

ORDINANCE NO.: 112 -2022
INTRODUCED BY: All of Council

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE VI, SECTION 5, TO CLARIFY THE MANAGEMENT RESPONSIBILITIES OF THE DIRECTORS OF PUBLIC SERVICE AND PROPERTIES AND ENGINEERING AND CONSTRUCTION; AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee, pursuant to Article XIV of the City Charter, has recommended to place the issue of amending the Charter before the City's electorate in order to clarify the management responsibilities of the Director of Public Service and Properties and the Director of Engineering and Construction;

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

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendments to the electors at the next regular election that occurs not less than 60 nor more than 120 days from the passage of such ordinance, which is the general election on November 8, 2022, but the Council is required to file this Ordinance with the Cuyahoga County Board of Elections by September 9, 2022.

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 8th day of November, 2022, 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 VI, Section 5 – "Department of Public Service and Properties and Department of Engineering and Construction", so that, as amended, it shall read in pertinent part as follows:

ARTICLE VI
ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS

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SECTION 5. DEPARTMENT OF PUBLIC SERVICE AND PROPERTIES AND
DEPARTMENT OF ENGINEERING AND CONSTRUCTION.

(c) The Director of Public Service and Properties and the Director of Engineering and Construction shall have the supervision and control of ~~the Director's~~ **each of their respective** Departments, under and subject to the direction of the Mayor and shall work closely with ~~the~~ **each** other. The Director of Public Service and Properties and the Director of Engineering and Construction shall have the power to prescribe rules and regulations not inconsistent with this

Charter, for the ~~government~~ **management** of **each of their respective** ~~the~~ Departments; for the conduct of the officers and employees of **each of their respective** ~~the~~ Departments; for the distribution and performance of its **each of their respective Department's** business; and for the custody and preservation of the books, records, papers and property under its **each of their respective Department's** control.

The Director of Public Service and Properties and the Director of Engineering and Construction may establish and maintain regulations, subject to the approval of the Mayor, for the coordination of the work of, and cooperation in the service of ~~the~~ **each of their respective** Departments with any and all other departments, divisions, or duly constituted bodies of the Municipality of Richmond Heights, to the end that efficiency, economy and maximum service to the Municipality and its residents may be secured. Further, ~~the~~ **each** Directors shall perform such other duties consistent with ~~the~~ **that** Director's² office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor.

Annually, on such date as may be fixed by the Council, the Director of Public Service and Properties and the Director of Engineering and Construction shall render to the Mayor a full report of the transactions of ~~the~~ **each** Director's² respective ~~d~~Departments for the year, and at the same time forward a copy thereof to the Council, and at any time **each of** the Directors shall furnish to the Council and/or Mayor such information relating to ~~the~~ **each of their respective** Departments as either **Department** may require. The annual report of such Departments shall be a matter of public record.

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

"Shall Section 5 of Article VI of the Richmond Heights Charter be amended to clarify the management responsibilities of the Director of Public Service and Properties and the Director of Engineering and Construction? "

Section 3: 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 certify a copy of the 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 requirements, 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 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 8, 2022, 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 23, 2022

APPROVED: August 23, 2022

ATTEST: Betsy Trabon
Betsy Trabon
Clerk of Council

Kim A. Thomas
Kim A. Thomas, Mayor
Bobby Jordan
Bobby Jordan
President of Council