

ORDINANCE NO.: 86-2018
INTRODUCED BY: Mayor and All of Council

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT SECTION VI-2 TO PROVIDE THAT THE CITY'S DIRECTOR OF LAW BE ADMITTED TO THE PRACTICE OF LAW IN OHIO FOR AT LEAST FIVE YEARS PRIOR TO THE DIRECTOR'S APPOINTMENT AND BE ADMITTED TO PRACTICE IN OHIO COURTS AND SHALL SERVE ALL CITY OFFICIALS/OFFICERS, COUNCIL, DEPARTMENTS, BOARDS AND COMMISSIONS IN COURT AND ADMINISTRATIVE PROCEEDINGS; 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 provide that the City's Director of Law be admitted to the practice of law in Ohio for at least 5 years prior to the Director's appointment and be admitted to practice in Ohio courts and shall serve all City officials/officers, Council, departments, boards and commissions in court and administrative proceedings;

WHEREAS, pursuant to Charter, Article XIV, Council shall submit this proposed amendment to the electorate by ordinance; and

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendment to the electors at the next regular municipal election that occurs not less than 60 nor 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 6th day of November, 2018, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law and by other means as provided by the general laws of Ohio, the question of the amendment of the Charter of the City of Richmond Heights at Section VI-2 (the "Amendment"), so that, as amended, it shall read as follows:

ARTICLE VI

ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS

SECTION VI-2. DIRECTOR OF LAW.

(a) Appointment. The Director of Law shall be appointed by the Mayor subject to the approval of a majority of the members of Council. ~~They~~ **The Director** shall be an attorney-at-law duly admitted to the practice of law **in Ohio for a minimum of five (5) years prior to the Director's appointment by the Mayor and also admitted to practice** before the courts of the State of Ohio. The Director of Law may be removed from office by the Mayor with the concurrence of a majority of the members of Council.

(b) Duties. The Director- of- Law shall serve the Mayor, **the Council**, the various administrative departments, boards, **commissions** and officers of the Municipality in all proceedings in court or before any administrative body. ~~They~~ **The Director**, or such assistants as Council may provide, may act as prosecuting attorney before the ~~Mayor's or other courts or~~ **and** upon appeals from the decisions of the ~~Mayor~~ **courts**. ~~They~~ **The Director** shall perform all other duties now or hereafter imposed by law upon directors of law of municipalities **in Ohio** unless otherwise provided by ordinance of Council, and shall perform such other duties as the Council or Mayor may require consistent with the Director's office.

Section 2: The Board of Elections of Cuyahoga County is directed to provide for the voting upon said Amendment and it is suggested the ballot for said election be substantially in the following words:

Proposed Charter Amendment

City or Richmond Heights, Ohio

A majority affirmative vote is necessary for passage.

“Shall Section VI-2 of the City Charter be amended to provide that the City's Director of Law be admitted to the practice of law in Ohio for at least 5 years prior to the Director's appointment and be admitted to practice in Ohio courts and required to serve all City officials/officers, Council, departments, boards and commissions in court and administrative proceedings?”

	For the Amendment
	Against the Amendment

Section 3: A majority affirmative vote of those electors voting upon the ballot question set forth in Sections 1 and 2 of this Ordinance shall be sufficient for its passage.

Section 4: The Clerk of Council is directed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law, and to

deliver a certified copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, no later than the Board's close of business on September 7, 2018.

Section 5: This Council requests that the Cuyahoga County Board of Elections give notice of the election and prepare the necessary ballots and supplies for the election in accordance with law.

Section 6: 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 4.

Section 7: 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 requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: This Ordinance is 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 it is necessary to timely submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the general election to be held on November 6, 2018, 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 by the Mayor.

PASSED: August 14, 2018


David H. Roche, Mayor

APPROVED: August 14, 2018

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council


Eloise Cotton-Henry
President of Council