

**FINAL REPORT OF THE CITY OF AKRON  
CHARTER REVIEW COMMISSION**

Terry Albanese  
Chairperson

John V. Frank  
Vice-Chairperson

Sophie Albrecht

Candace Campbell-Jackson

Garry L. Money Penny

William D. Rich

Elizabeth Quirk Sheeler

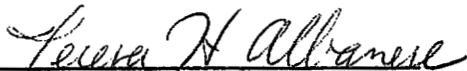
Jacqueline Silas-Butler

Marco Sommerville

**JULY 1, 2010**

We, the undersigned members of the City of Akron Charter Review Commission, do hereby state that the attached proposed amendments to the City of Akron Charter are amendments which were discussed and voted upon during Charter Review meetings open to the public pursuant to Section 141 of the Charter.

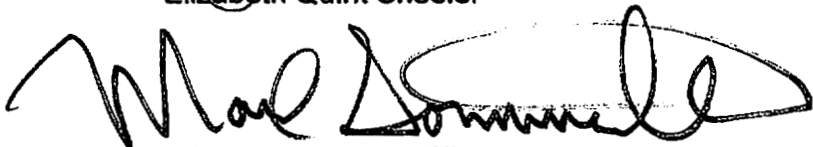
Signed this 1st day of July, 2010.

  
Terry Albanese  
Chairperson

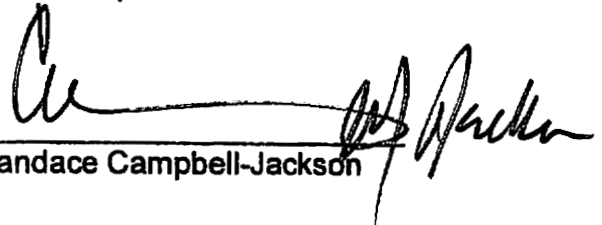
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THE CHARTER REVIEW COMMISSION

SUMMARY  
OF REVISIONS

<u>Section</u>	<u>Substance of Section</u>	<u>Revision , If Any</u>
1	Name, Boundaries, and Powers	No Change
2	Intergovernmental Cooperation	Section would clarify the City's ability to enter into agreements with other governmental agencies
3	Time of Holding Elections	No Change
4	Nominations	No Change
5	Campaign Finance Reform	Revised to require Council to enact campaign finance and ethics standards within 90 days of passage of this Charter amendment commencing in 2012; and to require a public hearing regarding campaign finance every two years.
6-11	Repealed, 1934	-----
12	Corrupt Practices	No Change
13	Procedure for Recall	Revised to increase the time in which to obtain signatures to 50 days thereby eliminating the need for a supplemental petition; to clarify that 10 days means 10 business days; prohibit the circulation of recall petitions during the last 6 months of a public official's term in office; require a 6

		month wait after an unsuccessful recall attempt.
14	Repealed, 1980	-----
15	Removal by Recall	No Change
16	Repealed, 1967	-----
17	Exercise of Initiative	Revised to change 7% to 10% of the electors in the City to be consistent with referendum; to increase the time period the initiative legislation will be submitted to the voters to 60 days to allow sufficient time for early and absentee voting; to delete the words "regular or."
18	Effective Date of Legislation	No Change
19	Referendum Issues	Revised to increase the period of time in which to obtain signatures to 50 days and eliminate the supplemental petition and to increase the time period the initiative legislation is submitted to the voters to 60 days to allow sufficient time for early and absentee voting.
20	Application of Referendum	No Change
21	Petitions	Revised to clarify that the number of petitioners required for initiative and referendum shall be based on the total number of qualified electors registered to vote at the

		last general municipal election.
22	Duties of Clerk of Council	Revised to clarify that 10 days means 10 business days and to eliminate supplemental signatures for initiative or referendum petitions.
23	Initiative/Referendum Ballots	No Change
24	Conflict of Referred Measures	No Change
25	Referendum Not to Apply	No Change
26	Enactment or Repeal	No Change
27	Creation of Council	No Change
28	Composition of Council	No Change
28a	Redistricting	No Change
29	Qualifications of Councilmen	No Change
30	Powers of Council	No Change
30a	Repealed, 1980	-----
31	Creation and Discontinuance of Offices	No Change
31a	Compensation for Boards and Commissions	No Change
32	Quorum, Officers, Clerk	No Change
33	Meetings of Council	No Change
34	Procedure of Council	No Change
34a	Certain Zoning Measures	No Change
35	Emergency Measures	No Change
36	Limitations on Appropriations	No Change

37	Investigations by Council	No Change
38	Record and Publication of Ordinances	No Change
39	Grants, Renewals and Extensions	No Change
40	Grant Not To Be Exclusive	No Change
41	Limitation of Franchise	No Change
42	Consent	No Change
43	Termination of Additional Grants	No Change
44	Purchase or Lease by City	No Change
45	Condemnation Proceedings	No Change
46	Revision of Rates	No Change
47	Price to Exclude Franchise Value	No Change
48	Revocable Permits	No Change
49	Franchise Terms	No Change
50	Regulations	No Change
51	Commissioner of Public Utilities	No Change
52	Qualifications, Term of Office of Mayor	No Change
53	Salary of the Mayor	No Change
54	Powers and Duties of the Mayor	No Change
55	Mayoral Succession	No Change
56	Repealed, 1924	-----
57	Approval of Ordinances and Resolutions	No Change
58	Investigations	No Change

59	Departments and Division	Revised to include Department of Economic and Job Development.
60	Directors	No change
61	Departmental Divisions	No change
62	Director of Law	No change
63	Charter Editorial Authority	No change
64	Sale, Lease or Transfer of City Utilities	Revised to clarify that this section applies only to the City's water and sewer system.
65	General Powers and Duties of Director of Public Service	No change
66	Sewer and Connections	No change
67	General Power and Duties of Department of Public Safety	No change
68	Division of Police	No change
69	Repealed, 1935	-----
70	Division of Fire	No change
70a	Police and Firemen Personnel	No change
71	Removal of Division Heads	No change
72	Removal of Officers and Employees	No change
72a	Repealed, 1980	-----
73	Repealed, 1980	-----
74	Building Inspection	No change
75	Weights and Measures	No change
76	Repealed, 1980	-----

77	Repealed, 1951	-----
78	Organization of Department of Public Health	No Change
79	Powers of Health Commission	No Change
80	Director of Public Health - Powers and Duties	No Change
81	Police Power	No Change
82	Appropriations for Health Purposes	No Change
83	Powers and Duties of Finance Director	No Change
84	Accounts and Records	No Change
85	Assessments	No Change
86	Annual Budget	No Change
86a	Limitation of Taxes	No Change
86a-1	Repealed, 1980	-----
86a-2	Repealed, 1980	-----
86a-3	Repealed, 1961	-----
86a-4	Repealed, 1982	-----
86b	Levy of Taxes Outside Limitation	No Change
86c	Time When Levies are to be Voted on	No Change
86d	Income Tax for City Operative and Capital Improvement Needs	No Change
87	Appropriation Ordinance	No Change
88	Temporary Loans	No Change
89	Limitation on Expenditures	No Change

90	Bond Issues	No Change
91	Repealed, 1924	-----
92	Public Money Received to be Paid into Treasury Daily	No Change
93	Public Money to be Kept in Depositories	No Change
94	Payment of Claims	No Change
95	Purchasing Agent; Board of Control	Revised to increase amounts beyond which bids must be taken or Board of Control approval must be given due to inflation and because no adjustment has been made in the last 10 years.
96	Repealed, 1966	-----
97	Repealed, 1966	-----
98	Repealed, 1980	-----
99	Repealed , 1980	-----
99a	Repealed, 1980	-----
100	City Planning Commission	No Change
101	Department of Planning and Urban Development	No Change
101a	Mandatory Referral	No Change
102	Board of Zoning Appeals	No Change
103	Civil Service Commission	No Change
104	Officers and Employees of Commission	No Change
105	Classifications	Revised to specify certain additional positions within unclassified service.

105a	Unclassified Service – Residency Requirement	No Change
106	Personnel Director	No Change
107	Examinations	No Change
108	Appointments	No Change
109	Repealed, 1966	-----
110	Certification of Payroll	No Change
111	Investigations	No Change
112	Political and Religious Beliefs	Revised to broaden the protections against discrimination for individuals seeking employment or currently employed by the City of Akron.
113	Political Activity	No Change
114	Salaries and Appropriations	No Change
115	Repealed, 2000	-----
116	Suspension, Reduction and Dismissal from Service	No Change
117	Special Assessments – Powers	No Change
118	Assessments; How Made	No Change
119	Revolving Fund	No Change
120	Additional Assessments Authorized	No Change
121	Repealed, 1966	-----
122	Repealed, 1966	-----
123	Repealed, 1966	-----

124	Repealed, 1966	-----
125	Ordinances in Force	No Change
126	Corporate Seal	No Change
127	Accounts of Public Utilities	No Change
128	Official Bond and Oath	No Change
129	Repealed, 1966	-----
130	Repealed 1966	-----
131	Continuance of Contracts	No Change
132	Continuance of Present Officers	No Change
133	Repealed, 1980	-----
134	Construction	No Change
135	Meaning of Certain Words	No Change
136	Amendment	Revised to require that the percentage of votes be based upon qualified electors required to vote at the last preceding general municipal election.
137	Repealed, 1966	-----
138	Repealed, 1966	-----
139	Annexation	No Change
140	Repealed, 1980	-----
140a	Repealed, 1980	-----
141	Public Meeting and Records; Notice of Meetings	No Change

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Periodic Charter Review

Revised to permit a  
Charter Review  
Commission to convene  
prior to a 10 year period.

PLEASE NOTE:

Language proposed to be deleted is stricken (~~stricken~~) and language proposed to be added is capitalized in bold type (**CAPITALIZED IN BOLD TYPE**).

## **SECTION 2. INTERGOVERNMENTAL COOPERATION**

**IN ORDER TO SAVE TAXPAYERS MONEY BY CREATING GREATER EFFICIENCY OR EFFECTIVENESS IN THE MANAGEMENT AND OPERATIONS OF GOVERNMENT, THE CITY MAY ENTER INTO AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES TO PROVIDE OR RECEIVE SERVICES, UPON APPROVAL OF CITY COUNCIL, NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHARTER.**

### **REASON FOR CHANGE**

This provision would clarify the City's ability to enter into agreements with other governmental agencies to provide or receive services when it is cost effective or promotes greater efficiency or effectiveness in the provision of services.

## **SECTION 5. CAMPAIGN FINANCE REFORM.**

~~A. PREAMBLE. In order to demonstrate and promote ethics by government within the City of Akron; to further integrity in campaigns for public office; to prevent corruption and/or the appearance of corruption; and to restore and enhance the faith of the citizenry in government, we the people of this city do hereby establish this Amendment to the Charter of the City of Akron on Campaign Finance Reform.~~

~~**B. FUNDRAISING SEASON. The fundraising season for the purpose of election or re-election to the office of Mayor or City Council shall commence on the 1st day of December prior to the General Election and end on the Thursday preceding the General Election. Campaign fundraising at other times is prohibited.**~~ Declared unconstitutional by Federal Court 6/9/99

~~C. LIMITS ON CASH CONTRIBUTIONS. No candidate for Mayor or City Council shall accept, as a campaign contribution, more than \$25 in cash (i.e. hard currency) from any person within any fundraising season. No person shall contribute cash in excess of said amount.~~

~~D. LIMITS ON NONCASH MONETARY AND IN-KIND CONTRIBUTIONS AND LOANS. No candidate for Mayor or At-Large Council shall accept or solicit, as a noncash monetary (i.e. checks, money orders, credit cards) or in-kind campaign contribution or loan, more than \$300 from any person, campaign committee, political party, or political action committee.~~

~~No candidate for a Council Ward position shall accept or solicit, as a noncash monetary or in-kind campaign contribution or loan, more than \$100 from any person, campaign committee, political party, or political action committee.~~

~~No person, political action committee, political party or political campaign shall contribute funds or in-kind contributions in excess of said amounts. Contributions from the candidate and labor of volunteers are exempt from these provisions.~~

**E. LIMITS ON NONRESIDENT CONTRIBUTION.** ~~No candidate for Mayor or At-Large Council shall accept more than 25% of the total aggregate contribution accumulated during the fundraising season from natural persons who reside outside the City of Akron.~~ Declared unconstitutional by Federal Court 6/9/99

**F. SURPLUS CAMPAIGN FUNDS DEPOSIT.** ~~Within sixty (60) days following a General Election a candidate for municipal office shall turn over any balance of campaign funds over expenses incurred at the time of and within 30 days after the election either to the General Fund for the City of Akron for the benefit of the citizenry or to one or more local charities recognized by the U.S. Internal Revenue Service as a 501(c)(3) organization.~~ Declared unconstitutional by Federal Court 6/9/99

**G. DISCLOSURE.**

~~(1) Home Address: All persons who make any financial contribution or loan to any campaign for municipal office shall be listed by home address on the candidate's Financial Report filed with the Summit County Board of Elections.~~

~~(2) Employer Identification: The candidate for any municipal office shall identify all persons who contribute \$50 or more by primary employer. If this information is not on file with the Summit County Board of Elections, the contribution shall be returned to the contributor within thirty (30) days after the filing of the candidate's Financial Report.~~

~~(3) Friday Report: All candidates for Mayor or City Council shall submit a Campaign Finance Report to the Clerk of City Council by noon on Friday prior to the Primary Election and General Election. This report shall identify all campaign contributions and expenditures made as of said Friday and this report shall be available for public viewing by the Clerk of City Council at the Akron Municipal Building within an hour after the filing deadline.~~

~~H. SEVERABILITY. If any provision of the amendment, or the application of a provision to any person or circumstance, is held to be invalid, the remainder of this amendment, and the application of the provisions to any person or circumstance, shall not be affected by the holding.~~

~~I. **PENALTIES.** Any violation of this Amendment is an offense to be reported to the Akron Police Department and is punishable as a misdemeanor of the first degree according to provisions specified in § 13.60.200 (Official Misconduct), Subsection (E), and § 13.60.210 (Soliciting or Receiving Improper Compensation), Subsections (D) and (E) of the Code of Ordinances of the City of Akron. Declared unconstitutional by Federal Court 6/9/99~~

~~J. ENABLING LEGISLATION. City Council shall forthwith enact provisions necessary to enforce these Charter sections.~~

**TO PROMOTE ETHICS AND GOOD GOVERNMENT, THE CITY OF AKRON COUNCIL SHALL ENACT CAMPAIGN FINANCE AND ETHICS REGULATIONS WITHIN 90 DAYS OF PASSAGE OF THIS CHARTER AMENDMENT. COUNCIL SHALL REVIEW AND AMEND, IF NECESSARY, THE REGULATIONS EVERY TWO YEARS BEGINNING IN 2012 AND CONTINUING IN EACH EVEN-NUMBERED**

**YEAR. EACH SUCH REVIEW SHALL INCLUDE A PUBLIC HEARING TO OBTAIN PUBLIC COMMENT REGARDING CAMPAIGN FINANCE.**

REASON FOR CHANGE

The Commission recommends the removal of campaign finance reform from the City Charter. The Commission reviewed charters from all other major cities in Ohio. With the exception of one city, campaign finance reform was not contained in any other city charter. Campaign finance regulations require a level of detail that is inappropriate for a charter. They also require amendment from time to time in light of experience, and to account for inflation. Enacting such regulations by ordinance rather than by charter amendment would allow them to be updated as needed. In addition, biennial reviews with public hearings provide more frequent opportunities for public input and participation. This provision requires City Council to enact campaign finance regulations within 90 days of passage of this Charter Amendment. New campaign finance regulations should include campaign contribution limits that take inflation into account and mandatory review of campaign finance legislation, including a public hearing, every two years. The Commission recommends that Council eliminate duplicative disclosure requirements.

### **SECTION 13. PROCEDURE.**

Any elective officer of the City may be removed from office by recall. The procedure to effect such removal shall be as follows:

1. A petition signed by qualified electors equal in number to at least twenty (20) percent of qualified electors who were registered to vote in the City at the last preceding general municipal election for the office subject to recall, and demanding the election of a successor to the person sought to be removed, shall be filed with the Clerk of Council. Such petition, and each petition paper, shall contain a general statement, in not more than two hundred words, of the grounds upon which removal is sought. The Clerk of Council shall not accept for filing any petition which does not purport to contain a circulator's affidavit and at least the minimum number of signatures required for the holding of a recall election.
2. Petition papers shall be procured only from the Clerk of the Council, who shall keep a sufficient number thereof on file for the use as herein provided. Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors of the City and filed with the Clerk, stating the name and office of the officer sought to be removed. The Clerk, upon issuing any such petition paper, shall enter, in a record to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued, and shall certify upon each paper the name of the elector to whom issued and the date of issuance. No petition paper so issued shall be accepted as part of a petition unless it bears such certificate of the Clerk and unless it is filed as provided in this section.

3. Such petition shall be addressed to the Council, and each signer must be an elector of the City. Signatures shall be in ink or indelible pencil. With each signature shall be stated the place of residence of the signer, giving the street and number. Such signatures need not all be on one paper. A person shall be designated in such petition to receive the same in case of return thereof by the Clerk of Council for insufficiency thereof, as hereinafter provided in this section. ~~One of the signers~~ **THE CIRCULATOR** of every such paper shall make affidavit thereto, under penalty of election falsification, which affidavit shall contain a statement of the number of signers of such paper, that the affiant witnessed the affixing of every signature, and that, to the best of the affiant's knowledge and belief, each of the signatures contained on such paper is the genuine signature of the person whose name it purports to be, that such persons are electors of the City, and that they signed such petition with the knowledge of the contents thereof. All such papers for the removal of any one officer shall be fastened together and be filed as one instrument within ~~thirty (30)~~ **FIFTY (50)** days after the filing with the Clerk of the affidavit stating the name and office of the officer sought to be removed. The Clerk of Council, within ten (10) **BUSINESS** days after the filing of such petitions, shall determine the sufficiency of such petition and attach thereto a certificate showing the result of his examination. If the Clerk shall certify that the petition is insufficient, he shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.

4. ~~In the event the original petition contained prima facie insufficient signatures, such recall petition may be supplemented at anytime within twenty (20) days after the making of certificate of insufficiency by the Clerk, by filing a supplementary petition upon~~









































