

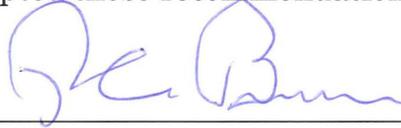
Final Report

**With Section by Section Comparison of Proposed Third Amended Charter of Lakewood
with Second Amended Charter of Lakewood**

Lakewood Charter Review Commission
Charter Review 2014
12 August 2014

Signatures

We, the members of the 2014 Charter Review Commission, hereby attach our signatures to acknowledge that we adopted these recommendations by a two-thirds vote and now send them to the city council.



Tom Brown, Chair



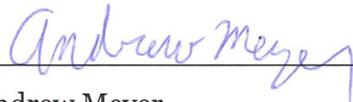
Jay Carson



Stephen M. Davis



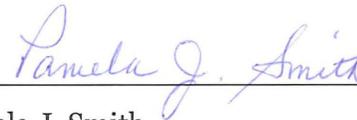
Scott Kermod



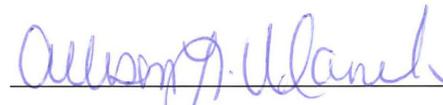
Andrew Meyer



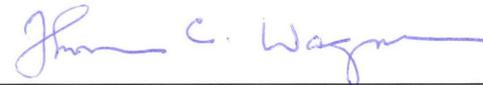
Ed Monroe



Pamela J. Smith



Allison L. Urbanek



Thomas C. Wagner

Background

The Lakewood city charter requires a charter review every ten years. Charter review is a citizen appraisal of the existing charter. Nine citizens are appointed to a charter review commission and have six months to do the review. City council appoints five members and the mayor four. The commission recommends changes to the city council by a two-thirds vote of all members. Council may or may not place any of the recommended changes on the ballot. The charter can only be amended by a vote of the citizens on specific amendments or on an amended charter that the council places on the ballot.

The commission had impressive members. All are active in Lakewood public affairs. One had served on previous charter review commissions. Two had served on council and one had been the law director. Several members were attorneys, with one having an active municipal law practice. Members had served on boards and commissions as well. Thus, the commission combined knowledge of municipal affairs with practical experience in the community.

The charter review commission of 2014 was appointed in February 2014. The commission quickly decided to rewrite the existing charter. Though the Lakewood charter had been reviewed three times before, and was recently amended, much of the charter had not been reviewed. In fact, many sections were part of the original home rule charter adopted in 1913. The provisions were sometimes unnecessary, sometimes outmoded and often incorrectly expressed. Most importantly, the charter had not been reviewed as a whole, with the parts working together to form an efficient and effective government. The creation of a holistic updated charter was the goal of the 2014 commission.

The Process

The commission decided to meet once a week on Monday evenings at 6:30 PM. The city, through the law director, provided each member with a binder. The binder contained a copy of the current charter, the Second Amended Charter of Lakewood, and documents from previous charter reviews. In addition, the city hired Dr. Larry Keller as staff for the commission. Dr. Keller was staff for the second charter review commission in 1995 and served on and was secretary of the third charter review commission of 2004. As part of his academic work, Dr. Keller has worked with many charter and charter review commissions in Ohio.

The mayor and city council provided direct support and encouragement for the work of the commission. In fact, council had Dr. Keller offer a session in January 2014 overviewing the nature of city charters and the purpose of

charter review. Dr. Keller also provided a written overview of the Second Amended Charter of Lakewood and presented it at the initial meeting of the charter review commission.

The commission worked as a committee of the whole to draft a charter. The committee of the whole started with the first article, analyzing the current content. If the committee determined a provision needed to be changed, they outlined the desired changes and assigned a member or members to draft a new provision. The new provision was then reviewed at the next meeting of the committee and adopted, either as drafted or after amendments were made. The result was a totally revised charter with all provisions reviewed. At the second-to-final meeting, on 4 August 2014, the committee of the whole approved a draft Third Amended Charter unanimously. At the following and final meeting, the charter review commission unanimously approved the Third Amended Charter as sent from the committee of the whole. The commission then sent the Third Amended Charter along with its final report to the council.

A preliminary issue was form of government. The 2004 charter review commission had recommended that council look at the council-manager form of government. The committee of the whole devoted several sessions at the start of the process to the issue of form of government. One session was with two city managers, Ken Filipiak of Mentor and Randy Sharpe of Chardon, and the assistant city manager of Mentor, Tony Zampedro. Another session was with the current mayor of Lakewood, Mike Summers. After extensive discussion following the presentations by the city managers and mayor, the committee voted 5-4 to retain the current council-strong mayor form of government.

The commission sought assistance on several other issues. The commission invited the law director to attend as many of its meetings as possible. In fact, the draft revised charter prepared for the committee of the whole was written by the law director, implementing the proposals of the committee and putting the charter into "one voice." A subcommittee of the committee of the whole met with the Cuyahoga County Board of Elections to determine how provisions on elections, and on procedures involving elections, such as the initiative, referendum and recall could be better written. The goal was to have updated provisions that were accurate and expressed as much as possible in relative terms so they would not have to be amended if some parts of the election requirements were changed.

Similarly, the staff director and several members of the committee of the whole met with the finance director. Charter provisions on finance were scattered throughout the current charter. With the assistance of the finance director working with the law director and bond counsel, the finance provisions were completely revised, updated and placed in a new separate article. The bond counsel approved the provisions of Article Five. The committee of the whole also met with the chairs, or their representatives, of the civil service commission, the planning commission, the board

of zoning appeals and the board of building standards and building appeals. These meetings facilitated the revising of the charter provisions on boards and commissions. The resulting charter changes will be specified in the next section.

Finally, the committee met with the city council. The council was appraised of the commission's intention to do a complete revision of the charter, a goal with which they agreed. The members who attended the meeting were briefed on the work that had been done prior the meeting and what remained to be completed.

Parenthetically, the commission was impressed with all with whom they met, particularly those from the city. The city has attracted talented and committed citizens and officials. They were willing to share whatever information the commission wanted and were always willing to respond to any inquiries. They deserve a charter as good as it can be.

The Revised Charter

The Third Amended Charter is an integrated document that updates all of the Second Amended Charter. To understand the differences between the two charters, this document contains a table which notes how each provision of the Second Amended Charter was evaluated. Any changes are noted for each subsection in tabular form. If the provision was retained, its location in the Third Amended Charter is noted. If the provision was changed, the changes are detailed. In cases when the substance did not change but the language did, the expression "substantively the same" or "substantively unchanged" is used to indicate the wording may be different but the effect is the same. Some provisions were removed from the charter and were recommended to become ordinances. These are so indicated. Some provisions were deleted and this is noted where appropriate. This section will highlight the main changes and the reasons for the changes.

The commission decided to use a different system of identifying provisions of the charter. The current charter used roman numerals for article numbers and the section symbol (§) for sections. This complicated both looking up provisions and seeing how they were related to the document over all. In contrast, the commission elected to use words for article numbers and identify sections by numbers. Each section is thus identified by the article number and the section separated by a period. Thus the first section of the revised charter is section 1.1. Subsections are identified by letter, starting with lower case letters. Thus the section on the qualifications for members of council is 2.2(a). Changes to the charter in this section will be noted in the new style.

The commission also agreed to use a common style throughout the charter. Numbers one to nine are written as words and those 10 and beyond are expressed as numbers. Numbers in parentheses after written numbers were eliminated. The term “elector” was replaced with “registered voter.” The board of elections uses the registered voter list when evaluating if a person or candidate was an elector. Thus it made sense to use the more familiar phrase, “registered voter,” in the charter. Capitalization was based on the AP style guide and Ohio Supreme Court writing manual, which minimize the number of words that are capitalized. All provisions were expressed in gender-neutral language. Finally, unnecessary expressions such as “herein provided” were eliminated and the text written to read clearly and smoothly.

The commission had an overarching philosophy of increased professionalism, modernization, and flexibility that motivated most of its changes. The commission wanted to give Lakewood a charter that would codify, preserve and protect the most essential components of good municipal governance in a democracy without handcuffing the ability of future mayors and council to efficiently and proactively address the unforeseen challenges they will undoubtedly face in the next decade. In addition, the commission proposed both new ethics and innovative training provisions in Article Eight to provide those in government with the skills and outlook to enhance local governance both in policy and practice. In short, the commission wanted to promote professionalism while providing modern flexibility in governance.

An example of the flexibility is Article Nine on elections. If the state of Ohio, or the county board of elections, changes the procedures for conducting a municipal election Lakewood would not be required to expend the money and effort it would take to amend its charter to conform to those changes. At the same time, the commission was keenly aware of the need to preserve Lakewood’s constitutional rights under the home rule doctrine to deviate as desired from certain state statutes. With this philosophy in mind, the commission made the following specific changes.

The preamble was maintained as it was in the current charter. Minor changes were made to Article One. The word municipal was added to both the article and Section 1.1 titles to specify the topic more exactly. A more significant amendment is the definition of “general law” in Section 1.3. General law normally refers to state law that is applicable throughout the state. However, Article XVIII of the Ohio Constitution, the home rule article, uses the term in a more specific manner. (See Sections 2 and 3 of Article XVIII.) Home rule permits municipalities – villages and cities – to promulgate and use their own laws rather than adhere to state statutes. Municipalities can operate under their own laws by creating a charter commission and adopting a charter. Lakewood adopted its original charter in

1913. If municipalities do not adopt a charter, they are bound by state law in all aspects of their government. However, under Article XVIII, and selected other articles of the Ohio Constitution, such as Section 6 of Article XIII, the state may pass laws that preempt home rule. To preempt home rule the state legislature must pass a “general law” under Article XVIII of the Ohio Constitution. Some of these general laws permit municipalities to opt out of the law. To opt out, a municipality must state that intention, most often in its charter. Sections 5.10 and 5.11 of the proposed Third Amended Charter are examples of opting out of state law requirements. A careful definition of how the term “general law” is used in the charter is a necessity and must be expressed in a legally sufficient manner. This is done in the last two sentences of section 1.3.

Articles II, covering the mayor, and Article III, covering the council, of the current charter are flipped in the Third Amended Charter. In political philosophy, the lawmaking body, the legislature, is the most important. This is why Article I of the U. S. Constitution deals with Congress. Thus, Article Two in the proposed Third Amended Charter is concerned with council and Article Three the office of mayor.

In both Articles Two and Three, most changes were minor. An exception is the removal of Sections 9, 14, 15 and 16 of the existing Article III. These dealt with financial requirements and processes. Modified versions of these provisions are now part of Article Five, the finance provision. Most sections that were retained were revised to express more clearly the requirements and intents of the provisions. In some cases, provisions were divided into subsections to separate topics and increase the “readability” of the charter. An example is Section 2.2; Article III §2 was a single paragraph but Section 2.2 of the revised charter has two subsections.

Another change was to Articles II, §5, and III, §3, dealing with the salaries of the mayor and city council respectively. Under the existing charter, council can set the salaries, either by an ordinance for that purpose or by acting upon a recommendation of the civil service commission under Article XI, §7. Under Sections 2.3 and 3.5 of the Third Amended Charter council may still set salaries by ordinance but recommendations on salaries of council and mayor go into effect if council takes no action within 90 days of receipt. The civil service commission recommends to council salaries for the office of mayor and councilmembers under section 6.7 every four years. Increases are limited to no more than 10 percent unless there has been no salary increase in the last 10 years.

Language describing when any appointed member of council, Section 2.2(b), or an appointment to the office of mayor, Section 3.8(b), fills out a term or runs in the next election was changed to reflect the meetings with the board

of elections. The main purpose of the change was to provide other potential candidates with sufficient time to run effectively in any required election.

Voting by council is proposed to be either by a majority of those present or by two thirds of all members. In the current charter a variety of expressions were used. Some topics were reorganized and/or retitled. For example, the open meeting requirement for council sessions was moved from Article III §5, Organization and Open Meetings, and put into Section 2.4 with the title, “Meetings and Election of Officers.” The latter section dealt with meetings generally and placing the open meeting requirement with the general meeting provision is more logical. As a result of such revisions, finding all the provisions on a particular topic should be easier.

All the specific changes to the existing Articles II and III are detailed in the table of changes in the last section of this report. Most sections were rewritten even if the substantive content was not changed. The editing creates a more uniform charter that is easier to read.

Articles IV through X dealt with departments, the first a somewhat general provision and the following articles focused on specific departments. The commission determined that naming specific departments in the charter thwarted effective management as any changes in the organization of government would require a charter amendment or amendments. The commission recommended a general provision, Article Four, on departments that grants council the authority to create and abolish departments. The article also establishes the departments of law and finance. These two are necessary departments. Law is important as home rule requires the city to be legally careful in crafting law and policies. Law and policies must conform to any state general law under Article XVIII of the state Constitution as well as be effectively written. Finance is the core of governing as it provides the resources for government. In addition, cities in Ohio must have balanced budgets and thus a robust finance system is a necessity. Article Four also establishes the qualifications for and the authority of the law director (4.3) and the finance director (4.4).

Article Five covers all aspects of finance for the city. Currently, as was noted above about council, charter provisions on finance were scattered throughout the charter. Given the importance of finance in governing the commission found that highly undesirable. In most cases provisions were placed in the new finance article with little or no substantive change. Some provisions, particularly 5.10 and 5.11, are required legally in light of existing financial liabilities and general law. Provisions for operating and capital budgets were updated to reflect both current theory and practice. The updating as well as the general writing of Article Five was the result of working with the finance and

law directors as well as the bond counsel, who has given final approval of the article. Bond counsel is the official responsible for the legal obligations connected with any indebtedness. As a result of this collaboration the finance article not only expresses accurately current practice but provides for effective financial management in the future.

Similar to the specific articles on departments, four current articles dealt with boards and commissions. This made it difficult to find provisions that applied to all boards and commissions. Boards and commissions have critical authority for the city, making decisions about the nature of the work force of the city as well as building and zoning requirements. Moreover, membership on a board or commission is often the first official position for active citizenship, involving citizens in making significant community decisions. In light of these considerations, the commission wanted a general provision on boards and commissions that unified their general authority and management. In light of the significance of civil service, the providing of a professional workforce for the city, a separate article was devoted to the civil service commission.

Thus Article Six covers the civil service commission. For the most part provisions are substantively the same though edited for clarity. One change was to alter the timing of salary recommendations for the council and mayor from every two years to every four years. Every two years seemed unnecessarily often. Also the timing of the recommendations was tied to the general presidential election.

Article Seven establishes boards and commissions for the city. This article replaces Articles XII, XIII and XIV of the current charter. Section 7.1(a) authorizes council to create additional boards and commissions. The following section, 7.1(b), exhorts appointing authorities for members of boards and commissions to appoint members expeditiously so that a new appointee can attend at least one meeting of the board or commission to which he or she was appointed before the appointment takes effect. This process can serve as orientation for new members and help them become acquainted with the work of the board or commission before assuming office. Section 7.1(c) centralizes and clearly states the mostly existing authority to issue subpoenas and require oaths to facilitate the work of the boards and commissions. Failure to respond to requests made by a subpoena may be taken into consideration for a final decision by a board or commission.

Section 7.2 deals with the planning commission. Membership of the commission was reduced from seven to five members, each serving a five-year staggered term. The reduction reflects making the city engineer or the person serving in that capacity a non-voting ex-officio member rather than a full member as is the case with the current charter. The commission assumes that when the next term of a planning commission member expires the member

will not be replaced. This would reduce the planning commission to five members, the same number as the other two boards in Article Seven. Thus all the charter created boards and commissions would have five members serving staggered five-year terms with the exception of the civil service commission which has three members, and the charter review commission, which has nine members.

Sections 7.3 and 7.4 dealt with the board of zoning appeals and the board of building standards and building appeals, respectively. These sections are substantively the same as Articles XIII and XIV in the current charter though edited in both format and language to be more logically organized and readable. The concluding section, Section 7.5, of Article Seven deals with the charter review commission. Section 7.5(a) had been in the final article, Article XXIII §8, of the current charter. It is more logical to include it with other boards and commissions. The provision was edited but is substantively the same. The provision for amendments to the charter, which was in §6 of Article XXIII in the current charter, was placed in section 7.5(b) as it logically fits with review of the charter.

Article Eight is a major addition to the Lakewood charter. Section 8.1 deals with ethics of governing and 8.2 with mandated training for newly elected members of council and mayors. Section 8.1(a) expresses the expectation of ethical government and what that means in general. Open government conducted respectfully is desired. Section 8.1(b) requires elected and appointed officeholders to take an oath of office promising to faithfully discharge the duties of their positions. Section 8.1(c) specifies ethical behaviors and notes behaviors that are proscribed. The section also empowers council to add to the ethical requirements.

Section 8.2 requires newly elected members of council to have four hours of training. Newly elected mayors are to have 16 hours of training. Council is empowered to create requisite training sessions and to pay for their offering. Anyone completing such training shall file a signed certificate to that effect with the clerk of council.

Article Nine has all the election-related actions, from elections generally to the initiative, referendum and recall. Article Nine replaces Articles XIX, XX, XXI and XXII of the current charter. Substantively, changes were made to the initiative, referendum and recall procedures to be more workable. These revisions were greatly helped by the suggestions of the board of elections. Current provisions require the clerk of council to certify petitions which he or she could not do. The revised procedures has the board of elections do such checking, which is how the process has to be completed. The only significant change was the time allotted to gather additional signatures on a recall petition. The current provision, Article XXII §5, allotted 20 days for that activity. The commission changed that to 15

days in section 9.4(e) to be the same as with initiative and referendum supplemental petitions. All other procedures for elections, initiative, referendum and recall are in essence the same as in the current charter.

Article XV is no longer applicable as Lakewood Hospital is a leased facility and will remain as such for the foreseeable future. It is improbable that the city would ever run the hospital as in the past as the structure of healthcare has permanently changed. Thus 11.1(e) permits the city to lease the hospital on terms set by council after the expiration of the current lease to the Cleveland Clinic-managed Lakewood Hospital Association. This could be a renewal of the current lease as well as a new lease.

The majority of two existing articles, XVI and XVIII, were outmoded and the content is recommended to become ordinances. The change to ordinances will occur simultaneously with the preparation of the ordinances placing provisions on the ballot. However, some of the content is relevant and was placed appropriately in the proposed Third Amended Charter. Specifically, Article XVI §2 and §19 on assessments and sidewalks is covered by section 5.8. Sections 29, 30 and 31 of Article XVI are in 5.10(a), 5.10(b) and 5.10(c), respectively. The core of Article XVI is the substance of section 5.8; all other provisions in Article XVI will become an ordinance or ordinances. Article XVIII is no longer applicable and the content will become ordinances.

Article XVII §§1, 2, 3 and 4 were edited and put into Article Ten as 10.1, 10.2, 10.3 and 10.4. Article Ten retains the title, Appropriation of Property. The title of 10.2 was changed from declaratory resolution in Article XVII §2 to initial resolution as that describes more logically the process for the appropriation of property.

The last article of the current charter, Article XXIII, General Provisions, was greatly modified. The current provision contains a hodge podge of statements that had no inherent relation to each other and often each statement related to another part of the charter. The statements related to other topics were placed in the appropriate section of the Third Amended Charter. Specifically, §2 required officers of the city to take an oath of office. This for the commission was part of the ethical conduct of government and so was edited as 8.1(b). Section 3, Activity of Officials and Employees Restricted, was extensively amended and becomes section 8.1(c), Public Ethics. Section 6 detailing how the charter can be amended and §8 on the charter review commission were placed in Article Seven, Boards and Commissions, as 7.5(b) and (a), respectively, with the same titles. As noted above when describing the finance article, §9 (A), (B) and (C) dealt with bonds and indebtedness. These were edited and became 5.11(a), (b) and (c), respectively, in Article Five, the finance provision.

The remaining provisions of Article XXIII were edited and became Article Eleven, General Provisions. Specifically, §§1 (A) and (B), Continuance of Present Officers, are 11.1(a) and (b) in Article Eleven. Section 4, Continuance of Contracts, is 11.1(d) with the same substantive content. Section 5, Continuance of Other Enactments, is edited but the same substantive content appears in 11.1(c). Section 7, Severability, became 11.2 with the same title and content.

Conclusion

The charter commission took its purpose seriously and revised all of the current Second Amended Charter. As a main goal was to create a more coherent and logical document, the commission drafted a Third Amended Charter. All provisions were not only more up-to-date and accurate; they were written in one style in a more logical order.

The following table details all the changes to the existing charter. Specific changes are noted and listed.

The commission proudly presents this Third Amended Charter to the council. The commission dedicates the revised charter to the public servants who daily provide our services so efficiently and effectively, and to the citizens who constitute this vibrant and exciting city making it a genuine home for all.

Table of Changes to the Second Amended Charter

Seconded Amended Charter Provision	Third Amended Charter Provision	Changes
Preamble	Preamble	Provision is unchanged
Article I: Powers	Article One Municipal Powers	Use of word for the number in Third Amended Charter and titling more specifically with the addition of “municipal” to “powers.”
§1 Powers	1.1 Municipal Powers	New numbering system using article number followed by a period and the number of the section; “municipal” added to title
§2 Manner of Exercise	1.2 Manner of Exercise	Unchanged
§3 Interpretation	1.3 Interpretation	Interpretation generally unchanged; however, the expression “general law” is more sufficiently defined legally
Article II The Executive	Article Three Office of the Mayor	
§1 Executive and Administrative Powers	3.1 Executive and Administrative Powers	Resolution added to charter and ordinance as method for creating directors and other administrative officials; otherwise unchanged

§2 Residency, Term and Qualifications of Mayor	3.2 Residency, Term and Qualifications of Mayor	The definition of when a mayoral election is held is defined as the regular municipal election in the year immediately prior to the presidential election; this is the current practice but it was never put into the charter
§3 Mayor Ex-Officio Director	3.3 Mayor Ex-Officio Director	Provision was changed to note the mayor would serve without additional compensation and was edited; department of public safety need not be created nor the mayor head it; see 4.1 for authority of council to create departments and 3.4 for ability of mayor to remove a director of public safety
§4 Mayor's Appointment Power	3.4 Mayor's Appointment Power	Provision substantively unchanged but edited; specific directors eliminated as Sections 4.1 and 4.2 eliminated specific departments
§5 Salary of the Mayor	3.5 Salary of the Mayor	The salary recommendation by the civil service commission will become effective if not modified or rejected by council within 90 days; in Section 6.7 the recommendations are to be made every four rather than the current two years; the provision for an annual increase in line with that for social security is removed
§6 General Powers and Duties of the Mayor	3.6 General Powers and Duties of the Mayor	Substantively unchanged
§7 Mayor's Investigation	3.7 Mayor's Investigation	Substantively unchanged but edited

§8 Acting and Interim Mayor	3.8 Acting and Interim Mayor	The period for which an interim mayor may hold office for the expiration of the term is expressed as two years and 120 days in contrast to the 105 days in the current charter
§9 Location of Office; Full-Time Position	3.9 Location of Office; Full-Time Position	Unchanged
§10 Right of Mayor and Directors in Council	3.10 Right of Mayor and Directors in Council	Council providing departments “by ordinance” changed to “by legislation” to note all possible means of creating departments
Article III The Council	Article Two The Council	
§1 Membership, Election and Term	2.1 Membership, Election and Term	The times for ward and at-large elections is stated in terms of preceding and following a presidential election; this is the current practice but it had not been stated in the charter; otherwise the provision is edited
§2 Qualifications and Vacancies	2.2 Qualifications and Vacancies	Divided into two subsections; provision for council to judge the elections and qualifications of its member currently in §5 is moved to this section; the term an appointee serves is expressed in terms of 2 years and 120 days in contrast to the current 2 years and 105 days

§3 Salaries	2.3 Salaries	Divided into three subsections; the salary recommendations of the civil service commission become effective if council takes no action; salary recommendations also occur every four years compared to the current two as per section 6.7
§4 Meetings	2.4 Council Meetings and Election of Officers	Divided into two subsections; title changed to reflect more accurately the content of the section; open meetings requirement from existing §5 moved to the meetings section
§5 Organization and Open Meetings	2.5 Organization and Procedures	Divided into three subsections; provision for council to judge the election and qualification of any member moved to 2.2; voting expressed as “majority of councilmembers present” and this is used throughout this Article except when a super majority is required; super majority expressed as “two-thirds of all members of council” throughout the article; requires a permanent record of proceedings rather specify a journal
§6 President of Council	2.6 President and Vice President of Council	Divided into two subsections; places both officers of council into one section; allows for the removal of the president and vice president by a super majority vote, that is, two-thirds of all members of council; otherwise the provision is edited

§7 Clerk, Vice President and Other Officers of Council	2.7 Clerk and Other Staff of Council	Places vice president of council into 2.6; otherwise the provision is edited
§8 Enactment of Ordinances and Other Resolutions	2.8 Enactment of Ordinances and Resolutions	Divided into four subsections; provisions are edited
§9 Voter Approval of Ordinances and Resolutions	5.9 Municipal Income Tax	Moved to the finance article, Article Five, as the focus is the municipal income tax; provision has same content; retitled and edited
§10 Mayor's Approval or Disapproval of Legislation	2.9 Mayor's Approval or Disapproval of Legislation	Divided into three subsections; provision has same content; edited for clarity and more logical reading
§11 Recording of Legislation; Codified Ordinances	2.10 Recording and Codification of Legislation	Divided into two subsections; title and content edited
§12 Publication	2.11 Publication	Requires posting notice on the city website; removes 15-day requirement
§13 Effective Date of Legislation	2.12 Effective Date of Legislation	Vote for ordinance taking immediate effect is a super majority, two-thirds of all councilmembers; "reason for such action" changed to "necessity" to make it clear an ordinance taking immediate effect is atypical; provision is edited
§14 Estimate of Expense; Appropriation Ordinances	5.4 Appropriations and 5.5 Budget Document	Content moved to the finance article, Article Five, and substantively edited to be in line with current budgeting theory and practice
§15 Appropriations of Balance or Accruing Revenue Not Already Appropriated	Not in Charter	Topics covered by provisions in the finance article, Article Five
§16 Drawing Money from the Treasury; Unexpended Balances Revert	5.4 Appropriations and 5.5 Budget Document	Topics covered by provisions of the finance article, Article Five, but edited and logically organized

§17 Bonds Required	5.2 Bonds Required	Content moved to finance article and edited to emphasize city pays any required bonds
Article IV. Departments	Article Four Departments and Officers	
§1 Departments Established	4.1 General Provisions	Law and finance are only two charter departments in the Third Amended Charter; council empowered to create additional departments; existing provisions for departments and officers not included in the revised charter are to become ordinances
§2 Directors of Departments	4.2 Directors of Departments	Substantive content unchanged; provision is edited
Article V. Department of Public Works	Not in Charter	Provisions to be an ordinance
§1 Duties of Director	Not in Charter	
§2 Public Improvements	5.7 Capital Plan	Provision for capital plan in the finance article, Article Five, which requires the finance director to work with the “affected departments”
Article VI. Department of Public Safety	Cf. 3.3 Mayor Ex-officio Director	Provisions to be an ordinance; council has the authority to create a department of public safety and to name a director different than the mayor
§1 Divisions Established	Not in Charter	Content will become an ordinance
§2 Duties of Director	Not in Charter	Content will become an ordinance
§3 Organization	Not in Charter	Content will become an ordinance

§4 Assignment of Duties	Not in Charter	Content will become an ordinance
§5 Suspension from Duties	Not in Charter	Content will become an ordinance
§6 Suspension of Chiefs	Not in Charter	Content will become an ordinance
§7 Appeal from Suspension	Not in Charter	Content will become an ordinance
Article VII. Department of Law	4.3 Department of Law	Provision has same content substantively but edited for clarity
§1 Qualifications and Duties of Director	4.3	Substantively the same but edited and more focused
§2 Duties Imposed by General Law	4.3	Last sentence of 4.3
Article VIII. The Department of Finance	4.4	
§1 Duties	4.4 and Article Five	Department of finance created in 4.4 and duties specified in Article Five, 5.1
§2 Accounting Procedure	5.5	Updated procedure and logically organized in terms of budget generally
§3 Reports	5.6	Report requirement streamlined but very similar to what was required in first sentence of §3
§4 Certification	4.4	Provision to be an ordinance
§5 Funds Subject to Certification	4.4	Provision to be an ordinance
§6 Failure to Comply	Not in Charter	Provision to be an ordinance
Article IX. Department of Planning and Development	Not in Charter	Provision to be an ordinance
§1 Duties of Director	Not in Charter	Provision to be an ordinance
Article X. Department of Human Services	Not in Charter	Provision to be an ordinance

§1 Duties of Director	Not in Charter	Provision to be an ordinance
Article XI. Civil Service Commission	Article Six. Civil Service Commission	
§1 Appointment and Term of Members	6.1 Appointment and Term of Members	Provision notes that members may have no party affiliation; party affiliation determined by primary election party selection which is kept by the board of elections; prohibition of no more than two members from same party retained
§2 President; Secretary	6.2 President; Secretary	Provision has same content; edited for clarity
§3 Classified and Unclassified Service	6.3 Classified and Unclassified Service	Employees of Lakewood Hospital removed from list of unclassified employees as no longer needed; edited for clarity
§4 Procedure	6.4 Procedure	Provision has same content; edited for clarity
§5 Salaries	6.5 Salaries and Council Appropriation	Provision has same content; edited for clarity
§6 Suspension of Commission Member	6.6	Suspension by mayor for up to 30 days with written explanation to council and commission; dismissal by a majority vote of councilmembers present after a hearing within 30 days of the filing of written notice; council may continue the hearing for an additional 30 days

§7 Advisory Salary Recommendations	6.6	Process for salary recommendation changed in several ways; salary recommendations to be done every four years when a presidential election occurs; council inaction adopts the salary recommendations and no increase over 10% unless no pay raise in previous 10 years; note council may by its own ordinance raise salaries by any amount
Article XII. Planning Commission	Article Seven Boards and Commissions	Section 7.2
§1 Organization	7.2(a) Organization	Planning commission was reduced to five members from seven members though the city engineer or comparable officer is an ex-officio non-voting member; term of office for commissioners is five years with one appointment every year
§2 Administrative Staff	7.2(d) Administrative Staff	Person responsible for implementation of the plan – chief planning officer – to provide staff; all officers are referred to functionally if possible so the charter does not have to be amended as titles of offices change
§3 Powers and Duties	7.2(e, f) General Plan; Development; Authority to Contract	Substantive content is the same but organized into subsections and edited for clarity

§4 Mandatory Referral	7.2(g) Mandatory Referral	Substantive content is the same but organized into subsections and edited for clarity; requirement for a vote of five councilmembers to overrule planning commission disapproval now expressed as two-thirds of all members of council; last sentence removed as it placed requirements on external bodies
Article XIII. Board of Zoning Appeals	Article Seven Boards and Commissions	Section 7.3
§1 Organization	7.3(a) Organization	Substantive content the same but organized into subsections and edited for clarity
§2 Powers and Duties	7.3(c) Powers and Duties	Substantive content is the same but organized by subsections and edited for clarity
Article XIV. Board of Building Standards and Building Appeals	Article Seven Boards and Commissions	Section 7.4
§1 Organization	7.4(a) Organization	Substantive content is the same but has been edited for clarity
§2 Powers and Duties	7.4(c) Powers and Duties	Substantive content the same except as noted; the second sentence of §2 permitting subpoena and require attendance, etc., is in 7.1(c) and is the same for all boards and commissions, including the civil service commission
Article XV. Lakewood Hospital	Not in Charter	

§1 Establishment; Board of Trustees	Not in Charter	§4 of the current Article XV was added by the first charter review so that the hospital could be leased; the section permitted the council by lease to override the provisions of this article; the changes in the healthcare system are permanent and the city will not be operating a hospital in the future so this article is obsolete
§2 Term of Board Members	Not in Charter	
§3 Duties and Powers of the Board	Not in Charter	
§4 Lease Alternative	11.1(e)	The new section provides for the continuation of the current lease of the hospital and for future leases or other utilization of the hospital as determined by council
Article XVI. Improvements and Assessments	Article Five Finance	Section 5.8 general provision for assessments and related procedures
§1 Local Improvements	Not in Charter	Section will become an ordinance
§2 Methods of Special Assessment	5.8	Section 5.8 general provision for assessments and related procedures
§3 Preliminary Assessments	Not in Charter	Section will become an ordinance
§4 Notices Served	Not in Charter	Section will become an ordinance
§5 Plans of Proposed Improvements	Not in Charter	Section will become an ordinance
§6 Board of Revision of Assessments	Not in Charter	Section will become an ordinance
§7 Claims	Not in Charter	Section will become an ordinance
§8 Final Assessment	Not in Charter	Section will become an ordinance
§9 Damages Assessed	5.8(a)	Last sentence of §9 is basis of 5.8(a)
§10 Work to be Done	Not in Charter	Section will become an ordinance

§11 Lands Unallotted or not on Duplicate	Not in Charter	Section will become an ordinance
§12 Interest on Assessment Bonds	Not in Charter	Section will become an ordinance
§13 Limitation on Assessments	Not in Charter	Section will become an ordinance
§14 City's portion of Cost	Not in Charter	Section will become an ordinance
§15 Replacing Existing Improvements	Not in Charter	Section will become an ordinance
§16 Subsequent Improvements	Not in Charter	Section will become an ordinance
§17 Supplementary Assessments and Rebates	Not in Charter	Section will become an ordinance
§18 Sewer and Water Connections	Not in Charter	Section will become an ordinance
§19 Sidewalks	Section 5.8	Section 5.8 General provision for assessments and related procedures
§20 Further Proceedings Unnecessary	Not in Charter	Section will become an ordinance
§21 Assessment Bonds	Not in Charter	Section will become an ordinance
§22 Alterations or Modifications in Contract	Not in Charter	Section will become an ordinance
§23 Plat of Subdivision	Not in Charter	Section will become an ordinance
§24 Fee Shall Vest in City	Not in Charter	Section will become an ordinance
§25 Streets and Public Grounds	Not in Charter	Section will become an ordinance
§26 Alteration of Streets	Not in Charter	Section will become an ordinance
§27 Dedication of Streets	Not in Charter	Section will become an ordinance
§28 Vacation or Change of Name	Not in Charter	Section will become an ordinance
§29 Taxation without a Vote	5.10(a) Taxation by vote of Council	Title changed; content is the same
§30 Levy for Police and Firemen's Disability and Pension Fund	5.10(b)	Content is the same
§31 Levy for Reconstruction, Expansion, Operation and Maintenance of a Sewage Disposal Plant	5.10(c)	Content is the same

Article XVII. Appropriation of Property	Article Ten Appropriation of Property	
§1 Appropriation	10.1 Appropriation	Substantive content is the same but the provision is edited for clarity
§2 Declaratory Resolution	10.2 Initial Resolution	Title changed to clarify the process of appropriation; requires at least one reading
§3 Notice	10.3 Notice	Notice to follow requirements of 2.11; details similar to §3
§4 Further Proceedings	10.4 Further Proceedings	Substantive content is the same but the provision is edited for clarity
Article XVIII. Franchises	Not in Charter	Provision will become an ordinance
§1 Grant	Not in Charter	Provision will become an ordinance
§2 Renewals	Not in Charter	Provision will become an ordinance
§3 Extension	Not in Charter	Provision will become an ordinance
§4 Consents	Not in Charter	Provision will become an ordinance
§5 Regulations	Not in Charter	Provision will become an ordinance
Article XIX. Elections	Article Nine Elections, Initiative, Referendum and Recall	Section 9.1
§1 Regular and Special Municipal Elections	9.1(a) Regular and Special Municipal Elections	Substantive content is the same but the provision is edited for clarity
§2 Primary Elections	9.1(b) Primary Elections	Substantive content is the same but the provision is edited for clarity
§3 Election Procedures	9.1(c) Election Procedures	Substantive content is the same but the provision is edited for clarity; description of municipal voter removed as unnecessary as it was any registered voter

§4 Certificate of Nomination when no Primary is Held	9.1(d) Certificate of Nomination when no Primary is Held	Substantive content is the same but the provision is edited for clarity
§5 Designation of Candidates	9.1(e) Designation of Candidates	Substantive content is the same but the provision is edited for clarity
§6 Declarations of Candidacy	9.1(f) Declarations of Candidacy	Substantive content is the same but the provision is edited for clarity
§7 Ballot Form	9.1(g) Ballot Form	Same content
§8 Nomination and Election of Judges	9.1(h) Nomination and Election of Judges	Same content
Article XX. Initiative	Article Nine Elections, Initiative, Referendum and Recall	Section 9.2
§1 Right to Initiative	9.2(a) Right to Initiative	Initiative is provided but limited to topics upon which the city can legislate; this prohibits persons or groups using the initiative to expose or highlight issues that are not of municipal concern
§2 Form of Petition	9.2(b) Form of Initiative Petition	Substantive content is the same but the provision is edited for clarity
§3 Signatures to Petition	9.2(c) Signatures to Initiative Petition	Substantive content is the same but the provision is edited for clarity
§4 Filing of Petition	9.2(d) Filing of Initiative Petition	Clerk to gather all signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to endorse the number of required signatures and the number the board determined on an attached certificate

§5 Additional Signatures	9.2(e) Additional Initiative Signatures	Clerk to gather additional signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to file petitions if still insufficient and notify the committee by postage prepaid and email of the insufficiency
§6 Hearing by Council Committee	9.2(f) Hearing by Council Committee	Substantive content is the same but the provision is edited for clarity
§7 Action by Council	9.2(g) Action by Council	Same content
§8 Power of Council	9.2(h) Power of Council and Committee	Substantive content is the same but the provision is edited for clarity
§9 Certification; Supplemental Petition	9.2(i) Certification; Supplemental Initiative Petition	Substantive content is the same but the provision is edited for clarity, except that signatures of full 15 percent of mayoral voters are required to bring updated ordinance language to popular ballot if ordinance changed in committee
§10 Submission of Electors	9.2(j) Submission to Registered Voters	Substantive content is the same but the provision is edited for clarity
§11 Ballot Form	9.2(k) Ballot Form	Empowers the board of elections to provide the ballot form
§12 Repealing Ordinances	9.2(l) Repealing Ordinances	Legislation is used in place of ordinance to cover all types of initiatives
§13 Publication, Amendment or repeal	9.2(m) Publication, Amendment or repeal	Same content
Article XXI. Referendum	Article Nine Elections, Initiative, Referendum and Recall	Section 9.3

§1 Right to Referendum	9.3(a) Right to Referendum	Substantive content is the same but the provision is edited for clarity
§2 Form of Petitions	9.3(b) Form of Referendum Petition	Substantive content is the same but the provision is edited for clarity
§3 Signatures of Petition	9.3(c) Signatures to Referendum Petition	Signatures must be ink
§4 Filing of Petitions	9.3(d) Filing of Referendum Petitions	Clerk to gather all signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to endorse the number of required signatures and the number the board determined on an attached certificate
§5 Additional Signatures	9.3(e) Additional Referendum Signatures	Clerk to gather additional signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to file petitions if still insufficient and notify the committee by postage prepaid and email of the insufficiency
§6 Procedure	9.3(f) Procedure	Substantive content is the same but the provision is edited for clarity
§7 Ballot Form	9.3(g) Ballot Form	Empowers the board of elections to provide the ballot form
§8 Majority Vote	9.3(h) Majority Vote	“Registered voters” replaces “electors”
§9 Enactments Not Subject to Referendum	9.3(i) Enactments not Subject to Referendum	Substantive content is the same but the provision is edited for clarity
§10 Initiated Ordinance Subject to Referendum	9.3(j) Initiated Ordinance Subject to Referendum	Substantive content is the same but the provision is edited for clarity

§11 Referendum of Measures taking Early Effect	9.3(k) Referendum of Measures taking Early Effect	Substantive content is the same but the provision is edited for clarity
§12 Acts Preliminary to Election	9.3(l) Acts Preliminary to Referendum Election	Substantive content is the same but the provision is edited for clarity
Article XXII. Recall	Article Nine Elections, Initiative, Referendum and Recall	Section 9.4
§1 Recall Procedure	9.4(a) Recall Procedure	Substantive content is the same but the provision is edited for clarity
§2 Petitions	9.4(b) Recall Petitions	Substantive content is the same but the provision is edited for clarity
§3 Signatures	9.4(c) Signatures to Recall Petition	Signatures must be in ink otherwise same content but edited
§4 Filing and Certification	9.4(d) Filing of Recall Petition	Clerk to gather all signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to endorse the number of required signatures and the number the board determined on an attached certificate; committee notified by prepaid postage and email
§5 Supplemental Petitions	9.4(e) Supplemental Recall Petitions	Clerk to gather additional signatures and send to board of elections within 10 days of receipt; board to verify number of valid signatures within 10 days; clerk to file petitions if still insufficient and notify the committee by postage prepaid and email of the insufficiency; 20 days changed to 15 days to be uniform with initiative and referendum requirements

§6 Recall Election	9.4(f) Recall Election	“Electors” changed to “registered voters;” timing of election changes from not less than 30 or more than 40 to 60 and 90 respectively; purpose is to try to use a schedule election rather than have the expense of a special election
§7 Ballots	9.4(g) Ballots	Empowers the board of elections to provide the ballot form
§8 Succeeding Officer	9.4(h) Succeeding Officer	Amended to note specifically that the person removed cannot be appointed to fill the resulting vacancy
§9 State Law governs where No Charter Provision	Not in Charter	Not needed as general law does apply if no charter provision is provided
Article XXIII. General Provisions	Article Eleven General Provisions	
§1 Continuance of Present Officers	11.1(a) and (b) Continuance of Officers, Ordinances and Contracts	Substantive content is the same but the provision is edited for clarity
§2 Oath of Office	8.1(b) Oath of Office	Substantive content is the same but the provision is edited for clarity
§3 Activity of Officials and Employees Restricted	8.1(c - f)	Section is replaced with new provisions on restricted or prohibited activities and penalty if convicted of loss of office
§4 Continuance of Contracts	11.1(d)	Substantive content is the same but the provision is edited for clarity
§5 Continuance of Other Enactments	11.1(c)	Substantive content is the same but the provision is edited for clarity
§6 Amendments	7.5(b)	Substantive content is the same but the provision is edited for clarity

§7 Severability	11.2	Same as current content
§8 Charter Review Commission	7.5(a)	Substantive content is the same but the provision is edited for clarity
§9 Exceptions for Bonds, Notes and Other Debt Instruments	5.10 and 5.11	Content part of general provision on taxation and debt
§9 (A)	5.11(a)	Content unchanged
§9 (B)	5.11(b)	Substantive content unchanged but edited for clarity
§9 (C)	5.11(c)	Substantive content unchanged but edited for clarity
	New Provisions	
No Existing Provision	Article Eight Ethics and Training	
No Existing Provision	8.1 General Ethical Actions among officials and in actions with citizens	Calls for treating all with respect and providing service to the best of one's ability
No Existing Provision	8.2 Training for Council and Mayor	Mandates training for newly elected or appointed members of council and newly elected or appointed mayor within three months of election or appointment; exception is if they have held the same office previously; council to determine the specific training