

Ordinance No. 1081-2024

By Mayor Bibb

AN EMERGENCY ORDINANCE
To discontinue the Division of Information Technology and Services, the Office of Information Technology Planning, and the Office of Urban Analytics and Innovation by repealing various sections of the Codified Ordinances of Cleveland, Ohio, 1976; to establish the Department of Innovation and Technology; to enact new Sections 148.01 to 148.03; to repeal Section 127.12; and to amend Section 171.40, of the codified ordinances, relating to the foregoing changes.

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 the Division of Information Technology and Services and, upon the concurrence of the Board of Control, as required by Section 77 of the Charter of the City of Cleveland (“Charter Section 77”), the Office of Information Technology Planning and the Office of Urban Analytics and Innovation are discontinued.

Section 2. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 123.09, as enacted by Ordinance No. 859-2022, passed September 19, 2022, and

Sections 127.44, 127.45 and 127.451, as amended by Ordinance No. 148-03, passed June 10, 2002,

are repealed.

Section 3. That Section 127.12 of the Codified Ordinances of Cleveland, Ohio, as amended by Ordinance No. 215-2012, passed May 21, 2012, is repealed.

Section 4. That, upon concurrence of the Board of Control, as required by Charter Section 77, the Department of Innovation and Technology is established.

Section 5. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 148.01 to 148.03 to read as follows:

CHAPTER 148 DEPARTMENT OF INNOVATION AND TECHNOLOGY

Section 148.01 Establishment of the Department of Innovation and Technology

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There is established a Department of Innovation and Technology to be controlled and administered by a Director of Innovation and Technology subject to the provisions of the Charter and ordinances of the City, and to the direction of the Mayor.

Section 148.02 Duties of the Director of Innovation and Technology

The Director of Innovation and Technology shall:

- (a) Evaluate the City's information technology needs;
- (b) Implement information systems, plans, policies, and standards for use by departments of City government as requested by the Mayor or the Directors of the departments;
- (c) Oversee an annual information systems budget;
- (d) Manage the City's telecommunications and network environment, equipment, and customer services (including the telephone exchange);
- (e) Operate a centralized, non-emergency hotline and website for residents, visitors, and businesses to report non-emergency issues in a streamlined way and to access City services and information; ~~and~~
- (f) Monitor and assess program and service delivery to the residents and businesses by tracking and improving performance of departments of City government through the incorporation of efficient, effective, and economically sound process improvement methods to ensure high levels of accountability, compliance, and quality control;
- (g) Conduct audit and compliance programs to ensure customer and quality service and efficiency through technology, conduct quality control programs to inspect service requests received from the public, and conduct performance improvement programs to recommend and facilitate process improvement models; and
- (h) Perform all other duties pertaining to the Department which may be required of him or her by ordinance or by the Mayor.

Section 148.03 Standard and Requirement Contracts for Various Telecommunications Purposes and Payment of Recurring Fees.

- (a) The Director of Innovation and Technology is authorized to enter into one or more standard purchase or requirement contracts for purchase, rental agreements, or leases with or without an option to purchase when the Director determines there is a financial advantage, duly let to the lowest and best bidder for various telecommunication commodities, goods, utilities, equipment, or services, including but not limited to, telephone lines, circuits, and services necessary to update and improve telecommunications and network infrastructure including materials, supplies, parts, repair, services, labor, support, maintenance, installation, design, circuit repair, demarcation site relocation, and other related services.
- (b) The Director is authorized to pay ongoing recurring telecommunication-related subscription and service fees.

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(c) That under Section 108(b) of the Charter, the purchases authorized by this section may be made through cooperative arrangements with other governmental agencies. The Director of Innovation and Technology may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

(d) Any purchase or payment made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for that purpose.

Section 6. That Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 325-2022, passed April 11, 2022, 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;
- E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats;
- 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 Director of Law, or his or her designee, may be used to pay the following work-related expenses:

- A. Filing, registration, or related 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.

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(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;
- F. Filing fees for land property splits; 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.

(4) A credit card held by the Finance 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;
- E. Registration, professional licenses, tuition or enrollment expenses for meetings, seminars, conferences, retreats or other similar events; 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 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 ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

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(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 licenses, registrations, 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 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;
- E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats;
- F. 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;

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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.

(9) A credit card held by the ~~Commissioner of Information Technology and Services, or his or her designee, of the Finance Department~~ Director of Innovation and Technology, or her or her designee, may be used to pay the following work-related expenses:

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

B. Advertising and public notices;

C. Web-page renewal, social media and other similar expenses;
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.

(10) A credit card held by the Secretary to the Mayor, or his or her designee, may be used to pay the following work-related expenses:

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

B. Advertising and public notices;

C. Food expenses as authorized by ordinance of Council;

D. Office supplies;

E. Web-page renewal, social media and other similar expenses;
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.

(11) A credit card held by the Public Safety Director, or his or her designee, may be used to pay the following expenses related to recruitment:

A. Food expenses as authorized by ordinance of Council;

B. Web-page renewal, social media and other similar expenses;
and

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

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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

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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 7. That Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 325-2022, passed April 11, 2022, is repealed.

Section 8. That concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately upon the adoption of the concurring resolution, which resolution shall be attached to this ordinance by the Clerk of Council.

Section 9. That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the “Division of Information Technology and Services” and the “Commissioner of Information Technology and Services” shall be amended to read “Department of Innovation and Technology” and “Director of Innovation and Technology” consistent with this ordinance.

Section 10. That the Clerk of Council is authorized when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references from the “Division of Information Technology and Services” and the “Commissioner of Information Technology and Services” to read “Department of Innovation and Technology” and “Director of Innovation and Technology” consistent with this ordinance.

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Section 11. That the Director of Innovation and Technology is authorized to enter into contracts or perform any acts under an ordinance passed by this Council that gives such authority to the Director of Finance, when appropriate.

Section 12. That, under this ordinance, the following changes to the following sections of the Codified Ordinances of Cleveland, Ohio: the enactment of new Sections 148.01, 148.02 and 148.03; the repeal of Sections 127.12, 123.09, 127.44, 127.45, and 127.451; and the amendment to and the repeal of existing of Section 171.40, shall take effect and be in force January 1, 2025, provided that the Board of Control's concurrence required in Sections 1 and 4 of this ordinance occurs before such date; otherwise, they shall take effect and be in force on the date specified in such concurrence.

Section 13. 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.

SM:nl
10-7-2024
FOR: Mayor Bibb

