

ORDINANCE NO.: 50-2009
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 VI, SECTION 3 - "DIRECTOR OF FINANCE", REGARDING THE DEADLINE FOR ADOPTION OF THE ANNUAL APPROPRIATION ORDINANCE, THE THRESHOLD FOR COMPETITIVE BIDDING FOR CONTRACTS, AND EXCEPTIONS TO COMPETITIVE BIDDING FOR PARTICIPATION IN COOPERATIVE PURCHASING PROGRAMS OF THE STATE OF OHIO AND OTHER POLITICAL SUBDIVISIONS; 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 clarify the deadline for Council's adoption of the annual appropriation ordinance, to increase the threshold for competitive bidding for City contracts, and to create exceptions to competitive bidding for participation in cooperative purchasing programs of the State of Ohio and other political subdivisions; 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 VI, Section 3 – "Director of Finance", so that, as amended, it shall read in pertinent part as follows:

ARTICLE VI
ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS

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SECTION 3. DIRECTOR OF FINANCE.

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(k) Appropriation Ordinance. Council shall adopt an annual ~~Appropriation Ordinance within ninety (90) days after the receipt of a Certificate of Resources from the County Auditor, or~~ within ninety (90) days from the beginning of the fiscal year, ~~whichever shall last occur.~~ Council may make one or more preliminary appropriations for current expenses until the ~~Annual~~ Appropriation ordinance is in effect.

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(n) Public Bidding.

1. Bidding Required. Each net expenditure of more than ~~fifteen~~ twenty-five thousand dollars (~~\$125,000~~) shall be made to the lowest and best bidder after public advertising in a manner prescribed by the Council. Council shall not be required to accept any bid.

2. Waiver of Requirement. The Council may authorize expenditures exceeding ~~fifteen~~ twenty-five thousand dollars (~~\$125,000~~) without public advertising in the following specific cases: acquisition of real estate; discharge of noncontractual claims against the Municipality; for personal professional services; for joint use of facilities with other political subdivisions; participation in State of Ohio cooperative purchasing programs and cooperative purchasing programs of political subdivisions where bids or quotations are received for the products or services being purchased; and for the products or services of public utilities; provided, that Council may authorize a purchase or contract involving an expenditure of more than ~~fifteen~~ twenty-five thousand dollars (~~\$125,000~~) without advertising for bids if it determines and declares by an affirmative vote of not less than five (5) members that an emergency exists and sets forth the nature of the emergency in its resolution or ordinance.

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 Section 3 of Article VI of the Richmond Heights Charter be amended to eliminate the requirement that the Council adopt an annual appropriation ordinance within ninety days after the receipt of a Certificate of Resources from the County Auditor and to retain the requirement that said adoption occur within ninety days from the beginning of the fiscal year; to increase the threshold for requiring competitive bidding of City contracts from more than fifteen thousand dollars per contract to more than twenty-five thousand dollars per contract; to clarify the exception to competitive bidding for professional services; and to set forth an exception to competitive bidding for the City's participation in cooperative purchasing programs of the State of Ohio and its political subdivisions where bids or quotations are received by those cooperative purchasing programs?"

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 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