

The Ohio Constitution, Home Rule & The Charter

Municipal corporations like Cleveland may govern themselves in local municipal matters through certain powers granted to them under the **Ohio Constitution**. Known as **Home Rule** powers:

- Ohio Constitution Article XVIII, section 3: “municipalities shall have the authority to exercise ***all powers of local self-government***, and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.”
 - established in 1912
 - **Procedural powers of self-government are those that relate to structure and form of government and procedures** – how government operates
- A municipality **exercises its home rule powers** of local self-government by **adopting a charter** (Ohio Constitution Article XVIII, Section 7):
 - “Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government”
- A **Charter determines how a municipal corporation’s government will operate**:
 - Charter is a legal instrument comparable to a constitution; framework for municipal government
 - Charter establishes the procedures under which a municipal government operates
- Charter specifies a form of government (ward-mayor system or city manager or other form of government)
 - Does not try to solve all detailed administrative or legislative policy matters
 - Leaves policy making power to council; allows flexibility in meeting municipality’s needs
 - States the fundamentals; does not try to cover all specific situations
- Municipal corporations that do not adopt a charter must follow the procedures provided in state law
- Matters of **local self-government**:
 - Internal organization
 - Control, use, and ownership of certain public property
 - Salaries of municipal officers

- Recall of municipal elected officials
- Regulation of municipal streets
- Procedures for the sale of municipal property
- Matters of **statewide concern are outside the scope of municipal home rule** powers of local self-government:
 - Detachment of territory
 - Annexation
 - Prevailing wage law
 - Public employee collective bargaining law
- **Limitations on municipal home rule** come from the Ohio Constitution:
 - limits municipality's power to tax and incur debt
 - A city cannot raise money for or loan credit to or in aid of any company, corporation or association (lending aid and credit prohibition)
 - Ohio Constitution reserves for citizens the right to initiative and referendum which cannot be eliminated by a municipal corporation (a charter may establish procedures for initiative and referendum)
 - Ohio Constitution requires appointments and promotion in the civil service of cities according to merit and fitness (specific civil service rules may be provided by charter)
- Under Oh. Const. Art. XVIII sec. 9, **amendments to a charter** framed and adopted under the Ohio Constitution **must be submitted to the electors** for approval

City of Cleveland Charter

- Pursuant to Ohio Const. Art. XVIII sec. 8, first Charter Commission formed in 1913; voters approved the Cleveland's first charter on January 1, 1914
- Charter sections 200 and 200-1 govern how Cleveland's Charter is amended and the Charter Review Commission process
- Proposed amendments may be submitted to electors any time Council votes by a 2/3 majority to do so, or when 10% of electors of the city submit an initiative petition; effective dates are at the end of each charter section
- The Charter Review Commission meets every 10 years to review Charter and propose amendments