

Proposed: August 1, 2022

ORDINANCE NO. 108-2022 (AS), *Second Reading*

By Councilman Cuda

An Ordinance providing for the submission to the electors of the City of Cleveland Heights of a proposed amendment to the Charter of the City of Cleveland Heights for placement on the November 8, 2022 ballot; and declaring the necessity that this ordinance become immediately effective as an emergency measure.

WHEREAS, Article IV, Section 3 of the Charter of the City of Cleveland Heights provides for the appointment and supervision of all City employees by the Mayor; and

WHEREAS, Article III, Section 6 of the Charter provides that the City Council shall appoint a clerk of council and may appoint other persons Council deems necessary for the proper discharge of its duties, all of whom shall serve at the pleasure of the Council; and

WHEREAS, Article III, Section 6 of the Charter further provides that except for the purpose of inquiry, the Council and its members shall deal with the City's administrative service solely through the Mayor and City Administrator and shall not give orders to any subordinates of the Mayor; and

WHEREAS, the timely receipt of information is essential for the City Council to make appropriate and informed legislative decisions; and

WHEREAS, specification of the terms and parameters of permissible inquiry between City Council and its members and City department heads would benefit the efficient operation of City government; and

WHEREAS, pursuant to Article XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, this Council has determined to authorize and direct the submission to the electors of the City of Cleveland Heights of a proposed charter amendment at the general election to be held on Tuesday, November 8, 2022, which election is not less than 60 nor more than 120 days from the effective date of this Ordinance, and that submitting the same to the electors is in the best interest of the City and its residents; and

WHEREAS, Article XIII of the Charter of the City of Cleveland Heights provides that amendments to the Charter may be submitted to the electors of the City of Cleveland Heights by a vote of five (5) or more members of this Council.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council directs that there shall be submitted to a vote of the electors of the City of Cleveland Heights, at the general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, the question of whether the selected provision of the

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Charter of the City of Cleveland Heights should be amended to read as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Cuyahoga County Board of Elections is hereby directed to submit the following question to the electors of the City of Cleveland Heights at the general election on Tuesday, November 8, 2022 in substantially this form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

**“Shall Article III, Section 6 of the Charter of the City of Cleveland Heights be amended to provide for procedures for City Council to request information from department heads and the Chiefs of Police and Fire Departments and to require the attendance of such persons at City Council meetings?”**

       Yes        No”

SECTION 3. The Clerk of Council is hereby instructed to file forthwith a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not less than sixty (60) nor more than one hundred twenty (120) days prior to November 8, 2022, for the Board’s processing in the manner provided by the general laws of the State of Ohio.

SECTION 4. The Clerk of Council is hereby directed to provide notice of the proposed amendment pursuant to Article VIII-5 of the Charter of the City of Cleveland Heights, by either: (1) printing or mailing to each registered elector an official publicity pamphlet, or (2) publicizing official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City, at least once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to November 8, 2022. Such publicity pamphlet or publication shall contain a full text of the proposed Charter amendment, with the respective ballot title, together with any explanation or argument for or against such measure which may have been filed with the Clerk of Council.

SECTION 5. Pursuant to Article XIII of the Charter of the City of Cleveland Heights, if the majority of electors voting thereon vote in favor of adopting the proposed amendment to the Charter of the City of Cleveland Heights, it shall become a part of the Charter at the time fixed in the amendment or, if no time is fixed therein, upon its approval by the electors.

SECTION 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely submit to the electors of the City of Cleveland Heights the proposed amendments to Charter of the City of Cleveland Heights amendments in time to meet Board of Elections deadlines. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Ordinance

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shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of the Council

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CRAIG COBB  
Clerk of Council, *Pro Tem*

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

## **EXHIBIT A**

### **Article III-6 – Appointees**

Council shall appoint a Clerk of Council, who shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council.

Council may appoint, employ, hire, or engage any other employees, consultants, independent contractors, or other persons as it deems necessary for the proper discharge of its duties. The Clerk of Council and any other person so appointed and employed, hired, or engaged by the Council shall serve at the pleasure of the Council and shall report to the President of Council, or the designee of the President of Council, as their supervisor.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the Mayor, nor in any manner interfere with or prevent the Mayor or the City Administrator from exercising their judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry as provided herein, the Council and its members shall deal with the administrative service solely through the Mayor or the City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor or the City Administrator.

Any department director of the City or the Chief of the Police or Fire department, including an interim or acting employee in such position, shall furnish members of Council, upon request, information known by the employee or within their responsibility so long as the requested information is reasonably related to already adopted, pending, potential, or contemplated Council legislation. No response to any such request, which may be verbal or in writing, may be unreasonably delayed or denied.

Council may, by Ordinance, establish a requirement that department directors, or their designees if approved by Council, when requested by Council as provided herein, must attend a Council or Council committee meeting, provide information at such meeting, and participate in discussions relating to their respective departments at such meeting. In no event shall less than three (3) business days' notice of the requirement to attend a Council meeting be provided to the department director, which notice shall be in writing, with a copy provided to the Mayor, and which shall identify with reasonable specificity the subject matter that Council wishes to discuss or about which Council wishes to receive information.

In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the Mayor shall submit a report to the Council for review concerning the carrying out of this policy. Council shall make this report public.