

Proposed: 5/16/2022

ORDINANCE NO. 63-2022 (COTW), *First Reading*

By Mayor Seren

An Ordinance amending Section 123.04, “Powers and Duties of Director,” of the Codified Ordinances of Cleveland Heights by removing the Director of Finance from the role of ex-officio Clerk of Council and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the Council of the City of Cleveland Heights passed Ordinance No. 15-2022 on February 22, 2022, submitting to the electors of the City of Cleveland Heights proposed amendments to the Charter of the City of Cleveland Heights for placement on the May 3, 2022 ballot as “Issue 10;” and

WHEREAS, in Ordinance No 15-2022, the Council recognized “the significant and important duties undertaken by the Director of Finance” and expressed the intent “to eliminate the requirement that the position simultaneously serve as Clerk of Council, to allow the Director of Finance to focus solely and exclusively on the duties and responsibilities of the position of Director of Finance;” and

WHEREAS, the electors of the City of Cleveland Heights voted overwhelmingly to approve Issue 10 on May 3, 2022, amending the Charter to provide that “Council shall appoint a Clerk of Council, who shall have the duty of keeping Council’s records and performing all other duties required by this Charter and by the Council;” and

WHEREAS, the current Section 123.04 of the Codified Ordinances of the City of Cleveland Heights provides in relevant part that “the Director of Finance shall be...ex-officio Clerk of Council [and] shall attend all Council meetings, keep a journal of all councilmatic proceedings and be the custodian of all ordinances and resolutions, communications and documents pertaining to matters coming before Council”; and

WHEREAS, Section 123.04 of the Codified Ordinances of Cleveland Heights now directly conflicts with Article III, Section 6, as amended, and Article IV, Section 3 of the Charter.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Current Section 123.04 of the Codified Ordinance of the City of Cleveland Heights shall be and is hereby amended to read as follows:

123.04 POWERS AND DUTIES OF DIRECTOR.

Subject to the provisions of Section 123.041 hereinbelow, the Director of Finance shall sign all checks for the payment of money which must be previously approved and signed by the Mayor. The Director of Finance shall be the fiscal officer of the City and shall be responsible for the proper conduct of all duties and work of the department.

SECTION 2. Current Section 123.04 of the Codified Ordinances of the City of Cleveland Heights as it existed prior to the effective date of this Ordinance shall be, and is hereby, repealed in its entirety.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the necessity that the Codified Ordinances conform to the Charter of the City of Cleveland Heights, and to preserve public's understanding and faith in the consistency of the laws of Cleveland Heights. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Presented to Mayor:

Approved: _____

KAHLIL SEREN
Mayor