

ORDINANCE NO. 2024 - 53

AN ORDINANCE TO DIRECT THE SUBMISSION TO THE ELECTORS OF PARMA HEIGHTS, OHIO, PROPOSALS TO AMEND ARTICLE III, SECTION 8; ARTICLE III, SECTION 11; ARTICLE IV, SECTION 7; AND ARTICLE V, SECTION 6 OF THE CITY CHARTER, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the provisions of Article X of the Charter of the City, this Council is required to submit all City Charter amendments recommended by the City's Charter Review Commission to the electors of the City for a vote thereon; and the next general election greater than sixty (60) days after the recommendation of the Charter Review Commission was rendered and delivered to this Council is November 5, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: That this Council directs the submission to the electors of the City of Parma Heights, Ohio, at the general municipal election to be held at the regular places of voting in said City and the regular hours of voting on Tuesday, November 5, 2024 (the "Election"), of separate recommendations of the Charter Review Commission, for amendments to the City's Charter, set forth in Exhibits "A", "B", "C", and "D", which are attached hereto and incorporated by reference.

Section 2: If any of the proposals submitted pursuant to the attached Exhibits, considered independently of one another, receive the affirmative vote of a majority of the electors voting thereon, then the existing section or sections to which such proposal or proposals relate shall be, and the same are amended, as proposed, effective as of the date on which such amendments become effective.

Section 3: The Board of Elections of Cuyahoga County is directed to provide for the voting upon the proposed Charter amendments in this Ordinance and the ballots for the Election shall, at the top of the ballot, be entitled "Proposed Charter Amendments City of Parma Heights, Ohio", and the questions to be submitted on said Election ballot are recommended to be substantially in the following words, read as shown in Exhibit "E", which is attached hereto and incorporated by reference.

Section 4: The Clerk of Council is authorized and directed to deliver a certified copy of this Ordinance to the Board of Elections of Cuyahoga County prior to the Board's close of business on September 6, 2024.

Section 5: The Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the Election to be held on November 5, 2024 on the foregoing amendments to the Charter of this City.

Section 6: The Director of Law is authorized and directed to respond to any request from the Board of Elections that the City furnish additional or alternative wording of the ballot issues to those set forth in Section 3 of this Ordinance.

Section 7: The Clerk of Council is authorized and directed to publish the full text of the proposed Charter amendments once a week for not less than two consecutive weeks in a newspaper published in this municipal corporation, with the first publication being at least fifteen (15) days prior to November 5, 2024.

Section 8: There is appropriated from the General Fund of this City an amount sufficient to apply to the costs of carrying out the authorizations and directions of this Ordinance.

Section 9: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 10: This Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that said Ordinance must become effective at the earliest possible time in order to permit the necessary arrangements to be made so as to submit to the electors the question of said Charter amendments at the November 5, 2024 election, meet the deadline of the submission of this Ordinance to the County Board of Elections by September 6, 2024, and to thereby carry out the requirement of Article X of the Charter; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: July 29, 2024

Thomas Rounds
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen
CLERK OF COUNCIL

July 29, 2024
APPROVED

FILED WITH
THE MAYOR: July 29, 2024

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MAYOR MARIE GALLO

Exhibit A

PROPOSED LANGUAGE

ARTICLE III SECTION 8. MEETINGS.

a) Regular Meetings. At 7:00 p.m. on the second Monday of January immediately following a regular municipal election, or if such day be a holiday, on the day following, the Council shall convene and organize at the Municipal building of the Municipality. Thereafter, the Council shall meet at such times as may be prescribed by its rules, regulations or bylaws, or by ordinance, except that it shall hold regular meetings at least twice during each calendar month, except that during the month of December only one (1) regular meeting need be held and, also, that it may recess during the months of July and August, subject to the call of a meeting by the Mayor. Subject to Article XI, Section 8 of this Charter, all meetings of the Council, whether regular or special, shall be open to the public in accordance with the provisions of this Charter.

(b) Special Meetings. Special meetings may be called in accordance with and as provided for by the rules, regulations or bylaws adopted by Council; but in the absence of such provision they may be called by a vote of the Council taken at any regular or special meeting of the Council, or shall be called by the Clerk of Council upon the written request of the Mayor, President of the Council, or three members of the Council. Any such vote or request shall state the subject or subjects to be considered at the meeting and no other subject or subjects shall be considered. Twelve (12) hours notice in writing of such special meeting called by the Mayor, President of Council, or three (3) members of Council must be given to each member of Council and the Mayor by service personally upon them or left at their usual place of residence. Service of such notice may be waived in writing through documented written or electronic correspondence.

Exhibit B

PROPOSED LANGUAGE

ARTICLE III SECTION 11. PROCEDURE.

All legislative action shall be by ordinance or resolution introduced in written or printed form except when otherwise permitted by the Constitution or laws of the State of Ohio. A copy of each ordinance and resolution shall be provided to each member of Council by the Clerk of Council, not less than forty-eight (48) hours prior to the regular or special meeting at which the ordinance or resolution is to be introduced. This requirement shall be suspended if a written waiver thereof shall be signed by ~~all~~ at least five (5) members of Council as an emergency and with the affirmative vote of all members of Council present at the meeting. No ordinance or resolution shall be passed without the concurrence of a majority of the members of Council.

Every ordinance or resolution shall be ~~fully and distinctly~~ read by title at three (3) different Council meetings unless five (5) members of Council vote affirmatively to ~~dispense with the rule read an ordinance or resolution in its entirety~~. No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title; and no ordinance or resolution shall be revised or amended unless the ordinance or resolution superseding it contains the entire ordinance or resolution so revised or amended or the section or sections so revised or amended, and having been revised or amended the original ordinance, resolution or section shall be repealed.

Exhibit C

PROPOSED LANGUAGE

ARTICLE IV SECTION 7. CIVIL SERVICE COMMISSION.

(a) Membership. The Mayor, with the concurrence of a majority of the members elected to Council, shall appoint a Civil Service Commission consisting of three electors of the Municipality not holding other municipal office or appointment to serve for a term of six years; except that of the three appointed for the terms beginning with the effective date of this Charter, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. All members shall serve without compensation.

(b) Powers and Duties. The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the Municipality as required by the Constitution of the State of Ohio, and for appeals from the action of the Mayor in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the laws of the State of Ohio. The Civil Service Commission shall adopt rules with regard to certification of names from the promotion lists. The Commission shall prescribe and enforce rules and regulations that may be different than the State's general statutes on civil service law. The Commission shall conduct its affairs in accordance with its own lawfully adopted rules and regulations, which may be different from the State's general statutes on civil service law.

Whenever a vacancy occurs in the position of Chief of Police or Chief of the Fire Department, the Commission shall certify to the appointing authority the names of the five candidates with the highest rating as established by the Civil Service Commission. The Commission may certify less than five names if five are not available. Upon receipt from the Commission of such list of eligibles for the position of Chief, the appointing authority shall fill such position by appointment of one of the persons certified to the appointing authority and shall forthwith report to the Commission the name of such appointee, the title of the position, the duties and responsibilities of the same, the salary or compensation thereof, and such other information as the Commission may reasonably require in order to keep its roster.

Civil Service examination shall not be required for the appointment of any member of a board or commission, or any head of a department other than the Police Department or Fire Department, or any assistant to a director, or any secretary to the Mayor or to the head of any department or any assistant to the Mayor, or for temporary appointment, or for unskilled laborers, or for appointment to any other office or position requiring peculiar or exceptional qualifications. Except as herein provided, the Civil Service Commission shall determine the practicability or competitive examination for any nonelective office or job classification in the service of the Municipality.

The Civil Service Commission shall certify the payroll of all Civil Service employees to the Director of Finance.

Exhibit D

PROPOSED LANGUAGE

ARTICLE V SECTION 6. CONTRACTS AND PURCHASING.

The Municipality may, within the amounts and items appropriated by the Council, make purchases and enter into contracts on behalf of the Municipality involving expenditures for the whole of any authorized project, asset or service not in excess of ~~fifty~~ seventy-five thousand dollars (~~\$50,000~~ \$75,000) without competitive bidding, except as may otherwise be provided by ordinance of the Council. No purchase or contract involving an expenditure of more than ~~fifty~~ seventy-five thousand dollars (~~\$50,000~~ \$75,000) shall be made except with the lowest responsive and responsible bidder, or with the lowest and best bidder, as determined by Council after public advertising and receipt of bids in the manner set forth by ordinance; provided, however, that the Council may authorize contracts without advertising for bids for personal services, for the acquisition of real estate, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of public utilities (including those Municipally operated), and the Council may authorize a purchase or a contract involving an expenditure of more than ~~fifty~~ seventy-five thousand dollars (~~\$50,000~~ \$75,000) 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.

Exhibit E

PROPOSED CHARTER AMENDMENTS CITY OF PARMA HEIGHTS, OHIO

A Majority of the Affirmative votes for each Proposal is necessary for the passage of that particular amendment.

“Shall Article III, Section 8 of the Charter of the City of Parma Heights be amended to provide that notice of service for Special Meetings of City Council may be waived through documented written or electronic correspondence?”

YES

NO

“Shall Article III, Section 11 of the Charter of the City of Parma Heights be amended to provide that at least five (5) members of Council are needed to suspended the requirement that a copy of each legislative action shall be provided to Council not less than forty-eight (48) hours prior to the Council meeting as an emergency and to provide that every ordinance or resolution shall be read by title only unless five (5) members of Council vote affirmatively to read an ordinance or resolution in its entirety?”

YES

NO

“Shall Article IV, Section 7 of the Charter of the City of Parma Heights be amended to provide that the Civil Service Commission shall prescribe and enforce rules and regulations that may be different that the State’s general statutes on civil service law and shall conduct its affairs in accordance with its own lawfully adopted rules and regulations, which may be different from the State’s general statutes on civil service law?”

YES

NO

“Shall Article V, Section 6 of the Charter of the City of Parma Heights be amended to provide that the Municipality may, within the amounts and items appropriated by City Council, make purchases and enter into contracts in behalf of the Municipality involving expenditures for the whole of any authorized project, asset or service not in excess of seventy-five thousand dollars (\$75,000) without competitive bidding, except as may otherwise be provided by ordinance of the Council?”

YES

NO
