



**Final Report
of the
2017 Streetsboro Charter Review Commission**

June 5, 2017

**John Albaneze, Chair
George Mitchell IV, Vice Chair
David Bogner
David Burfield
Karyn Hall
Michelle Miller
Robert Vorell**

City of Streetsboro

Mr. John Albanese
Chairman



Charter Review Commission
9184 St. Rt. 43
Streetsboro, Ohio 44241
(330) 626-4942
(330) 626-6087 Fax

To: The Mayor and Council of the City of Streetsboro

From: Streetsboro Charter Review Commission

Date: June 5, 2017

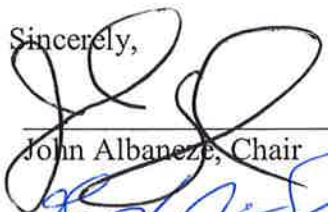
Re: Final Report

The Streetsboro City Charter calls for a Charter Review Commission to be convened in 1977 and every five years thereafter for the purpose of reviewing the City Charter and making recommendations for amendments as are conducive to the public interest. The Commission shall consist of seven (7) electors of the City, not more than four of whom shall be members of the same political party, nominated by the Mayor and confirmed by City Council.

The 2017 Charter Review Commission was sworn in on January 9, 2017, and has met consistently since that date, concluding on June 5, 2017 with the unanimous approval of this Report. We are pleased to recommend the following ten (10) Charter amendments to the electorate.

Collectively and individually, we thank the Mayor and Council for the trust and confidence they have shown in us, and for their support of our work.

Sincerely,


John Albanese, Chair


George Mitchell IV, Vice Chair


David Bogner, Member


David Burfield, Member


Karyn Hall, Member


Michelle Miller, Member


Robert Vorell, Member

Recommendation No.1:

Amend Sections 3.02 and 4.15 of the Charter to clearly establish that the Mayor is a full time employee required to devote his full time to the job, eligible to receive salary and benefits like other full time employees, with a salary set once at the beginning of his or her term at 6% higher than the highest paid department head, except the Law Director.

Rationale: The Charter amendments adopted in 2007 were meant to establish that the Mayor is a “full time” mayor. However, these amendments fail to require that the Mayor actually work full-time, fail to fully specify the fringe benefits associated with the position, and set the Mayor’s salary at point where the Mayor is paid a salary lower than many of the City’s department directors. These omissions have resulted in confusion, giving rise to litigation over the Mayor’s salary and benefits.

Text amendments associated with Recommendation No. 1 (edits in underline and ~~strikethrough~~):

SECTION 3.02 QUALIFICATIONS.

The Mayor shall have been for at least two (2) years prior to the date of his or her election, and during his or her term of office shall be, a continuous resident and qualified elector of this Municipality, or territory annexed thereto, and shall have attained the age of 23 years prior to the date of his or her election.

In addition, within five (5) days of filing a petition for the nomination of a candidate or declaration of intent to be a write-in candidate in any election, all candidates for mayor shall complete and file with the Council Clerk a criminal conviction disclosure form. The form shall require each candidate to identify and describe any misdemeanor theft or any felony conviction (or expungement of either) he or she has had in their life, if any. The form shall be prepared and available through the Mayor’s office. The completed form shall be open to public inspection. Failure to timely complete and file the form or false, inaccurate, or misleading information contained in the completed form shall prohibit a candidate from being placed on the ballot for Mayor.

Until the commencement of the Mayor’s term of office after the regular municipal election of 2019, The Mayor shall serve fulltime, with an annual salary of 1% more than the highest paid department head, excluding the Law Director, set at the beginning of each term, with benefits and three weeks’ vacation per year. The Mayor shall be permitted to carry over no more than one (1) week of unused vacation per year and shall be prohibited from cashing out any unused vacation time.

Effective as of the Mayor’s term of office commencing after the regular municipal election of 2019, the Mayor shall be considered a full time employee eligible for all fringe benefits to the same extent available to other full time non-bargaining

employees. The Mayor shall engage in no other remunerative employment requiring his or her time or attendance during normal business hours, and shall account for his or her time in the same manner as other full-time employees. The Mayor's salary shall be established pursuant to Section 4.15 of this Charter in each year in which the Mayor is elected, at six percent (6%) more than the then-highest salary authorized by the Council for a full time department director, except the Law Director, and the Mayor's salary shall not thereafter be changed during the Mayor's term of office commencing in that year.

The Mayor shall hold no other elective public office. He or she shall not be otherwise employed by, nor shall he or she hold any other office in, this Municipality, except as an ex officio, non-voting member of the Planning and Zoning Commission, and, until Council provides otherwise, Director of Public Safety. He or she may be a member of the Ohio National Guard or the Reserve Corps of the United States of America.

SECTION 4.15 COMPENSATION AND BONDS.

Council shall fix the compensation of the Mayor, members of Council, and each officer and employee, or member of any board or commission, of the Municipality, whether elected or appointed, except as specifically provided otherwise in this Charter.

Not less than ninety (90) days immediately preceding the date of the next primary election as provided for in Section 19.01 of this Charter, or in the case of the Mayor, the next primary election in a year in which the Mayor is elected, the compensation of the Mayor and each member of Council shall be fixed ~~for~~ effective upon commencement of their ~~the~~ next terms of office, and shall not thereafter be changed with respect to such terms.

The compensation of every other employee ~~except the Mayor,~~ and member of any board or commission, of the Municipality, as fixed by Council, may at any time be changed by resolution or ordinance at the discretion of Council.

Council may authorize the payment or reimbursement of expenses, incurred by any officer or employee, or member of any board or commission, of the Municipality, for traveling or other expenses incidental to the authorized furtherance of the interests of the Municipality.

The Mayor, Director of Finance, and such other officials or employees, or members of boards or commissions as Council may by resolution or ordinance require, shall give bond in such amount and with such surety as may be approved by Council. The premium on such bonds shall be paid by the Municipality.

Proposed ballot language for Recommendation No. 1:

Shall Sections 3.02 and 4.15 of the City Charter be amended to specify that the Mayor shall be a full time employee required to devote his or her full time to the job, eligible to receive salary and benefits like other full time employees, with a salary set once at the beginning of his or her term at 6% higher than the highest paid department head, except the Law Director?

Recommendation No. 2:

Amend Sections 3.02 and 4.03 of the Charter to abolish the requirement that candidates for Mayor and for City Council must submit a criminal conviction disclosure form to be eligible to run for office.

Rationale: Under the current Charter, filing a Criminal Conviction Disclosure Form is a condition of ballot access. The 2012 Charter amendment that linked filing the form to ballot access has created numerous difficulties with the Board of Elections because the Charter fails to provide a clear method of referral from the Clerk's office to the Board's office, and fails to allow for proper consideration of a ballot challenge before the Board. This imprecision has resulted in unnecessary ballot challenges. Inasmuch as access to criminal conviction records is widely available on the Internet, the Commission feels that this requirement is obsolete and no longer necessary.

Text amendments associated with Recommendation No. 2 (edits in underline and ~~strikethrough~~):

SECTION 3.02 QUALIFICATIONS.

The Mayor shall have been for at least two (2) years prior to the date of his or her election, and during his or her term of office shall be, a continuous resident and qualified elector of this Municipality, or territory annexed thereto, and shall have attained the age of 23 years prior to the date of his or her election.

~~In addition, within five (5) days of filing a petition for the nomination of a candidate or declaration of intent to be a write-in candidate in any election, all candidates for mayor shall complete and file with the Council Clerk a criminal conviction disclosure form. The form shall require each candidate to identify and describe any misdemeanor theft or any felony conviction (or expungement of either) he or she has had in their life, if any. The form shall be prepared and available through the Mayor's office. The completed form shall be open to public inspection. Failure to timely complete and file the form or false, inaccurate, or misleading information contained in the completed form shall prohibit a candidate from being placed on the ballot for Mayor.~~

The Mayor shall serve fulltime, with an annual salary of 1% more than the highest paid department head, excluding the Law Director, set at the beginning of each term, with benefits and three weeks' vacation per year. The Mayor shall be permitted to carry over no more than one (1) week of unused vacation per year and shall be prohibited from cashing out any unused vacation time. The Mayor shall hold no other elective public office. He or she shall not be otherwise employed by, nor shall he or she hold any other office in, this Municipality, except as an ex officio member of the Planning and Zoning Commission, and, until Council provides otherwise, Director of Public Safety. He or she may be a

member of the Ohio National Guard or the Reserve Corps of the United States of America.

SECTION 4.03 QUALIFICATIONS.

Each Councilperson elected to represent a ward shall have been a resident of, and a qualified elector within, the Municipality for at least two (2) years and shall have attained the age of 23 years prior to the time of his or her filing a petition for nomination to the office, and shall be a resident of, and a qualified elector within, such ward during his or her term of office.

Each Councilperson elected at-large shall have been a resident of, and qualified elector within, the Municipality for at least two (2) years and shall have attained the age of 23 years prior to the time of his or her filing a petition for nomination to the office, and shall remain a resident of, and a qualified elector within, the Municipality during his or her term of office. A Council member shall hold no other elective public office and shall not be otherwise employed by, nor shall hold any other office in, the Municipality. A Council member may be a member of the Ohio National Guard or the Reserve Corps of the United States of America.

~~In addition, within five (5) days of filing a petition for the nomination of a candidate or declaration of intent to be a write-in candidate in any election, all candidates for council shall complete and file with the Council Clerk a criminal conviction disclosure form. The form shall require each candidate to identify and describe any misdemeanor theft or any felony conviction (or expungement of either) he or she has had in their life, if any. The form shall be prepared and available through the Mayor's office. The completed form shall be open to public inspection. Failure to timely complete and file the form or false, inaccurate, or misleading information contained in the completed form shall prohibit a candidate from being placed on the ballot for Council.~~

Proposed ballot language for Recommendation No. 2:

Shall Sections 3.02 and 4.03 of the City Charter be amended to abolish the requirement that candidates for Mayor and for City Council must submit a criminal conviction disclosure form to be eligible to run for office?

Recommendation No. 3:

Amend Section 3.08 and repeal Section 23.03 of the Charter to abolish fixed terms of employment for City department directors.

Rationale: Requiring department directors to be re-nominated and re-confirmed for their positions by the Mayor and Council every four years leads to the public perception that the City is not interested in having professional, career-oriented employees. Requiring renewal from *both* the Mayor and the Council inevitably leads to employees being caught in disputes between the Mayor and Council, being used as pawns in those disputes, and having their careers hang in the balance. The Council's exercise of these rights has produced litigation against the City.

Text amendments associated with Recommendation No. 2 (edits in underline and ~~strikethrough~~):

~~SECTION 3.08 TERM OF DIRECTORS AND REMOVAL OF DIRECTORS AND DIVISION HEADS.~~

~~A person appointed as a director of any department or police or fire division chief may be removed from office by the Mayor if a majority of Council approves such removal by affirmative vote at a regularly-scheduled meeting of Council or may be removed from office by Council by a three fourths (3/4) affirmative vote of the members of Council. The term of office of a person appointed as a director of any department shall not continue beyond the term of the Mayor who appointed such person.~~

~~SECTION 23.03 TERM OF OFFICE FOR APPOINTIVE OFFICERS.—~~

~~The term of office of each appointive officer of the Municipality, except for members of boards and commissions whose terms are specified herein, shall not continue beyond the term of the Mayor appointing such officer.~~

Proposed ballot language for Recommendation No. 3:

Shall Section 3.08 of the City Charter be amended, and Section 23.03 of the City Charter be repealed, in order to abolish fixed terms of employment for City department directors?

Recommendation No. 4:

Amend Section 3.08 of the Charter to repeal the Council's authority to terminate employment of the Fire Chief, the Police Chief, and City department directors without consent of the Mayor.

Rationale: As of 2008, the City has transitioned to a full-time Mayor. The Mayor is the chief executive officer of the City and is tasked with managing the affairs of the City, including selection of his or her key personnel. The Council's unfettered ability to remove the Police Chief, the Fire Chief and any department director over the objection of the Mayor is fraught with the potential for abuse. While this authority may have been appropriate when there was no full-time chief executive officer, this authority is clearly a holdover from those days and should be eliminated.

Text amendments associated with Recommendation No. 4 (edits in underline and ~~strikethrough~~):

SECTION 3.08 TERM OF DIRECTORS AND REMOVAL OF DIRECTORS
AND DIVISION HEADS.

A person appointed as a director of any department or police or fire division chief may be removed from office by the Mayor if a majority of Council approves such removal by affirmative vote at a regularly-scheduled meeting of Council, ~~or may be removed from office by Council by a three fourths (3/4) affirmative vote of the members of Council.~~ The term of office of a person appointed as a director of any department shall not continue beyond the term of the Mayor who appointed such person.

Proposed ballot language for Recommendation No. 4:

Shall Section 3.08 of the City Charter be amended to repeal City Council's authority to terminate the employment of the Fire Chief, the Police Chief, and City department directors without consent of the Mayor?

Recommendation No. 5:

Amend Section 3.08 of the Charter to repeal the requirement that the Mayor must obtain consent of City Council in order to terminate the employment of the Fire Chief, the Police Chief, and City department directors.

Rationale: As of 2008, the City has transitioned to a full-time Mayor. The Mayor is the chief executive officer of the City and is tasked with managing the affairs of the City, including selection of his or her key personnel. This provision interferes with the Mayor's selection of his or her key personnel, because it prevents the Mayor from removing a department director without Council approval. If the Council should vote to reverse a termination decision of the Mayor, the Mayor and that director would obviously be forced into a dysfunctional working relationship, to the detriment of the City and its taxpayers. While this authority may have been appropriate when there was no full-time chief executive officer, this authority is clearly a holdover from those days and should be eliminated. The Council's exercise of this authority has produced costly litigation over the years. In addition, while department directors are and will remain at-will employees, repeal of this requirement will actually restore the Police Chief and Fire Chief to Civil Service status. In the event of a termination by the Mayor, the Police Chief and the Fire Chief would have access to challenge the termination by appeal to the Civil Service Commission. (Note: The ballot language will include a statement that if Recommendation Nos. 3 and 4 are adopted, then adoption of this Recommendation No. 5 will result in complete repeal of Section 3.08.)

Text amendments associated with Recommendation No. 5 (edits in underline and ~~strikethrough~~):

SECTION 3.08 TERM OF DIRECTORS AND REMOVAL OF DIRECTORS
AND DIVISION HEADS.

A person appointed as a director of any department or police or fire division chief may be removed from office by the Mayor if a majority of Council approves such removal by affirmative vote at a regularly scheduled meeting of Council or may be removed from office by Council by a three fourths (3/4) affirmative vote of the members of Council. The term of office of a person appointed as a director of any department shall not continue beyond the term of the Mayor who appointed such person.

Proposed ballot language for Recommendation No. 5:

Shall Section 3.08 of the City Charter be amended to repeal the requirement that the Mayor must obtain consent of City Council in order to terminate the employment of the Fire Chief, the Police Chief, and City department directors,

and if Issues ___ and ___ on this ballot are both approved by vote of the electors,
fully repeal Section 3.08?

Recommendation No. 6:

Amend Sections 3.01 and 4.02 of the Charter to abolish block voting for at-large members of City Council, to provide that at-large seats on City Council shall be separate elective offices, and to establish that the Mayor, members of Council elected from wards, and one member of Council elected at-large shall take office on the 15th day of December following their election, while the remaining two members of Council elected at-large shall take office on the 16th and 17th day of December, respectively, following their election.

Rationale: In a “block voting” system, the voter is allowed to cast as many votes as there are positions to be elected, from amongst any number of candidates. For example, if five seats on a Council are to be filled, there may be any number of candidates from which to choose. The five persons receiving the highest number of votes are elected, even though it is mathematically possible that *none of them* receives a majority of the votes. In Streetsboro, this system is overlain with a primary system. If there are seven or more candidates who file nominating petitions for the three at-large Council seats available, a primary election is held, which narrows the field to the top six candidates. The top six candidates then advance to the general election in November, and the candidates receiving the three highest vote totals are elected. Again, it is mathematically possible for candidates to be elected without receiving a majority of the vote. The Commission believes that candidates for City Council should not be elected without receiving a majority of the votes cast. The proposed change requires that separate elections shall be held for each at-large seat on the Council, as is currently the case with Council members elected from districts. A candidate may run for only one of these seats. The new provision designates the at-large Council seats as terms beginning December 15, 16 and 17. Term commencement dates for the Mayor and the rest of the members of Council are adjusted to December 15 in order to ensure that no elected official is seated before the election recount period specified in Ohio law has expired.

Text amendments associated with Recommendation No. 6 (edits in underline and ~~striketrough~~):

SECTION 3.01 ELECTION AND TERM.

The Mayor shall be elected at a regular Municipal election for a term of four (4) years which term shall commence and the Mayor shall ~~be sworn in and shall assume office five (5) days after the certification of the official vote for said office by the Board of Elections~~ at 12:01 a.m. on the second Monday of December 15th following said election. He shall hold office until his successor is elected and qualified. He may be a candidate to succeed himself.

SECTION 4.02 COMPOSITION AND TERM.

Council shall be composed of seven (7) members. One member shall be elected by the electors of each of the four (4) wards herein provided, and three (3) members shall be elected by the electors of the Municipality at-large.

The terms of the ward Councilmen elected to begin office on January 1, 1972, shall be extended to serve for four (4) years.

In succeeding elections, all Councilmen shall be elected for four (4) year terms of office, with ward Councilmen being elected at one regular Municipal election and Councilmen-at-large being elected at the next regular Municipal election. ~~All The terms of ward Councilmen shall commence, and Council members elected from wards shall be sworn in and take office five (5) days after the certification of the official vote for said office by the Board of Elections, on December 15th following said election.~~

Effective as of the regular Municipal election occurring in 2021, block voting for at-large members of Council shall be abolished. Members of Council elected at-large shall be selected by election to three separate terms commencing December 15, December 16 and December 17 in the year 2021 and in each of the regular municipal elections held every four years thereafter, and each such term shall be considered a separate elective office as provided in Sections 19.01 and 19.02 of this Charter. Nominating petitions may be filed by a candidate for not more than one of the three at-large positions.

Proposed ballot language for Recommendation No. 6:

Shall Sections 3.01 and 4.02 of the City Charter be amended to abolish block (group) voting for at-large members of City Council, to provide that at-large seats on City Council shall be separate elective offices, and to establish that the Mayor, members of Council elected from wards, and one member of Council elected at-large shall take office on the 15th day of December following their election, while the remaining two members of Council elected at-large shall take office on the 16th and 17th days of December, respectively, following their election?

Recommendation No. 7:

Amend Section 4.14 of the Charter to provide that an emergency ordinance or resolution that receives a simple majority affirmative vote, but less than a supermajority of 75% of the Council, will be deemed to have passed as if it had no emergency clause.

Rationale: The Charter currently requires a 30-day waiting period to pass before an ordinance or resolution, passed by the Council, may become effective. The Charter also authorizes the Council to declare an “emergency,” on an ordinance-by-ordinance basis, and upon such a declaration, an ordinance that contains such an “emergency clause” will be effective immediately upon the Mayor’s signature, but only if the ordinance passes by a supermajority of three-fourths ($\frac{3}{4}$) of the Council. Because of the way the Charter is currently worded, an ordinance or resolution containing an “emergency clause” that passes by a *simple majority*, but does not achieve the required *supermajority*, is deemed defeated entirely. This requires the sponsor to reintroduce the measure at the next Council meeting, which is always at least two weeks later than the meeting at which the measure was defeated. The Commission recommends this change, which specifies that if an ordinance or resolution containing an “emergency clause” passes by a simple majority, but not the supermajority required to sustain an emergency clause, then the ordinance or resolution will be deemed to have passed as if it did not contain any emergency clause. The 30-day waiting period would apply.

Text amendments associated with Recommendation No. 7 (edits in underline and ~~striketrough~~):

SECTION 4.14 EMERGENCY ORDINANCES AND RESOLUTIONS.

Each emergency ordinance or resolution shall contain a statement in support of the necessity for the urgency in passage in clear and specific terms in its title and in its body. Its enactment shall require the affirmative vote of at least three-fourths ($\frac{3}{4}$) of Council, provided, however, that an emergency ordinance or resolution receiving an affirmative vote of at least a majority of the members of the Council, but less than three-fourths ($\frac{3}{4}$) thereof, shall be deemed enacted as if it contained no statement of emergency, if the ordinance or resolution so provides.

Council shall not enact by emergency measure any of the following:

- A. Granting of any franchise;
- B. Enactment, amendment, or repeal of any zoning or building ordinance or resolution; or
- C. Changing of any ward boundaries or change in boundaries of the Municipality.

Proposed ballot language for Recommendation No. 7:

Shall Section 4.14 of the City Charter be amended to provide that an emergency ordinance or resolution that receives a simple majority affirmative vote, but less than a supermajority of 75% of the Council, will be deemed to have passed as if it had no emergency clause?

Recommendation No. 8:

Amend Section 12.02 of the Charter to provide that a candidate for the position of Recreation Director may qualify for the position without having a bachelor's degree in recreation or in a substantially related field, subject to approval of the Mayor and Council.

Rationale: The Commission finds that requiring candidates for the position of Recreation Director to have bachelor's degree *in Recreation or a substantially related field* unnecessarily limits the candidate pool with no corresponding benefit to the City.

Text amendments associated with Recommendation No. 8 (edits in underline and ~~striketrough~~):

SECTION 12.02 QUALIFICATIONS OF THE RECREATION DIRECTOR.

The Recreation Director shall be selected on the basis of his or her executive and administrative qualifications with special reference to experience and knowledge of accepted practices in respect to the duties of a recreation department. The Recreation Director shall have a bachelor's degree from an accredited university, college or equivalent educational institution, with emphasis on recreation or a degree in a substantially-related field, or equivalent experience working in the field of recreation as reviewed and accepted by the Mayor and Council.

Proposed ballot language for Recommendation No. 8:

Shall Section 12.02 of the City Charter be amended to provide that a candidate for the position of Recreation Director may qualify for the position without having a bachelor's degree in recreation or in a substantially related field, subject to approval of the Mayor and Council?

Recommendation No. 9:

Amend Section 24B.03 of the Charter to provide that a candidate for the position of Economic Development Director may qualify for the position without having experience in *municipal* economic development, subject to approval of the Mayor and Council.

Rationale: The Commission finds that requiring candidates for the position of Economic Development Director to have experience specifically in *municipal* economic development unnecessarily limits the candidate pool with no corresponding benefit to the City.

Text amendments associated with Recommendation No. 9 (edits in underline and ~~striketrough~~):

SECTION 24B.03 QUALIFICATION OF THE ECONOMIC DEVELOPMENT DIRECTOR.

The Economic Development Director shall have a minimum of a four-year college degree combined with two (2) years of experience in ~~municipal~~ economic development or seven (7) years of experience in ~~municipal~~ economic development, and be selected on the basis of his or her executive and administrative qualifications with special reference to experience in and knowledge of municipal economic development with respect to the duties of the office.

Proposed ballot language for Recommendation No. 9:

Shall Section 24B.03 of the City Charter be amended to provide that a candidate for the position of Economic Development Director may qualify for the position without having experience in municipal economic development, subject to approval of the Mayor and Council?

Recommendation No. 10:

Amend Section 4.17 of the Charter to repeal the authority of City Council to remove the Mayor from office without resort to judicial process or a recall election.

Rationale: The Commission finds that it is unwise for the Council to have the authority to remove the Mayor from office in the absence of any criminal indictment or conviction, especially where state law already provides for disqualification from office for specified criminal acts. In the absence of criminal acts, the Mayor also remains subject to a recall election. The current Charter authority, which allows for removal of the Mayor for vaguely defined offenses and with no recourse to judicial process, is fraught with the potential for abuse. The remedies in existing state law and the recall option are adequate to address any future issues.

Text amendments associated with Recommendation No. 10 (edits in underline and ~~strikethrough~~):

SECTION 4.17 REMOVAL OF ELECTIVE OFFICERS.

The office of an elective officer of the Municipality other than that of the Mayor shall be declared vacant by resolution of Council upon determination that the elective officer:

- A. Does not possess, or has ceased to possess, the qualifications of office;
- B. Has failed to take the required oath or to give any bond required of him within twenty (20) days after notification of his appointment or election, or obligation to give a new or additional bond;
- C. While in office has been convicted of felony or crime involving some moral turpitude;
- D. Has been adjudicated mentally incompetent;
- E. Is guilty of conflict of interest, gross misconduct, gross neglect of duty, misfeasance, malfeasance, or nonfeasance in office; or
- F. Has violated his oath of office.

Council shall be the sole judge of the election and qualifications of its own members. In addition to the grounds for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three (3) consecutive meetings.

The decision of Council to remove an elective officer shall be made only upon concurrence of two thirds (2/3) or more of Council, after public hearings upon the charge or charges brought; and, provided further, that the accused elective officer shall have been notified, in writing, of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and, provided further, that the accused and his own counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.

The decision of Council after compliance with this section shall be final. The elective officer so removed shall not be eligible for appointment to the vacancy created thereby.

Proposed ballot language for Recommendation No. 10:

Shall Section 4.17 of the City Charter be amended to repeal the authority of City Council to remove the Mayor from office without resort to judicial process or a recall election?