

**Ordinance No. 604-2019**

**Council Member:** Kelley (by departmental request)

**An emergency ordinance to amend Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1069-17, passed September 25, 2017, relating to the use of City credit cards.**

**WHEREAS**, this ordinance constitutes an emergency measure 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 Section 171.40, as amended by Ordinance No. 1069-17, passed September 25, 2017, is amended to read as follows:

Section 171.40 Use of City Credit Cards

(a) *Authorization.*

(1) A credit card held by the Clerk of Council may be used to pay the following work-related expenses of the Clerk, member of Council, and Council staff:

- A. Transportation expenses while traveling on City business;
- B. Lodging expenses while traveling on City business;
- C. Food expenses while traveling on City business;
- D. Food expenses as authorized by ordinance of Council; and
- E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats; ~~in connection with the performance of official duties.~~
- F. Office supplies; and
- G. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(2) A credit card held by the Law Department Docket Clerk or any Law Department attorney may be used to pay the following work-related expenses:

- A. Filing fees required by any court, board or tribunal;

B. Any other cost assessed by a court, government office in the United States, board or tribunal other than judgments or settlements.;

C. Any cost of obtaining records, transcripts and other documents from a court reporter, or a government office related to a legal matter; and

D. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(3) A credit card held by the Port Control Director, or his or her designee, may be used to pay the following work-related expenses:

A. Emergency commodity purchases in which a credit card is the only method of payment acceptable to the vendor.;

B. Food expenses as authorized by ordinance of Council;

C. Registration, professional licenses, tuition or enrollment expenses for meetings, seminars, conferences, or retreats;

D. Advertising and public notice expenses;

E. Computer software maintenance including web-page renew expenses; and

F. Filing fees for land property splits.

(4) A credit card held by the Finance Director, or his or her designee, Director's designee, may be used to pay the following work-related expenses:

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council; and

E. Registration, professional licenses, tuition or enrollment expenses for meetings, seminars, conferences, retreats or other similar events in connection with City business.; and

F. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(5) A credit card held by the Commissioner of Purchases and Supplies, or his or her designee, may be used to pay the following work-related expenses:

- A. ~~Business business~~ licenses, registrations, and subscriptions, ;
- B. ~~Tuition and/or enrollment expenses for meetings, seminars, or conferences;~~
- C. ~~Transportation expenses while traveling on City business;~~
- D. ~~Lodging expenses while traveling on City business; and~~
- E. ~~Other and other~~ ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(6) A credit card held by the Chief Financial Officer of the Department of Public Utilities, or his or her designee, may be used to pay the following work-related expenses:

- A. ~~Business business~~ licenses, registrations, and subscriptions, ~~and other professional dues and subscriptions;~~
- B. ~~Tuition and/or enrollment expenses for meetings, seminars, or conferences;~~
- C. ~~Training expenses and training supplies;~~
- D. ~~Professional services, program promotions, and participation fees;~~
- E. ~~Equipment, supplies, software and maintenance;~~
- F. ~~Memberships;~~
- G. ~~Advertising and public notices;~~
- H. ~~Parking in City facilities, taxes, and food; and~~
- I. ~~Other and other~~ ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(7) A credit card held by the Judge of the Cleveland Housing Court, or his or her designee, may be used to pay the following work-related expenses:

- A. Transportation expenses while traveling on Court business;
- B. Lodging expenses while traveling on Court business;
- C. Food expenses while traveling on Court business;

D. Food expenses as authorized by the Judge of the Cleveland Housing Court; ~~and~~

E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, ~~or retreats in connection with the performance of official duties.;~~

E. ~~Supplies and equipment; and~~

G. ~~Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.~~

~~(8) A credit card held by the Finance Department project coordinator (travel coordinator), or his or her designee, may be used to pay the following work-related expenses:~~

~~A. Transportation expenses while traveling on City business;~~

~~B. Lodging expenses while traveling on City business;~~

~~C. Food expenses while traveling on City business;~~

~~D. Food expenses as authorized by ordinance of Council;~~

~~E. Registration, professional licenses, tuition or enrollment expenses for meetings, seminars, conferences, or retreats; and~~

~~F. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.~~

Use of a City credit card for uses other than those listed in division (a) of this section shall be considered an unauthorized use. ~~Any items not on these lists may be approved at the Finance Director's discretion.~~

Use of a City credit card in a manner inconsistent with any restriction or control placed on the card by the Director of Finance shall be considered an unauthorized use.

(b) No late charges or finance charges shall be allowed as an allowable expense on a City credit card unless authorized by the Director of Finance.

(c) Any debt incurred as a result of the use of a credit card under this section shall be paid from moneys appropriated in the budget to specific appropriation line items of the appointing authority for work-related expenses listed in division (a) of this section.

(d) Use of any credit card under division (a) of this section shall be limited to the amount appropriated in a specific appropriation line item for the permitted use or uses designated in division (a) and not otherwise encumbered.

(e) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee to reimburse the City Treasury for the amount charged to the City beyond the authorized amount or the amount of unauthorized use. If the card is issued to the office of an appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for the amount charged to the City beyond the authorized amount or for the amount of unauthorized use.

(f) Any time a City credit card authorized for use under this section is used for more than the amount appropriated and not otherwise unencumbered or is used for an unauthorized use, the City Treasury shall be reimbursed for any amount spent beyond the appropriated, otherwise unencumbered amount, or for the amount of unauthorized use, in the following manner:

(1) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee for reimbursing the City Treasury for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(2) If the card is issued in the name of the office of the appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for reimbursement for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(g) Whenever any officer or employee who is authorized to use a City credit card or the office of any other county appointing authority suspects the loss, theft, or possibility of unauthorized use of the card, the officer or employee shall notify the Director of Finance, Division of Treasury, Division of Internal Audit, Division of Financial Reporting and Control and either the officer's or employee's appointing authority immediately and in writing.

(h) If the Director of Finance determines there has been a credit card expenditure beyond the appropriated, otherwise unencumbered or the authorized amount or if the Director of Finance determines that there has been unauthorized use of a credit card, and if the Director of Finance determines that the City Treasury should be reimbursed for credit card expenditures beyond the appropriated, otherwise unencumbered or the authorized amount, or for the amount of the unauthorized use, the Director of Finance shall give written notice to the officer or employee or appointing authority of liability to the City Treasury in accordance with this section. If, within thirty (30) days after issuance of the written notice, the City Treasury is not reimbursed for the amount shown on the written notice, the Director of Law shall recover that amount from

the officer or employee or appointing authority who is liable under this section by civil action in any court of appropriate jurisdiction.

(i) Use of a City credit card for any use other than those permitted under division (a) of this section is a violation of RC 2913.21.

(j) The Director of Finance may revoke credit card privileges and reclaim the credit cards as the Director deems necessary.

**Section 2.** That existing Section 171.40, as amended by Ordinance No. 1069-17, passed September 25, 2017, is repealed.

**Section 3.** 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.

**Passed May 13, 2019.**

**Effective May 15, 2019.**