

ORDINANCE NO.: 71 -2014
INTRODUCED BY: Council, as required by Charter Art. XIV

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE IV, SECTION 9 (b), AND ARTICLE V, SECTION 5, TO GRANT THE MAYOR THE AUTHORITY TO APPOINT, PROMOTE, TRANSFER, REDUCE OR REMOVE ANY OFFICER OR EMPLOYEE WHO IS NOT COVERED BY CIVIL SERVICE AND IS APPOINTED OR SUPERVISED BY THE MAYOR AND TO ELIMINATE THE NECESSITY FOR COUNCIL APPROVAL OF SUCH ACTIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee has recommended to place the issue of amending the Charter before the electorate in order to grant the Mayor the authority to adjust the employment status of officers and employees of the Municipality who are not covered by Civil Service, without Council approval pursuant to Article IV and Article V, and

WHEREAS, pursuant to Charter Article XIV, Council shall submit these proposed amendments to the electorate: and

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendments to the electors at the next regular municipal election that occurs not less than 60 or more than 120 days from the passage of such ordinance.

NOW, THEREFORE, Be it Ordained by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 4th day of November, 2014, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law, the question of the amendment of the Charter of the City of Richmond Heights, at Article IV, Section 9 (b) and Article V, Section 5 so that, as amended it shall read in pertinent part, as follows:

ARTICLE IV
THE COUNCIL

SECTION 9

(b) ~~The power to approve and confirm or to disapprove and reject all appointments made by the Mayor to fill such offices and departments created under this Charter [are] or created by action of Council, or under the Laws of the State of Ohio now or hereafter in force.~~ **For all**

offices and departments created under this Charter or created by action of Council, or under the laws of the State of Ohio now or hereafter in force, Council approval shall not be necessary for the Mayor's appointment, promotion, transfer, reduction or removal of any officers or employees who are not covered by Civil Service and who are appointed or supervised by the Mayor.

ARTICLE V THE MAYOR

SECTION 5. EXECUTIVE POWERS

The Mayor shall be the executive head of the Municipality. ~~He~~ The Mayor shall supervise the administration of the Municipality's affairs. ~~He shall appoint~~ **All** department heads **shall be appointed by the Mayor.** ~~, subject to the approval of a majority of the members of Council.~~ The Mayor shall be responsible to the electors for the operation of all departments and/or divisions. The Mayor shall be the chief conservator of the peace within the Municipality and shall see that all laws and ordinances are enforced therein. The Mayor shall have the power, subject to the provisions of this Charter and **without the necessity of Council approval,** to appoint, promote, transfer, reduce or remove any officer or employee of the Municipality except **those who are covered by Civil Service;** required by this charter to be elected, or whose terms of office are fixed by this Charter, or by the laws of the State of Ohio, where it is beyond this Charter to provide.

Section 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendments and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Richmond Heights: and the questions to be submitted on said ballot shall be substantially in the following words:

"Shall Article IV, Section 9 (b) and Article V, Section 5 be amended to grant the Mayor the authority to appoint, promote, transfer, reduce or remove any officer or employee who is not covered by Civil Service and who is appointed by or supervised by the Mayor, without the necessity of approval by Council?"

Section 3: The Clerk of Council is directed to give notice of the above proposed Charter amendments to the electors of the City in accordance with general law, and to certify a copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio as provided by law.

Section 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirement, including Section 121.22 of the Ohio Revised Code.

Section 6: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City of Richmond Heights for the reason that is necessary to timely submit the proposed Charter Amendments to the Board of Elections for placement upon the ballot for the general election to be held on November 4, 2014, in compliance with the Ohio Constitution and the City Charter, and therefore, shall take effect and be in force immediately upon its passage and approval of the Mayor.

PASSED: _____

Miesha W. Headen, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche,
President of Council