of their work. Their first order of business should be to obtain staff.

We recommend that the Governance Task Force be appointed as soon as possible. They would be charged to present a totally rewritten **Charter** to Council as soon as possible. Council should, in the ordinance creating the Community Governance Task Force, bind themselves to accept the proposed **Charter** without adding any amendments and place it on the ballot. We realize the binding is not

legally immune to change but call for such a commitment as evidence of the seriousness the Council attaches to the process and the need for a rewritten **Charter**.

The Task Force should be appointed, not elected. Ironically, the at-large election of **Charter Commissions** often excludes many segments of the community from being represented. Furthermore, a majority of the members of the Task Force should not currently hold elected office in Lakewood or be employees of the city. Often, **Charter Commissions** have many current public officials as members and this hinders an unbiased evaluation of both the current government and potential alternative forms. The size of the Task Force should not exceed fifteen (15) members because they must write a new **Charter** as a group. The writing requires working together intensely by gathering information, evaluating current structures and discussing alternatives. Groups larger than fifteen (15) have difficulty in working under such conditions and in reaching an informed consensus.

In sum, we recommend a Task Force charged with rewriting our **Charter**. We think this is the time to put the past behind us and update our governing document. We look forward to a **Charter** in line with the dynamics of our community and of which we can be proud.

## Specific Recommendations

During our discussions we identified numerous specific problems and issues. In some cases, we recommend changes; in others, we discussed alternative ways to deal with these. Four (4) specific recommendations were sent to Council in July and can be found in *Appendix C*. We reiterate the desirability of those recommendations. In this section we will present additional recommendations and the alternatives that we discussed. In some cases, we integrated comments from our staff who evaluated the **Charter** in detail and conducted interviews with selected administrators.

**Second Recommendation** - **Articles II** and **III** should have their order exchanged.

**Discussion** Under the philosophy of a representative government, where the people select their representatives to make decisions on their behalf, the representative body, the legislature, is always granted the public authority. Therefore, in most **Constitutions** and **Charters** the legislative body is the first public institution to be addressed. For example, Congress is created and empowered in **Article I** of the national **Constitution**. [Note that all of the Bill of Rights read, *Congress shall not ...* The reason for this is that almost all of the authority granted to the national government is granted to Congress.] Similarly, in most **Charters**, the Council comes before other parts of city government. In the current **Lakewood Charter**, the Office of Mayor is detailed in **Article II** while the Council is in **Article III**. These should be switched.

This is not just a symbolic change. It calls to attention to government as a binding policy process conducted by representatives of the community. The order does not mean that Council can do as they please. Significant authority is also granted to other offices and these often check the authority of Council to help insure that what results is in the best interest of the community.

**Third Recommendation** - The **Articles** and *Sections* should be logically organized.

**Discussion** The current **Charter** lacks coherence. Information on a particular topic can seem inaccessible because it may be in more than one provision. For example, amending a **Charter** is an important process. However, the **Lakewood Charter** has two (2) different *sections* in **Article XXI** that specify how the **Charter** may be amended. These are in non-contiguous *sections* in an **Article** titled **General Provisions**. Our recommendation is to place provisions such as the ones for amending the **Charter** in a separate **Article** near or at the end of the document. All of the provisions for amending the **Charter** should be in contiguous *sections* in this **Article**. This is the most logical place for such provisions.

In addition, the **Charter** should have a table of contents and an index. These should be generated in the rewrite. Ideally, the **Charter** will be a computer file and these can be easily updated as the provisions change.

**Fourth Recommendation** - Delete the phrase, "... if the Governor removes the Mayor..."

**Discussion** *Section 8* of **Article II** states that "if the Governor removes the Mayor..." as one of the ways in which the Office of Mayor may become vacant. The **Ohio Revised Code (ORC)** organizes all of the statutes passed by the Ohio Legislature and does contain a provision for the Governor to initiate removal of Mayors, sheriffs and prosecuting attorneys. The wording in the *section* is incorrect and unnecessarily detailed. A better provision would state a more general phrase, such as "if the Office becomes vacant for whatever reason..."

**Fifth Recommendation** - The process by which the Mayor can veto an act of Council should be in the **Article** containing the authority of the Office of the Mayor.

**Discussion** The Mayor can veto ordinances but the provision for the veto is in **Article III** , *Section 9*, while the rest of that **Article** deals with the Council. This attribute of the Office of Mayor should be part of a *section* in the **Article** which details the authority of the Office. This is an example of how the current **Charter** lacks coherence.

**Sixth Recommendation** - The organizational details of **Articles IV** through **VIII** should be reduced if not eliminated.

**Discussion** These **Articles** of the **Lakewood Charter** detail the structure and operation of the administrative departments. A **Charter** should be flexible in regards to administration, leaving details to be determined by appropriate officials as the need arises. Much of the specifics in these **Articles** are inaccurate. For example, *Section 1 (e)* of **Article VI**, states the Department of Public Safety shall have a "Division of Smoke Inspection and Regulation." The function and the office are both obsolete. This illustrates why details are not appropriate for a **Charter**. All of these **Articles** need revising. The intricate process of unraveling and simplifying the current **Charter** provisions on administrative units should be part of rewriting the **Charter**.

In contrast to the detail in our **Charter**, the **Model City Charter** in **Article IV**, *Section 4.10(a)*, grants Council authority to create, abolish or modify departments and divisions thereof. It may be desirable to name some departments in the **Charter**; however, we are convinced that our **Charter** has too much detail on too many departments.

**Seventh Recommendation** - The language in the **Charter** should be gender neutral.

**Discussion** Almost without exception, everyone who commented on the **Charter** stated the language should be gender neutral. We agree and recommend that all provisions be gender neutral. The updating of the language can help it keep pace with our changing community.

## *Specific Issues*

In this section, we list more specific problems and issues in the order of the provisions in the current **Charter**. It should be noted that these issues and problems may be handled differently by the Task Force than our discussion indicates. Much depends upon how the Task Force decides general issues such as the form of government; that is, alternatives may vary depending upon the form of government. However, this information should be useful for the citizens, Council and the Community Governance Task Force, to understand better the **Charter** and the issues surrounding it.

**First Issue** - A set of ethical requirements and a process for enforcing them

**Discussion** One model was the Office of Inspector General, a division found in many executive departments at the national level. This division enforces ethical and legal requirements by conducting investigations into alleged illegal and/or unethical behavior. Another alternative is the provision in the **Model City Charter** for a Board of Ethics. The provision, **Article VII, section 7.01**, also details prohibited activities. Of course, such a provision would need to be crafted specifically for Lakewood, meeting the desires of the community as well as the particulars of Ohio Law.

**Second Issue** - A provision facilitating the city to contract with other cities or units of local government for the provision of public services

**Discussion** Lakewood already does many services jointly with several west side suburbs and such a provision would underscore the desirability of such cooperative ventures to improve services to Lakewood citizens. An example of such a provision can be found in **Article I, section 1.03**, of the **Model City Charter**.

### **Third Issue** - Term limits for elective offices

**Discussion** Some public officials recommended term limits be considered for both Council and Mayor. Many members of the **Commission** disagreed with term limits because they nullify the reason for electing offices; that is, the wishes of the people should be respected. If they decide to retain an elected official for a lengthy period of time their wishes should be respected. However, many citizens in the community seem to favor term limits and they can serve to increase participation in government. In any event, this is an issue with which the Task Force should deal.

### **Fourth Issue** - The Office of Mayor as a full-time position

**Discussion** According to the **Charter**, the Office of Mayor is full-time; however, the language is somewhat confusing and is found in two (2) different *sections* of **Article II**, *section 2* and *section 9*. The language needs to be clarified. If the Office is full-time, the incumbent is prohibited from other work. Some qualified people can be dissuaded from serving if it means an interruption of their career. Thus, the language needs to be clear.

It should be noted that whether the Office of Mayor is part or full-time reflects to a large extent the form of government. Under the Council-Mayor system, the office is typically full-time. Under the Council-Manager plan, the office can be part-time since the Office of City Manager is the chief executive office. Many general decisions, such as on the form of government, may influence specific provisions. All provisions of the Charter should be consistent.

### **Fifth Issue** - The succession to the Office of Mayor

**Discussion** The succession to the Office of Mayor is contained in **Article II**, *Section 8*. Currently, if the Mayor is unable to fulfill the duties and responsibilities

of the Office, the Law Director becomes Mayor. Some members of the **Commission** preferred to have an elected official succeed to the office. Also, the appropriateness of the Law Director succeeding to the Office of Mayor depends upon how that position is structured. The structure of the Law Director's position is part of the tenth issue.

#### **Sixth Issue - A process for redistricting Council wards**

**Discussion** The current **Charter** has no provision for the redistricting of Council Wards. Legally, wards must have substantially the same population to meet federal voting act requirements and interpretations of the **U. S. Constitution**. In **Article VI, Section 6.02**, the **Model City Charter** provides for a Redistricting Commission, a temporary body whose only duty is to be convened after each decennial census and redistrict the Wards. The term of office for the members of the Commission ends with the completion of redistricting. The purpose is to provide a non-partisan method for determining the Ward boundaries. Lakewood needs to include a requirement for redistricting in the **Charter** though the **Commission** had no preference about how it should be done. The **ORC** requires Council to redistrict within ninety (90) days after the first of October following the decennial census. Whether we should continue to follow the provisions of the **ORC** is an issue the Task Force should consider.

#### **Seventh Issue - The legislative process of the Council**

**Discussion** We believe this is a priority area for the Community Governance Task Force. We will briefly review some of the concerns.

A general concern was with the procedural requirements for passing ordinances. The need for three (3) readings of an ordinance, typically the reading of its title at three (3) different meetings, unduly complicates the process for some. Others find

the requirement useful for making sure an ordinance is not passed in the meeting at which it is introduced. The requirement is an ancient legislative device whose purpose is to insure a more thoughtful process. Action on any proposed subject must await the third meeting after its introduction.

It should be noted that the **Model City Charter** replaces this requirement with a public hearing; that is, under the **Model City Charter in Article II, Section 2.13**, Council must first publish (make public) any proposed ordinance. Council must then hold a public hearing after seven (7) or more days following the publication. After the hearing, Council can pass the ordinance. If the ordinance is amended "as to any matter of substance," Council must hold another public hearing on the ordinance or the new matter.

Council currently utilizes a committee process which could provide for the public hearing and a thorough discussion of issues. The **Charter** provisions on the council process could have committees satisfy the **Model City Charter** requirements for public hearings. This appears to be another area in which long standing methods should be reviewed and analyzed for possible change.

### **Eighth Issue - Emergency ordinances**

**Discussion** Emergency ordinances were a concern for many people, especially those citizens who communicated their views to us. The purpose of an emergency ordinance is to permit Council to meet an emergency without following the prescribed procedures. Since the prescribed process for passing ordinances was designed deliberately to slow down the legislative process, obviously emergencies cannot be dealt with in a normal fashion. However, the Lakewood Council, like most City Councils, uses the emergency ordinance designation for many if not most of its ordinances. There is some question whether these ordinances technically qualify as emergency ordinances. The criteria is listed in **Article III, Section 18**, of

the **Lakewood Charter**. However, the Council apparently finds it necessary to use the emergency ordinance process, either to meet a deadline for some action or to have the ordinance take immediate effect. A non-emergency ordinance does not take effect until forty (40) days after its passage, as spelled out in *Section 17* of **Article III**. By passing an ordinance as an emergency ordinance, the Council can have the ordinance take effect upon signing by the Mayor.

The reason for the delay in ordinances taking effect is a by-product of the referendum process. **Article XI** grants citizens the right to referendum. Under this empowerment, any ordinance passed by Council, except for those listed in **Article XI, Section 9**, can be placed on the ballot through a petition process within forty (40) days of its approval by Council. Thus, the **Charter** delays the date at which ordinances take effect until the passage of forty (40) days.

We find this process understandable and of general use by most cities. However, we firmly believe that government should be bound by both the rule and the spirit of its basic documents no matter how inconvenient this may be some or even most of the time. The current process adheres to neither much of the time. The process needs to be redesigned but the re-designing demands more time than our tenure. This needs attention from the Task Force.

Redesigning the legislative process may obviate much of the need for emergency ordinances. In addition, more effective administrative management may increase the timeliness of all the actions in government and reduce the need to resort to devices such as emergency ordinances that violate both the spirit and provisions of the law.

## **Ninth Issue** - The administration of government

**Discussion** Numerous issues surround the administration of government. We will review the ones we discussed and how the discussion concluded. Some

members of the **Commission** felt that senior administrators did not need to be residents of the city. All understood the desirability of having those who exercise public authority live with its consequences, but some were concerned that many times those with the needed expertise may not reside in Lakewood. Modern government requires both a commitment to serving the public **and** specialized knowledge. Some preferred that the city be able to tap the most appropriate person to perform public duties regardless of where that person may reside, though all members hoped that the expertise in Lakewood would be examined first in all cases.

We found it undesirable to have the Mayor potentially serve as the Director of both or either Public Safety or Public Works. He currently can be both. This reflects an outmoded provision of the **Charter**. The position of Director of Public Health is currently not addressed by the **Charter** and leads to unnecessary administrative complexity in meeting the demands of the state.

Also, purchasing and public works should be separated. Currently, the **Charter** has separate provisions on procurement and purchasing for public works. As seems to be the case with many of the older provisions of the **Charter**, this may reflect the contents of the **ORC** which would not apply if our **Charter** had other provisions. In any event, procurement and purchasing sections need to be revamped to meet the changing needs of government and our community.

#### **Tenth Issue** - The positions of Law Director and Director of Finance

**Discussion** Several issues emerged around the key positions of Law Director and Finance Director. First, these positions are crucial to the effective and honest operations of government. They need independence from other offices of government since their responsibilities may conflict with politics. The appointment of these offices involves, as it should, both the Council and the Mayor, especially in light of the duty of the Law Director to serve both the Council and the Mayor.

However, they serve at the pleasure of the Mayor. The independence of the offices would be more effectively assured if their removal also required action by the Council. Some citizens prefer the election of the Law Director, which is the method for filling the office in the statutory plan under the **ORC**. We are concerned that an elective office often has few if any qualifications and thus the city could find itself with an incompetent official. In fact, we were surprised that there were no qualifications for serving as Finance Director and no requirement for a bond in the **Charter**. Qualifications and a bond would be desirable **Charter** provisions.

It should be noted that the Director of Law succeeds to the Office of the Mayor. If the Director of Law cannot succeed to the Office, then the Director of Finance does. [**Article II, Section 9**] Thus, changing these offices may require changing the order of succession as well. The more independent the offices of the Mayor, the less desirable the current order of succession to the Office of Mayor.

We also believe the Task Force needs to examine whether the Office of Law Director should be full-time and whether the Law Director should also be the Prosecutor. We see these issues as questions of administrative flexibility, that is, providing a system for responsible administration while meeting the needs of any current administration.

#### **Eleventh Issue** - The current electoral provisions

**Discussion** The current election process raises several issues. One is non-partisan elections, which we addressed earlier. A second is the date of the primary. Currently, the primary election for the city is five (5) weeks prior to the general election. [**Article IX, Section 1**] Some members of the **Commission** expressed a preference for an earlier date. Some elected officials expressed their concerns about closeness of the dates of the primary and general elections. However, other members of the **Commission** noted the current date does curtail

excessive campaigning. It is an issue that needs to be addressed by the Task Force in light of decisions about the form of government and the type of elections.

## **Twelfth Issue - The personnel system and the Civil Service Commission**

**Discussion** Several issues surround the Civil Service Commission. State law require a merit system for all cities; that is, employees must be hired by a process that evaluates their fitness to do the work. However, the state law does not require a Civil Service Commission. Thus, the Task Force should examine all methods for appointing employees as well as the compensation for those who serve on a Civil Service or similar Commission. We do not advocate this because of any known shortcomings with the current Civil Service Commission; rather, we believe all aspects of government should be examined as part of the **Charter** rewriting process.

Secondly, the Ohio Supreme Court has issued a series of cases on civil service since the provisions of our **Charter** were adopted. These decisions require specific language if a Civil Service Commission is to be empowered fully. The current provision lacks many of the required terms and thus may not empower the Civil Service Commission as was intended.

As the Law Director noted in an interview with our Staff Director, how much independence is granted to bodies such as the Civil Service Commission depends upon the quality of the staff provided to such bodies. If qualified staff is not provided, it may be better to adhere to state law. In the case of Civil Service specifically, granting authority to create a local process while adhering to the substance of state law may be a workable compromise if staff is limited.

## **Thirteenth Issue - Improvements and assessments**

**Discussion** The lengthy provision on **Improvements and Assessments** in **Article XIV** occupies almost one-seventh of the **Charter**. The provisions date back to the original **Charter** of 1914 and were taken, in large part, from state statutes, **ORC Chapter 727**. Apparently they do not match the actual procedures used currently and thus need to be addressed. This may be one of those situations where the authority should be vested in the Council to enact the procedures as part of the **Code of the City of Lakewood**, that is, the codified ordinances. Council may need to be required to write a general code, and to update it periodically. Specifically, assessments and improvements should vary with the changes needed for the betterment of the community.

It should be noted that though cities are permitted under the code to adopt their own assessment procedures they cannot exceed limits on assessments as contained in the **ORC**. Many of these limitations are currently written into the **Charter** but would be in effect even if not part of the **Charter**. In some cases writing such detail into the **Charter** even if it has no legal effect may be a useful manner for informing citizens. However, in this case, the area is quite technical and of interest to very few officials or citizens. Detail of this type in a **Charter** adds complexity, length and an undue legal texture; it confuses and overwhelms more than helps.

## **Fourteenth Issue - Boards and Commissions**

**Discussion** **Articles XV** through **XVII** establish and detail the operations of the Planning Commission, Board of Zoning Appeals and the Board of Building Standards and Building Appeals, respectively. The establishment of such bodies in the **Charter** raise the general issue of flexibility and detail; that is, the **Charter** can detail these bodies to emphasize their independence or it can require Council to provide for the handling of the issues that face each board.

To some extent, the choice represents what academics like to call a "value preference," a choice among philosophies. Some apparently like explicit provisions that can only be changed by amending the **Charter**. Those more concerned with efficient service delivery may opt for more flexibility in administration.

#### **Fifteenth Issue - The Provisions on Lakewood Hospital**

**Discussion** A final issue deals with the relevance and accuracy of *Sections 2 through 4* of **Article XX** in light of the first *Section*. This **Article** has been extensively amended and it is not clear that the result has been consistent provisions.

## Conclusion

We submit these recommendations and issues in the hope they will prompt action on our **Charter** and assist the Task Force in its deliberations. Preparation of a rewritten **Charter** was not feasible in light of our time constraints. The presentations and ideas we received were so broad and varied that rewriting was not feasible. Furthermore, many of these ideas warrant significant community review.

A **Charter** is the fundamental law of a municipality and should reflect the desires of the community clearly. Our current **Charter** appears to have evolved over time, but not necessarily kept pace with changing dynamics of the city. The suggested changes and further review are necessary as we deal with the increasing complexities of being an inner suburb.



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Sara J. Fagnilli, Chair



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Edward FitzGerald, Vice Chair



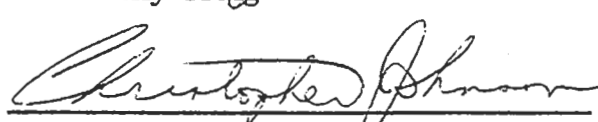
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Alice Bader



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Kathy Craig



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Christopher Johnson



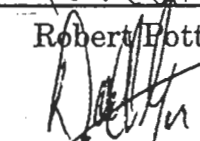
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Kenneth Laino



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Robert Potts



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Daniel Stringer



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James Westfall

**Appendix A**  
*Section 10, Article XXII*  
**Lakewood Amended City Charter**

In January of 1985 and of each tenth year thereafter, nine (9) electors of the City shall be appointed as members of a **Charter Review Commission** pursuant to this *section*. Five (5) of the members of the **Commission** shall be appointed by a vote of at least a majority of the members of the Council, and four (4) members of the **Commission** shall be appointed by the Mayor. Members of the **Commission** shall not hold any other office or position of employment with the City. The **Commission** shall review the **Charter** and within six (6) months after the appointment of its members, may recommend to the Council by a two-thirds (2/3) vote of the members of the **Commission**, revisions and amendments to this **Charter**. The Council may submit any proposed amendments recommended by the **Commission** to a vote of the people in the manner provided under this **Charter** and the **Constitution** of Ohio. Such amendments shall be in the form as provided by the Council. (Amended 11-3-81.)

**Appendix B**  
Letters to Administrators and Citizens



Sara J. Fagnilli, Chair  
Lakewood Charter  
Review Commission

Dear Department/Commission Head:

I am writing on behalf of the **Lakewood Charter Review Commission**, (the **Commission**.) The **Commission** has nine (9) members appointed by City Council and the Mayor. Its responsibility is to review the **Charter** and recommend to the Council any revisions that may be necessary to govern our city more effectively. The **Commission** has six (6) months to complete this task.

In order to expedite this process, the **Commission** is asking for feedback from those departments and commissions that operate directly under the guidelines of the **Lakewood City Charter**. Your comments and suggestions will assist the **Commission** in its effort to improve the governing of our city. You may comment on the **Charter** generally, as well as specifically on those provisions which directly impact the performance of your duties.

After reviewing the content of the written responses, you may be invited to share your views with the **Commission** in person. This will allow the **Commission** to explore your views more fully.

The **Commission** respects the knowledge of those who direct public services. With this in mind, I hope you will take a moment to share your comments and suggestions. Please forward your comments to Ms. Karen Schaser, Clerk of Council, by Monday, May 1, 1995.

If you have any questions about this request or the **Commission** generally, please feel free to contact me at 521-8882 or the Director of our staff, Dr. Lawrence Keller, at 687-2173. We look forward to your help in improving the governing of our city.

Sincerely,

Sara J. Fagnilli  
Chair, **Charter Review Commission**



Sara J. Fagnilli, Chair  
Lakewood Charter  
Review Commission

NOTE: This was sent to all newspapers but they did not print it.

April 20, 1995

Dear Lakewood Citizen:

I am writing on behalf of the **Lakewood Charter Review Commission**, (the **Commission**.) The **Commission** has nine (9) members appointed by City Council and the Mayor. Its responsibility is to review the **Charter** and recommend to the Council any revisions that may be necessary to govern our city more effectively. The Commission has six (6) months to complete this task.

The **Commission** requests any citizen who is interested to submit in writing their comments on revising the **Charter**. Please send your comments and suggestions to the following address:

**Lakewood Charter Review Commission**  
c/o Clerk of Council  
Lakewood City Hall  
12650 Detroit Avenue  
Lakewood, Ohio 44107

The current **City Charter** is available for viewing at City Hall. If you have any questions about the **Commission** generally, please feel free to contact me at 521-8882 or the Director of our staff, Dr. Lawrence Keller, at 687-2173. We look forward to your help in improving the governing of our city.

Sincerely,

Sara J. Fagnilli  
Chair, **Charter Review Commission**

**Appendix C**  
**Short Term Recommendations with Transmittal Letter**  
**Lakewood Charter Review Commission**



Sara J. Fagnilli, Chair  
Lakewood Charter  
Review Commission

July 3, 1995

The Honorable Jo Ann Boscia  
President, Lakewood City Council  
City Hall  
12650 Detroit Avenue  
Lakewood, Ohio 44107

Dear Council President Boscia:

It is my pleasure as Chair of the **1995 Lakewood Charter Review Commission** to transmit to Council the following proposed **Charter** amendments. We are recommending that these be placed on the November ballot. I will briefly describe each and why we are recommending them. The changes are detailed in the attachment to this letter titled **Short Term Recommendations of the Lakewood Charter Review Commission**. The attachment lists the current provision first then how the provision would read with our amendments. The added language is indicated in *italics*.

Our first recommendation is to delete the investigatory authority granted to the Mayor in **Article II, Section 7**, of the **Charter**. The **Commission** believes that the extensive administrative authority granted to the Office of Mayor is sufficient for the honest and efficient conduct of city government. The investigatory authority in this section is not only unnecessary but could be abused.

Our second recommendation is to require codification of the ordinances and their publication. Even though codification is currently done annually, the **Commission** believes it should be required. Furthermore the Code should be made available for public inspection. Our amendments to **Article III, Sections 13** and **14** call for codification, explain what it meant by that term and what constitutes *publication*, that is, making the Code available to the public. Without requiring codification in the **Charter**, the **Commission** fears that short term issues such as a financial crisis could postpone codification. Codification is important since the public needs to know what is the law.

Our final recommendations call for having future **Charter Review Commissions** meet in even numbered years and for the Council to be required to place the recommendations of future **Commissions** on the ballot. Currently, the **Charter** calls for the **Charter Review Commissions** to meet in election years.

We think this complicates a thorough, unbiased review of the **Charter** and could involve what a **Commission** may see as a legal requirement becoming a political issue. This would make it difficult for citizens, and even public officials, to understand the issue.

We also believe that any recommendations from a **Charter Review Commission** should be placed on the ballot. The current **Charter** provisions, **Article XXI, Section 10** permit Council to determine which recommendations shall be submitted to the voters. We believe this could thwart the purpose of having a group of citizens review the **Charter**. We prefer to have recommendations from **Charter Review Commissions** handled the same as proposed **Charters** from **Charter Commissions**. Proposed **Charters** must be placed on the ballot by Council. This procedure insures that a citizen review is implemented on the ballot.

We agree with the belief of the first **Charter Review Commission** convened in 1985 that the current **Charter** needs a thorough revision. However, such a revision requires public input as well as a longer tenure than the six (6) months we are granted under the **Charter**. We also believe that just noting the problem is not sufficient. Thanks to the persistence of the members of the **Commission** and the provision of staff by the Council and Mayor, we are committed to compiling a **Final Report** that would detail the shortcomings of the current **Charter**; note issues with which the community needs to be involved; and propose a process for dealing with the problems and issues. The **Commission** will transmit the **Final Report** to Council in September.

If you have any questions about the recommendations or our agenda, please feel free to contact me at 521-8882. Please let me know if the Council would like to have the **Commission** or some of its members meet with the Council. I speak on behalf of all members in noting we have enjoyed the privilege of helping to improve our community.

Sincerely,

Sara J. Fagnilli  
Chair  
**1995 Charter Review Commission**

cc: Members of Council  
Mayor  
Members, LCRC  
Dr. Lawrence F. Keller

Enclosure  
**Short Term Recommendations**

**Short Term Recommendations**  
**Lakewood Charter Review Commission**  
**June, 1995**

***First Recommendation*** - delete *Section 7* of **Article II** and renumber the *Sections* following it

### Current Provision

#### ***SECTION 7. MAYOR'S INVESTIGATION.***

The Mayor may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. The Mayor or any person or persons appointed by him to examine the affairs of any department or the conduct of any officer or employee, shall have the same power to compel the attendance of witnesses, and the production of books and papers and other evidence and to cause witnesses to be punished for contempt through appropriate judicial proceedings, as is conferred upon the Council or a Committee thereof, by this **Charter**, or by law. (Amended 11-5-85 .)

### Recommended Provision

*None; deletion of current provision*

Renumber *Sections 8, 9, and 10* of **Article II** to *7, 8, and 9* respectively

(c) *The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this **Charter** to be printed promptly following its adoption, and the printed ordinances, resolutions and **Charter** amendments shall be distributed or sold to the public at reasonable prices as fixed by the Council. Following publication of the first **City of Lakewood Code** and at all times thereafter, the ordinances, resolutions and **Charter** amendments shall be printed in substantially the same style as the **Code** currently in effect and shall be suitable in form for integration therein. The Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the **Constitution** and other laws of the State of Ohio, or the Codes of Technical Regulations and other rules and regulations included in the **Code**.*

#### **SECTION 14. PUBLICATION OF ORDINANCES AND THE CODE.**

The Council may, by ordinance, prescribe the manner of giving public notice of the passage of any and all ordinances resolutions or other acts, procedures, statements, including financial statements, or reports required by law to be published or given; provided however, that such manner prescribed by Council shall include posting copies thereof, for a period of not less than fifteen (15) days, in not less than five (5) of the most public places in the City, which places shall be determined by Council. (Amended 11-2-65.)

*The Council shall also make available for public inspection, copies of the **City of Lakewood Code**. Copies shall be available for public inspection at no cost to the public in the City Municipal Center, the Lakewood Library and its branches and at other public locations if so determined by Council.*

***Third and Fourth Recommendations*** - Amend **Article XXI, Section 10** to change the timing of Charter Review Commissions to even years by amending the calling of the next Charter Review Commission to be in nine (9) years; and, eliminate the discretion of Council in reviewing recommendations of Charter Review Commissions.

### Current Provisions

#### ***SECTION 10. CHARTER REVIEW COMMISSION.***

In January of 1985 and of each tenth year thereafter, nine (9) electors of the City shall be appointed as members of a **Charter Review Commission** pursuant to this **section**. Five (5) of the members of the **Commission** shall be appointed by a vote of at least a majority of the members of the Council, and four (4) members of the **Commission** shall be appointed by the Mayor. Members of the **Commission** shall not hold any other office or position of employment with the City. The **Commission** shall review the **Charter** and within six (6) months after the appointment of its members, may recommend to the Council by a two-thirds (2/3) vote of the members of the **Commission**, revisions and amendments to this **Charter**. The Council may submit any proposed amendments recommended by the **Commission** to a vote of the people in the manner provided under this **Charter** and the **Constitution** of Ohio. Such amendments shall be in the form as provided by the Council. (Amended 11-3-81.)

### Recommended Provisions

#### ***SECTION 10. CHARTER REVIEW COMMISSION.***

In January of 2004 and of each tenth year thereafter, nine (9) electors of the City shall be appointed as members of a **Charter Review Commission** pursuant to this **section**. Five (5) of the members of the **Commission** shall be appointed by a vote of at least a majority of the members of the Council, and four (4) members of the **Commission** shall be appointed by the Mayor. Members of the **Commission** shall not hold any other office or position of employment with the City. The **Commission** shall review the **Charter** and within six (6) months after the appointment of its members *in January*, may recommend to the Council by a two-thirds (2/3) vote of the members of the **Commission**, revisions and amendments to this **Charter**. The Council *shall* submit any proposed amendments recommended by the **Commission** to a vote of the people in the manner provided under this **Charter** and the **Constitution** of Ohio. Such amendments shall be in the form as provided by the Council. (Amended 11-3-81.)

**Appendix D**  
**Article XVIII**  
**Ohio Constitution**

## Article XVIII

### ***Section 1. Classification of Cities and Villages; transition***

Municipal corporations are hereby classified into cities and villages. All such corporations having a population of five thousand or over shall be cities; all others shall be villages. The method of transition from one class to the other shall be regulated by law.

(1912 Constitutional Convention, adopted effective 15 November 1912)

### ***Section 2. General laws for incorporation and government of municipalities; additional laws; referendum***

General laws shall be passed to provide for the incorporation and government of cities and villages; and additional laws may also be passed for the government of municipalities adopting the same; but no such additional law shall become operative in any municipality until it shall have been submitted to the electors thereof, and affirmed by a majority of those voting thereon, under regulations to be established by law.

(1912 Constitutional Convention, adopted effective 15 November 1912)

### ***Section 3. Municipal powers of local self-government***

Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.

(1912 Constitutional Convention, adopted effective 15 November 1912)

### ***Section 4. Municipality may acquire public utility or contract for utility services***

Any municipality may acquire, construct, own, lease and operate within or without its corporate limits, any public utility the products, or services of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service. The acquisition of any such public utility may be by condemnation or otherwise, and a municipality may acquire thereby the use of, or full title to, the property and franchise of any company or person supplying to the municipality or its inhabitants the service or produce of any such utility.

(1912 Constitutional Convention, adopted effective 15 November 1912)

### ***Section 5. Referendum on acquiring or operating municipal utility***

Any municipality proceeding to acquire, construct, own, lease or operate a public utility, or to contract with any person or company therefor, shall act by ordinance and no such ordinance shall take effect until after thirty days from its passage. If

within said thirty days a petition signed by ten per centum of the electors of the municipality shall be filed with the executive authority thereof demanding a referendum on such ordinance it shall not take effect until submitted to the electors and approved by a majority of those voting thereon. The submission of any such question shall be governed by all the provisions of Section 8 of this Article as to the submission of the question of choosing a Charter Commission.

(1912 Constitutional Convention, adopted effective 15 November 1912)

***Section 6. Sale of surplus product of municipal utility; limitation***

Any municipality, owning or operating a public utility for the purpose of supplying the service or product thereof to the municipality or its inhabitants, may also sell and deliver to others any transportation service of such utility and the surplus product of any other utility in an amount not exceeding in either case fifty per cent of the total service or product supplied by such utility within the municipality, provided that such fifty per cent limitation shall not apply to the sale of water or sewage services.

(1912 Constitutional Convention, adopted effective 15 November 1912)

***Section 7. Municipal Charter***

Any municipality may frame and adopt or amend a Charter for its government and may, subject to the provisions of section 3 of this Article, exercise thereunder all powers of local self-government.

(1912 Constitutional Convention, adopted effective 15 November 1912)

***Section 8. Referenda on whether to frame Charter and on adoption of proposed Charter***

The legislative authority of any city or village may by a two-thirds vote of its members, and upon petition of ten per centum of the electors shall forthwith, provide by ordinance for the submission to the electors, of the question, "Shall a commission be chosen to frame a Charter." The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the municipality at large of fifteen electors who shall constitute a Commission to frame a Charter; provided that a majority of the electors voting on such question shall have voted in the affirmative. Any Charter so framed shall be submitted to the electors of the municipality at an election to be held at a time fixed by the Charter Commission and within one year from the date of its election, provision for which shall be made by the legislative authority of the municipality in so far as not prescribed by general

law. Not less than thirty days prior to such election the clerk of the municipality shall mail a copy of the proposed Charter to each elector whose name appears upon the poll or registration books of the last regular or general election held therein. If such proposed Charter is approved by a majority of the electors voting thereon it shall become the Charter of such municipality at the time fixed therein.

(1912 Constitutional Convention, adopted effective 15 November 1912)

### ***Section 9. Amendment of Charter; referendum***

Amendments to any Charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors shall be governed by the requirements of Section 8 as to the submission of the question of choosing a Charter Commission; and copies of proposed amendments may be mailed to the electors as hereinbefore provided for copies of a proposed Charter, or, pursuant to laws passed by the General Assembly, notice of proposed amendments may be given by newspaper advertising. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter of the municipality. A copy of said Charter or any amendment thereto shall be certified to the secretary of state, within thirty days after adoption by a referendum vote.

(1912 Constitutional Convention, adopted effective 15 November 1912)

### ***Section 10. Acquiring property exceeding public needs***

A municipality appropriating or otherwise acquiring property for public use may in furtherance of such public use appropriate or acquire an excess over that actually to be occupied by the improvement, and may sell such excess with such restrictions as shall be appropriate to preserve the improvement made. Bonds may be issued to supply the funds in whole or in part to pay for the excess property so appropriated or otherwise acquired, but said bonds shall be a lien only against the property so acquired for the improvement and excess, and they shall not be a liability of the municipality nor be included in any limitation of the bonded indebtedness of such municipality prescribed by law.

(1912 Constitutional Convention, adopted effective 15 November 1912)

### ***Section 11. Assessment of benefitted property to pay for improvements***

Any municipality appropriating private property for a public improvement may provide money therefor in part by assessments upon benefitted property not in excess of the special benefits conferred upon such property by the improvements. Said assessments, however, upon all the abutting, adjacent, and other property in the district benefitted, shall in no case be levied for more than fifty per centum of

the cost of such appropriation.

(1912 Constitutional Convention, adopted effective 15 November 1912)

***Section 12. Mortgage bonds to finance municipal utilities***

Any municipality which acquires, constructs or extends any public utility and desires to raise money for such purposes may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law; provided that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such municipality but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise upon foreclosure.

(1912 Constitutional Convention, adopted effective 15 November 1912)

***Section 13. Law limiting municipal power to tax and incur debts; financial reports; audits***

Laws may be passed to limit the power of municipalities to levy taxes and incur debts for local purposes, and may require reports from municipalities as to their financial condition and transactions, in such form as may be provided by law, and may provide for the examination of the vouchers, books and accounts of all municipal authorities, or of public undertakings conducted by such authorities.

(1912 Constitutional Convention, adopted effective 15 November 1912)

***Section 14. Municipal Elections***

All elections and submissions of questions provided for in this Article shall be conducted by the election authorities prescribed by general law. The percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding general municipal election.

(1912 Constitutional Convention, adopted effective 15 November 1912)

**Appendix E**  
**Article, New York Times**  
**Sunday, 26 February 1995**

**Appendix F**  
**Outline of the History of the Lakewood City Charter**

## Brief History of Home Rule in Lakewood

- 1912 Ohio Constitutional Convention proposes **Article XVIII** which empowers municipalities to write their own **Charters** by a **Charter** Commission of fifteen (15) members elected at-large from the municipality in a non-partisan election
- 1913 **Charter** Commission elected in Lakewood, 22 April 1913, reports back a proposed **Charter** to the voters 22 July 1913
- 1914 **Charter** takes effect on 1 June; calls for non-partisan elections as soon as state law permits; Council is elected at large; assessment provisions originate; amendments added in 1917 provide for women suffrage and Mayor to devote all business time to city
- 1929 Several major amendments added to the **Charter**; Lakewood Hospital established; election of four (4) Councilmembers from wards; non-partisan ballot; Mayor can appoint one or more officials to conduct investigation (root of current Mayoral investigatory authority)
- 1952 **Charter** Committee appointed by Council; records spotty about when it actually met but apparently this is the body that writes the current **Amended City Charter**
- 1957 **Amended City Charter of Lakewood** takes effect; added Mayor as a person who could conduct an investigation not just appoint an official to do so; much of the original **Charter** as amended was retained
- 1981 Another **Charter** Committee proposes some amendments many of which are adopted; record is spotty but this group adds provision for the **Charter Review Commission**
- 1985 First **Charter Review Commission** is appointed and makes several recommendations; main one deals with Lakewood Hospital, enabling a leasing operation
- 1995 Second **Charter Review Commission** appointed; first **Review Commission** to have staff; recommendations pending completion of review

# Index

The Index is comprehensive and covers the Preface, Summary, appendices, etc. If a number refers to the Preface, that word will precede the number. If the number refers to an appendix, the letter of the appendix will precede the number. Note the page with the title of the appendix is page one.

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