

# Ordinance No. 987-2019

Council Member Kelley

FOR PASSAGE  
August 21, 2019

## AN EMERGENCY ORDINANCE

Authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 38 and 39 of the Charter of the City of Cleveland relating to the Mayor's estimate and the appropriation ordinance.

---

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at a special election to be held on November 5, 2019, and providing for the usual daily operation of a municipal department; now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 5, 2019, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 38 and 39 to read as follows:

### **§ 38 Mayor's Estimate**

The fiscal year of the City shall begin on the first day of January. On or before the fifteenth day of November in each year the Mayor shall prepare an estimate of the expense of conducting the affairs of the City for the following year and shall submit ~~such~~ the estimate to Council no later than February 1 of ~~said~~ the following year. This estimate shall be compiled from detailed information obtained from the various departments on uniform blanks prepared by the Director of Finance, and shall set forth:

- (a) An itemized estimate of the expense of conducting each department.
- (b) Comparisons of ~~such~~ the estimates with the corresponding items of expenditure for the last two complete fiscal years and with the expenditures of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.
- (c) Reasons for proposed increases or decreases in ~~such~~ the items of expenditure compared with the current fiscal year.
- (d) A separate schedule for each department showing the things necessary for the department to do during the year and which of any desirable things it ought to do if possible.
- (e) Items of payroll increases as either additional pay to present employees, or pay for more employees.
- (f) A statement from the Director of Finance of the total probable income of the City from taxes for the period covered by the Mayor's estimate.
- (g) An itemization of all anticipated revenue from sources other than the tax levy.
- (h) The amounts required for interest on the City's debt, for sinking funds and for maturing serial bonds.

(i) The total amount of outstanding City debt with a schedule of maturities of bond issues.

(j) ~~Such~~ Any other information as that may be required by the Council.

The Mayor shall submit the estimate ~~thus~~ prepared as set forth in this section to the Council and shall make it available electronically on a City website and electronically or in print to citizens who may call for it. and at least one thousand (1,000) copies thereof shall be printed for distribution to citizens who may call for them. Copies of the estimate shall also be ~~furnished~~ made available in print or electronically to the newspapers of the City, and to the public library and each of its branches.

### **§ 39 Appropriation Ordinance**

Upon receipt of the Mayor's estimate the Council shall at once prepare an appropriation ordinance, in ~~such~~ the manner as may be provided by ordinance or resolution, using the Mayor's estimate as a basis. Provisions shall be made for public hearings upon the appropriation ordinance before a committee of the Council or before the entire Council sitting as a committee of the whole. Following the public hearings and before the third reading and final passage, the appropriation ordinance shall be published in the *City Record* with a separate schedule setting forth the items asked for in the Mayor's estimate which were refused or changed by the Council, and the reasons for ~~such~~ the change or refusal. The Council shall not pass the appropriation ordinance until ~~fifteen (15)~~ seven (7) days after its publication nor before the first Monday in January. Upon passage of the appropriation ordinance by the Council it shall be published in the manner provided for other ordinances.

Section 2. That the foregoing proposed amendments to the Charter, on receiving at least a majority of the votes cast at the November 5, 2019 special election, shall become effective immediately on their adoption.

Section 3. That the Clerk of this Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 5, 2019, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the election to be held on November 5, 2019, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT  
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Charter Sections 38 and 39 regarding the Mayor's estimate and the appropriation ordinance be amended to require that the Mayor's estimate be made available electronically on a City website and in print as requested, and to eliminate the requirement that 1,000 printed copies of the Mayor's estimate be made; and to provide that Council shall not pass the appropriation ordinance until seven (7) days after its publication?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KJKrns  
8-21-19

FOR: Councilmember Kelley