

ORDINANCE NO.: 48-2009
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 ARTICLE IV, "THE COUNCIL"; SECTIONS 5, 6, 7, AND 9 AND AT ARTICLE X, " ORDINANCES, EFFECTIVE DATE AND CODIFICATION", SECTION 2, REGARDING COUNCIL MEETINGS AND EXECUTIVE SESSIONS, THE COUNCIL CLERK, MUNICIPAL CONTRACTS, AND THE EFFECTIVE DATE OF COUNCIL LEGISLATIVE 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 govern the location of Council meetings and reasons for executive sessions of Council, to clarify individuals eligible to serve as Council Clerk, to clarify Council's authority over municipal contracts, and to clarify the effective date of Council legislative actions; 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 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 3rd day of November, 2009, 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, "The Council", Sections 5, 6, 7, and 9 and Article X, Section 2, so that, as amended, it shall read in pertinent part as follows:

ARTICLE IV
THE COUNCIL

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SECTION 5. MEETINGS.

The Council shall meet at such times as may be prescribed by its rules, regulations, ordinances and bylaws, but it shall hold regular meetings at least twice in each calendar month. Council shall hold such special meetings as may be found necessary, which may be called by the Clerk upon the written request of the Mayor or upon the written request of three (3) members of Council, in a manner prescribed by ordinance. All regular and special meeting of Council shall be held in the Council Chamber of the Municipality **or elsewhere in the Municipality as determined by majority vote of Council** and shall be open to the public. Meetings of Council committees, including Committee of the Whole, shall be public, except as follows:

The members of the Council may hold an executive session after a majority of a quorum of Council determines, by a roll call vote at a regular or special **Council** meeting **and at Council committee meetings**, to hold such a session and only for the sole purpose of the consideration of any of the following matters which matter shall be stated in the motion and vote to hold the executive session or for the consideration of any further matters to be stated in any revision of Section 121.22 of the Ohio Revised Code:

1. To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or official of the City, or the investigation of charges or complaints against an employee or official of the City unless the employee or official requests a public hearing. Except as otherwise provided by law, the Council shall not hold an executive session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office. The motion and vote to hold the executive session stating one or more of the above approved purposes need not include the name of any person to be considered at the meeting.

2. To consider the purchase of property for public purposes, or the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. If the minutes of the Council show that all meetings and deliberations of the Council have been conducted in compliance with this section, any instrument executed as provided in the Charter to convey, lease, or otherwise dispose of any right, title, or interest in any public property of the City shall be conclusively presumed to have been executed in compliance with this section insofar as title of bona fide purchasers, lessees, or transferees of the property is concerned.

3. Conference with an attorney for the City or the Council concerning disputes involving the City or the Council that are the subject of pending or imminent court action.

4. Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms or conditions of their employment.

5. Matters required to be kept confidential by federal law or rules or state statutes.

6. Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law.

7. Any other reasons provided by state law.

SECTION 6. QUORUM.

A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting, but a smaller number may adjourn the meeting ~~from time to time~~ and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules of Council. At any meeting at which a quorum is present any ordinance or resolution may be passed or adopted or any other action may be taken by the affirmative votes of said quorum, unless a larger number be required by the provisions of this Charter or by the Constitution or the Laws of Ohio.

SECTION 7. CLERK.

The Council shall elect an ~~officer of the Municipality~~**individual**, who shall have the title of Clerk, who shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by his signature and record in full, in a book kept for the purpose, all ordinances and resolutions and shall perform such other duties as shall be required by this Charter or by ordinance.

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SECTION 9. POWERS.

The Council shall have and possess:

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(f) The power to authorize all contracts and make the necessary appropriations therefor; and no contract shall be made on behalf of the Municipality unless first authorized by Council, and no contract **for the expenditure of funds** shall be binding upon the Municipality until it has been authorized or approved and the necessary money has been appropriated.

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**ARTICLE X
ORDINANCES, EFFECTIVE DATE AND CODIFICATION**

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SECTION 2. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property to be benefited and specially assessed therefor, and any emergency ordinance or

resolution necessary for the immediate preservation of the public peace, health, or safety shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time in which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other **legislative matter, whether passed by** ordinance or resolution shall go into effect earlier than thirty (30) days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and in addition shall state in precise terms exactly what the emergency is, and shall require the affirmative vote of five (5) members of Council for its enactment. No action of the Council authorizing any change in the boundaries of the Municipality or the surrender or joint exercise of any of its powers, or granting, renewing or extending any franchise or other special privilege, or contracting for the supply to the Municipality or its inhabitants of the products or service of any utility, whether municipality owned or not, or regulating the rate to be charged for its services, shall be enacted as an emergency measure.

Section 2: The Board of Elections of Cuyahoga County be, and it 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 various sections of the Richmond Heights Charter related to the City Council and the effective date of its legislation be amended to permit the Council to meet at locations in the Municipality other than the Council Chamber as determined by a majority vote of the Council; to permit executive sessions of the Council at Council committee meetings and at all meetings of the Council for the reasons provided by state law; to eliminate superfluous language regarding adjournments of Council meetings; to clarify that the Council may elect an individual as Council Clerk who does not have to be an officer of the Municipality as a prerequisite to being eligible for such election; to clarify that no contract for the expenditure of funds shall be binding on the Municipality until it is authorized or approved by the Council; and to clarify that certain legislative matters, whether passed by ordinance or resolution, shall not go into effect earlier than thirty days after their final passage by the Council."

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 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 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 3, 2009, 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: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council