

Part D-General City Operations

CHARTER OF THE CITY OF CLEVELAND

**includes Recommendations from 2008 Charter Review Commission that were never placed on the ballot.

- Chapter 13 Departments and Divisions
- Chapter 15 Department of Law**
- Chapter 17 Department of Finance**
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CHAPTER 13 – DEPARTMENTS AND DIVISIONS

§ 77 Establishment and Discontinuance of Departments and Offices

§ 78 Directors

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§ 77 Establishment and Discontinuance of Departments and Offices

There shall be a Department of Law, a Department of Finance, a Department of Public Utilities, and such other departments and offices as may be established by ordinance, with the concurrence of the Board of Control. The Council may by ordinance, with the concurrence of the Board of Control, discontinue any department or office established by ordinance, and may prescribe, combine, distribute or abolish the functions and duties of departments and offices; but, except as otherwise provided in this Charter, no function or duty assigned by this Charter to a particular department or office shall be abolished or assigned to any other department or office.

Departments and offices existing at the time of the adoption of this section, and not specifically mentioned therein, shall continue as though established thereby but subject to alteration or discontinuance by ordinance in the manner provided herein.

(Effective June 3, 1968)

§ 78 Directors

A director for each department shall be appointed by the Mayor and shall serve until removed by the Mayor or until his successor is appointed and has qualified. The director of each department shall have the supervision and control of the department. He shall have power to prescribe rules and regulations, not inconsistent with this Charter, for the conduct of the officers and employees of his department; for the distribution and performance of its business; and for the custody and preservation of the books, records, papers and property under its control.

(Effective November 9, 1931)

§ 79 Departmental Divisions

The work of the several departments shall be distributed among such divisions thereof as are established by this Charter or as may be established by the Council by ordinance, with the concurrence of the Board of Control. There shall be a commissioner or chief in charge of each division who shall be appointed, and may be removed by the director of the department in conformity with the civil service provisions of this Charter. Each commissioner shall, with the approval of the director of his department, appoint all officers and employees in his division and have supervision and control of its affairs.

(Effective November 9, 1931)

§ 80 Board of Control

The Mayor and the directors of the several departments, whether established by this Charter or by ordinance, shall constitute a Board of Control. The Mayor shall be ex-officio President of the Board. The vote of a majority of all members of the Board shall be necessary to the adoption of any question, motion or order. All votes shall be by “yeas” and “nays” and entered on the record. All meetings of the Board shall be public, a record of its proceedings shall be kept, and an abstract of its proceedings shall be printed in the *City Record*.

(Effective November 9, 1931)

§ 81 Advisory Boards

The director of a department, with the approval of the Mayor, may appoint a board composed of citizens qualified to act in an advisory capacity to the commission of any division under his supervision. The members of any such board shall serve without compensation and their duty shall be to consult and advise with the commissioner, but not to direct his conduct of the division. Any recommendations of such board shall be in writing and become a part of the records of the department. Stated public meetings of such board shall be called by the commissioner for the consideration of the affairs of the division. The commissioner of the division shall be chairman of such meetings.

(Effective November 9, 1931)

§ 82 Reports

The director of each department shall annually, on such date as may be fixed by the Council, render to the Mayor a full report of the transactions of his department for the year, and shall furnish to the Council or Mayor at any time, such information relating to his department as either may require.

(Effective November 9, 1931)

CHAPTER 15 – DEPARTMENT OF LAW

§ 83 Director of Law; Qualifications and Duties

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§ 83 Director of Law; Qualifications and Duties

The Director of Law shall be an attorney at law admitted to practice in the State of Ohio. He shall be the legal advisor of and attorney and counsel for the City, and for all officers and departments thereof in matters relating to their official duties. He shall prosecute or defend all suits for and in behalf of the City, and shall prepare all contracts, bonds and other instruments in writing in which the City is concerned and shall endorse on each his approval of the form and correctness thereof. No such bond, contract or instrument shall become effective without such endorsement by the Director of Law thereon.

(Effective November 9, 1931)

2008 RECOMMENDATION #59:

Amend Section 83 to clarify that the Law Department only needs to approve documents that legally obligate the City or expose the City to legal liability.

Proposed Language:

§ 83 Director of Law; Qualifications and Duties

The Director of Law shall be an attorney at law admitted to practice in the State of Ohio. The Director of Law shall be the legal advisor of and attorney and counsel for the City, and for all officers and departments of the City in matters relating to their official duties. The Director of Law shall prosecute or defend all suits for and on behalf of the City. The Director of Law shall prepare all contracts, bonds and other instruments in writing which legally obligate the City or expose the City to legal liability and shall endorse on each the Director's approval of the form and correctness of the contract, bond or instrument. No bond, contract or instrument shall become effective without the endorsement by the Director of Law on the document.

Reason: This amendment clarifies that the requirement of legal form and correctness is only required when the City is obligated under a written document. If passed, it will streamline the review and finalization of a number of City documents.

§ 84 Director as Prosecuting Attorney

The Director of Law shall be the Prosecuting Attorney of the Municipal Court. He may designate such number of assistant prosecutors as the Council by ordinance may authorize. He shall prosecute all cases brought before such Court and perform the same duties, so far as they are applicable thereto, as are required of the Prosecuting Attorney of the County.

(Effective November 9, 1931)

2008 RECOMMENDATION #60:

Amend Section 84 to remove the requirement that Council fix the number of assistant prosecutors by ordinance and instead leave the number at the discretion of the Director of Law and the annual budget process.

Proposed Language:

§ 84 Director as Prosecuting Attorney

The Director of Law shall be the Prosecuting Attorney of the Municipal Court. The Director may designate the number of assistant prosecutors as the Director determines are necessary to prosecute all cases brought before the Court and perform the same duties, so far as they are applicable, as are required of the Prosecuting Attorney of the County.

Reason: The number of assistant prosecutors should be left to the Council to consider during the budget process and the decision of the Director of Law as to the needs of his department in order to cover increases in workload.

§ 85 Suits Affecting City

When required to do so by resolution of the Council, the Director of Law shall prosecute or defend for and in behalf of the City, all complaints, suits and controversies in which the City is a party, and such other suits, matters and controversies as he shall, by resolution or ordinance, be directed to prosecute or defend.

(Effective November 9, 1931)

§ 86 Legal Opinions

The Council, the director of any department, or any officer or commission not included within a department, may require the opinion of the Director of Law upon any question of law involving their respective powers or duties.

(Effective November 9, 1931)

§ 87 Application for Injunction

The Director of Law shall apply, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the City in contravention of law, or which was procured by fraud or corruption.

(Effective November 9, 1931)

§ 88 City Contracts and Easements

When an obligation or contract made on behalf of the City, granting a right or easement, or creating a public duty, is being evaded or violated, the Director of Law shall likewise apply for the forfeiture or the specific performance thereof as the nature of the case requires.

(Effective November 9, 1931)

§ 89 Mandamus

In case any officer or commission fails to perform any duty required by law, the Director of Law shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

(Effective November 9, 1931)

§ 90 Taxpayer's Suit

In case the Director of Law, upon written request of any taxpayer of the City, fails to make any application provided for in the preceding three sections, such taxpayer may institute suit or proceedings for such purpose in his own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request to the Director of Law shall first have been made, nor until the taxpayer shall have given security for the costs of the proceedings.

(Effective November 9, 1931)

§ 91 Time Limitation to Bring Action

No such action to enjoin the performance of a contract entered into, or the payment of any bonds or notes issued by the City, shall be brought or maintained unless commenced within one year from the date of such contract, bonds or notes.

(Effective November 9, 1931)

§ 92 Hearing, Judgment and Costs

If the court hearing any such action be satisfied that the taxpayer had good cause to believe his allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and justice of the case demand. In such case the taxpayer shall be allowed his costs, and if judgment be finally entered in his favor, he may be allowed as part of the costs a reasonable compensation for his attorney.

(Effective November 9, 1931)

§ 93 Director as City Solicitor

In addition to the duties imposed upon the Director of Law by this Charter or required of him by ordinance, he shall perform the duties which are imposed upon City solicitors by the general law of the State, beyond the competence of this Charter to alter or require.

(Effective November 9, 1931)

CHAPTER 17 – DEPARTMENT OF FINANCE

- § 94 Director of Finance
- § 95 Accounting Procedure
- § 96 Monthly Financial Statement
- § 97 Commissioner of Accounts
- § 98 Special Audits
- § 99 Division of Treasury
- § 100 Duties
- § 101 Division of Purchases and Supplies
- § 102 Governing Regulations
- § 103 Division of Assessments and Licenses
- § 104 Accounts of Appropriations
- § 105 Payment of Claims
- § 106 Contracts Certified
- § 107 Earmarked Funds
- § 108 Authorization of Contracts
- § 109 When Contracts Void
- § 110 Sinking Fund
- § 110-1 Civil Defense Expenditures

§ 94 Director of Finance

The Director of Finance shall have charge of the Department of Finance and the administration of the financial affairs of the City, including the keeping and supervision of all accounts; the custody and disbursement of City funds and moneys; the making and collection of special assessments; the issuance of licenses; the collection of license fees; the control over expenditures; the purchase, storage and distribution of supplies needed by the City; and such other duties as the Council may by ordinance require.

(Effective November 9, 1931)

2008 RECOMMENDATION #61:

Amend Section 94 to provide that the Director of Finance shall be "the chief financial and accounting officer of the City" and be in charge of "maintenance of all accounting records; the collection, audit, custody, safeguarding, investment and disbursement of City funds and moneys; the preparation of budgets and annual appropriation measures and the monitoring of City revenues and expenditures; the preparation of periodic financial reports;" and the "purchase of all goods and services needed by the City."

Proposed Language:

§ 94 Director of Finance

The Director of Finance shall be the chief financial and accounting officer of the City. The Director of Finance shall have charge of the Department of Finance and the administration of the financial affairs of the City, including the maintenance of all accounting records; the collection, audit, custody, safeguarding, investment and disbursement of City funds and moneys; the preparation of budgets and annual appropriation measures and the monitoring of City revenues and expenditures; the preparation of periodic financial reports; the making and collection of special assessments; the issuance of licenses; the collection of license fees; the control over expenditures; the purchase of all goods and services needed by the City; and other duties as the Council may by ordinance require.

Reason: This amendment clarifies that the Director of Finance is the City's chief financial and accounting officer and better identifies the duties of the Director.

§ 95 Accounting Procedure

Accounts shall be kept by the Department of Finance showing the financial transactions of all departments and offices of the City. The form of all such accounts and the financial reports

rendered to or by the Department of Finance, shall be described by the Director of Finance. The accounts and the accounting procedure of the City shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of values and for making such reports of the financial transactions and conditions of the City as may be required by law or ordinance.
(Effective November 9, 1931)

2008 RECOMMENDATION #62:

Amend Section 95 to provide that "accounting records shall be maintained by the Department of Finance documenting the financial transactions of all funds and account of the City"; that "accounting records shall be maintained in a form as shall enable the City to monitor expenditures, revenues and appropriations and to prepare financial statements in accordance with generally accepted accounting principles and as required by law or ordinance"; and that the last two sentences in the section be repealed.

Proposed Language:

§ 95 Accounting Procedure

Accounting records shall be maintained by the Department of Finance documenting the financial transactions of all funds and accounts of the City. The accounting records shall be maintained in a form as shall enable the City to monitor expenditures, revenues and appropriations and to prepare financial statements in accordance with generally accepted accounting principles and as required by law or ordinance.

Reason: This amendment modernizes the requirements for the City's accounting procedures and incorporates that standard of generally accepted accounting principles.

§ 96 Monthly Financial Statement

The Director of Finance shall prepare for submission to the Council at its second meeting in each month a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each department, division and office thereof as of the last day of such month. Financial reports shall also be prepared for each quarter and fiscal year and for such other periods as may be required by the Council.
(Effective November 9, 1931)

2008 RECOMMENDATION #63:

Amend Section 96 to provide that the Director of Finance shall "submit to Council periodic, but not more than monthly, reports of the City's current financial condition as Council may from time to time, by ordinance or resolution, request. The reports shall be in a form as the Director of Finance shall deem appropriate to show the revenues and expenditures of each fund of the City for the period covered by the report as compared to the amount appropriated to each fund" and that the remainder of the section be repealed.

Proposed Language:

§ 96 Monthly Financial Statement

The Director of Finance shall submit to Council periodic, but not more than monthly, reports of the City's current financial condition as Council may from time to time, by ordinance or resolution, request. The reports shall be in a form as the Director of Finance shall deem appropriate to show the revenues and expenditures of each fund of the City for the period covered by the report as compared to the amount appropriated to each fund.

Reason: This amendment provides flexibility for the Director of Finance and the Council to determine the frequency of periodic financial reports and the form of the reports.

§ 97 Commissioner of Accounts

There shall be in the Department of Finance a Division of Accounts at the head of which there shall be a Commissioner of Accounts. The Commissioner of Accounts shall be the chief

accounting officer of the City. He shall, under the supervision of the Director of Finance, install and maintain accounting procedures in conformity with Section 95 of this Charter. He shall appoint all bookkeepers and other employees charged with keeping books of financial account in all departments and offices of the City; and, whenever practicable, such books and accounts shall be kept in his office. He shall require that daily report be made to him by each department and office showing the receipt of all moneys and the disposition thereof.
(Effective November 9, 1931)

§ 98 Special Audits

Upon the death, resignation, removal or expiration of the term of any officer of the City, the Commissioner of Accounts shall cause an audit and investigation of the accounts of such officer to be made and shall report to the Mayor. In case of death, resignation or removal of the Commissioner of Accounts, the Mayor shall cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the City, the Commissioner of Accounts, or other person making such audit, shall immediately give notice thereof to the Mayor and the Director of Law and the latter shall forthwith proceed to collect such indebtedness.
(Effective November 9, 1931)

2008 RECOMMENDATION #64:

Amend Section 98 to provide that special audits upon the death, resignation, removal or expiration of the term of a City officer shall occur "if requested to do so by the Mayor or the Council."

Proposed Language:

§ 98 Special Audits

Upon the death, resignation, removal or expiration of the term of any officer of the City, the Director of Finance, if requested to do so by the Mayor or the Council, shall cause an audit and investigation of the accounts of the officer to be made and shall report to the Mayor and the Council. In case of death, resignation or removal of the Director of Finance, the Mayor shall cause an audit to be made of the Director's accounts, if requested by the Council. If, as a result of any audit, an officer be found indebted to the City, the Director of Finance, or other person making the audit, shall immediately give notice of the result to the Mayor and the Director of Law and the latter shall forthwith proceed to collect the indebtedness.

Reason: This amendment makes the requirement of special audits subject to mayoral or councilmanic request and places responsibility for the audits with the Director of Finance.

§ 99 Division of Treasury

There shall be in the Department of Finance a Division of the Treasury which shall be in charge of the City Treasurer, who shall be the custodian of all public money of the city and all other public money coming into his hands as City Treasurer. The City Treasurer shall keep and preserve such moneys in the place or places determined by ordinance or by the provisions of any law applicable thereto.
(Effective November 9, 1931)

§ 100 Duties

Except as otherwise provided in this Charter, the City Treasurer shall, under the supervision of the Director of Finance, collect, receive and disburse all public money of the City upon warrant issued by the Commissioner of Accounts; and he shall also receive and disburse all other public money, coming into his hands as City Treasurer, in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.
(Effective November 9, 1931)

§ 101 Division of Purchases and Supplies

There shall be in the Department of Finance a Division of Purchases and Supplies. The Commissioner of Purchases and Supplies shall make all purchases for the City in the manner provided by ordinance, and shall, under such regulations as may be provided by ordinance and by direction of the Board of Control, sell all property, real and personal, of the City not needed for public use or that may have become unsuitable for use or that may have been condemned as useless by the director of a department. He shall have charge of such store rooms and warehouses of the City as the Council may by ordinance provide.

(Effective November 9, 1931)

§ 102 Governing Regulations

The Commissioner of Purchases and Supplies shall sell any City-owned property under such rules and regulations as the Council shall establish; provided, however, that before making any purchase, said Commissioner shall give opportunity for competition under such rules and regulations as the Council shall establish. Supplies required by any department may be furnished upon requisition from the stores under the control of the Commissioner of Purchases and Supplies, and whenever so furnished shall be paid for by the department furnished therewith by warrant made payable to the credit of the store's account of the Division of Purchases and Supplies. The Commissioner of Purchases and Supplies shall not furnish any supplies to any department unless there be to the credit of such department an available appropriation balance, in excess of all unpaid obligations sufficient to pay for such supplies.

(Effective November 9, 1931)

§ 103 Division of Assessments and Licenses

There shall be in the Department of Finance a Division of Assessments and Licenses. The Commissioner of Assessments and Licenses shall have charge of the preparation and certification of all special assessments for public improvements; the mailing of notices of such assessments to property owners and all other duties connected therewith; the collection of such assessments as are payable directly to the city and the preparation and certification of all unpaid assessments to the County Auditor for collection. He shall issue all licenses and collect all fees therefor and shall pay the same to the City Treasurer in the manner provided by ordinance.

(Effective November 9, 1931)

§ 104 Accounts of Appropriations

Accounts shall be kept for each item of appropriation made by the Council and every warrant on the Treasury shall state specifically against which of such items the warrant is drawn. Each such account shall show in detail the appropriations made thereto by the Council, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

(Effective November 9, 1931)

§ 105 Payment of Claims

No claim against the City shall be paid unless it be evidenced by a voucher approved by the head of the department or office for which the indebtedness was incurred; and each such director or officer and his surety shall be liable to the City for all loss or damage sustained by the City by reason of his negligent or corrupt approval of any such claim. The Commissioner of Accounts shall examine all payrolls, bills and other claims and demands against the City and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and

duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the City Treasury to make payment. He may investigate any claim and for that purpose may summon before him any officer, agent, or employee in any department, any claimant or other person, and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the Commissioner of Accounts issues a warrant on the Treasury authorizing payment of any item for which no appropriation has been made or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, he and his sureties shall be individually liable to the City for the amount thereof.
(Effective November 9, 1931)

§ 106 Contracts Certified

No contract, agreement, or other obligation, involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the Council, or be authorized by any officer of the City, unless the Director of Finance first certifies to the Council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the Treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement or obligation.
(Effective November 9, 1931)

§ 107 Earmarked Funds

All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the Treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, fees, charges, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys applicable to the payment of such obligation or appropriation, which are to be paid into the Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in process of delivery shall for the purposes of such certificate, be deemed in the Treasury to the credit of the appropriate fund and subject to such certification.
(Effective November 9, 1931)

§ 108 Authorization of Contracts

- (a) All contracts involving any expenditure in excess of fifty thousand dollars (\$50,000.00) shall first be authorized and directed by ordinance of Council, provided that the Council may increase the expenditure limit contained in this section above fifty thousand dollars (\$50,000) by passage of an ordinance receiving a two-thirds affirmative vote of the Council. Except as provided in divisions (b) and (c) of this section, when so authorized and directed, the director of the department involved shall make a written contract with the lowest and best bidder after advertisement once a week for two consecutive weeks in the *City Record*.
- (b) When authorized by ordinance passed by the Council and in accordance with the applicable laws, competitive bidding and advertisement are not required for the City to enter into contracts for the purchase of supplies, services, materials and equipment through employment of cooperative purchase arrangements with other governmental agencies.

(c) When authorized by ordinance passed by the Council, competitive bidding and advertisement are not required for the City to enter into contracts for any purpose for which contracts may be awarded by a municipal corporation without advertisement or competitive bidding under the general laws of the State of Ohio.

(d) There shall be no splitting of orders to avoid the effect of this section, and any contract made contrary to or in evasion of the provisions of this section shall be illegal and void.

(Effective November 4, 2008)

§ 109 When Contracts Void

All contracts, agreements, or other obligations entered into and all ordinances passed, resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void, and no person whatever shall have any claim or demand against the City thereunder, nor shall the Council, or any officer of the City, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in Section 106, or fasten upon the City any liability whatever, in excess of such limits, or release or relieve any party from an exact compliance with his contract under such ordinance, resolution, or order.

(Effective November 9, 1931)

§ 110 Sinking Fund

The Sinking Fund Commission shall consist of the Mayor, the Director of Finance, and the President of the Council. The Mayor shall be the President, and the Director of Finance shall be the Secretary, of the Commission. The Commission shall manage and control the Sinking Fund in the manner provided by general law or by ordinance.

(Effective November 9, 1931)

§ 110-1 Civil Defense Expenditures

That based upon the currently available scientific and medical information which overwhelmingly demonstrates that there is no realistic, practical and effective protection against the effects of a nuclear or thermonuclear attack directed at civilian population centers, such as Cleveland, and that the only alternative to any civil defense measures is the eventual elimination of nuclear or thermonuclear weapons, the appropriation and/or expenditure of public funds by the City of Cleveland for any civil defense preparedness measures against nuclear or thermonuclear attack, including, but not limited to, plans, programs, studies and the acquisition, purchase or lease of buildings, equipment, supplies or services used or to be used in connection with such civil defense measures, are hereby declared to be wasteful and unlawful expenditures of public funds and not in the public interest and any such appropriation and/or expenditure for such civil defense measures is hereby forever prohibited.

(Effective November 2, 1982)

CHAPTER 19 – DEPARTMENT OF PUBLIC UTILITIES

§ 111 General Powers and Duties

§ 112 Fixation of Utility Rates

§ 113 Accounts of Publicly Owned Utilities

§ 111 General Powers and Duties

The Director of Public Utilities shall manage and supervise all non-tax supported public utility undertakings of the City, including all Municipal water, lighting, heating, power and transmission enterprises, but excluding mass transportation enterprises, and such other utilities now owned or hereafter acquired by the City of Cleveland as may be placed under any management and supervision other than that of the Director of Public Utilities.

(Effective November 17, 1942)

§ 112 Fixation of Utility Rates

Rates for the service or products of all non-tax supported public utilities, owned and operated by the City, which are managed and supervised by the Director of Public Utilities, shall be fixed by the Board of Control, subject, however, to approval by Council.

(Effective November 17, 1942)

§ 113 Accounts of Publicly Owned Utilities

Accounts shall be kept for each public utility owned or operated by the City distinct from other City accounts and in such manner as to show the complete financial results of such City ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. These accounts shall show the actual costs to the City of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the amount set aside for Sinking Fund purposes, and, in the case of City operation, all operation expenses of every description. They shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other City or governmental department. They shall also show a proper allowance for depreciation, insurance, interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The Director of Public Utilities shall, for the utilities under his jurisdiction, annually cause to be made and printed for public information a report showing the financial results of such City ownership, or ownership and operation, which report shall give the information specified in this section and such other information as the Council shall deem expedient.

(Effective November 17, 1942)

CHAPTER 23 – PUBLIC HEALTH

§ 114 General Provisions

§ 114 General Provisions

The City shall, through such officer or officers as the Council may provide by ordinance, in accordance with the provisions of Section 77 of this Charter, enforce all laws and ordinances relating to health, and such officer or officers shall perform all the duties and may exercise all the powers provided by general law, relative to the public health, to be performed and exercised in municipalities by health officers; provided that regulations affecting the public health, additional to those established by general law and for the violation of which penalties are imposed, shall be enacted by the Council and enforced as provided in this section.

(Effective November 9, 1931)

CHAPTER 37 – OFFICERS AND EMPLOYEES

§ 191 Compensation of Officers and Employees

§ 192 Official Bond

§ 193 Continuation in Office

§ 194 Oath of Office

§ 195 Financial Interest in Contracts

§ 196 Hours of Labor

§ 197 Employment Contracts

§ 198 Minimum Wage – Repealed

§ 198-1 Annual Rate of Pay to Be Paid Members of Fire Division – Repealed

§ 198-2 Annual Rate of Pay to Be Paid Members of Police Division – Repealed

§ 199 Continuance of Contracts; Miscellaneous Provisions – Repealed

§ 199-1 Daylight Savings Time – Repealed

§ 191 Compensation of Officers and Employees

The salary or compensation of all officers and employees in the unclassified service of the City shall be fixed by ordinance, or as may be provided by ordinance. The salary or compensation of all other officers and employees shall be fixed by the appointing authority in accordance with ability, fitness and seniority within the limits set forth in the Council's salary or compensation schedule for which provision is hereinafter made. The Council shall by ordinance establish a schedule of compensation for officers and employees in the classified service, which schedule shall provide for like compensation for like services and shall provide minimum and maximum rates (which may be identical) of salary or compensation for each grade and classification of positions determined by the Civil Service Commission under Section 126 of this Charter. Only in the case of employees in those classifications for which the Council provided in 1979 a schedule of compensation in accordance with prevailing wages paid in the building and construction trades, the schedule established by the Council shall be in accordance with the prevailing rates of salary or compensation for such services. For the guidance of Council in determining the foregoing schedule the Civil Service Commission shall prepare salary or compensation schedules, and the Mayor or any director may, and when required by Council shall, prepare suggested salary or compensation schedules. The salary of any officer or member of a board or commission in the unclassified service of the City shall not be increased or diminished during the term for which he was elected or appointed. Salaries and compensation fixed at the time this section takes effect shall continue in force until otherwise fixed as provided in this section. All fees pertaining to any office shall be paid into the City Treasury.

(Effective February 17, 1981)

§ 192 Official Bond

The Mayor, the Director of Finance, the Commissioner of Accounts, the City Treasurer, and such other officers or employees as the Council may require so to do, shall give bonds in such amount and with such surety as may be approved by the Council. The premium on such bonds may be paid by the City.

(Effective November 9, 1931)

§ 193 Continuation in Office

All persons holding administrative office, excepting the office of City Manager, at the time provisions of this Charter take effect, shall continue in office and in the performance of their

duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The directors of all departments, whether created by charter or by ordinance, shall continue in office and in the performance of their duties until their successors are appointed by the Mayor, as provided in this Charter, and until their successors have qualified. The powers which are conferred and the duties which are imposed upon any officer, commission, board or department of the City under the laws of the State shall, if such office or department is abolished by this Charter, be thereafter exercised and discharged by the officer, board or department upon whom or upon which are imposed corresponding functions, powers and duties hereunder.
(Effective November 9, 1931)

§ 194 Oath of Office

Every officer of the City shall, before entering upon the duties of his office take and subscribe to an oath or affirmation, to be filed and kept in the office of the Clerk of the Council, that he will in all respects faithfully discharge the duties of his office.
(Effective November 9, 1931)

§ 195 Financial Interest in Contracts

No officer or employee of the City shall have a financial interest in a contract with the City, if the financial interest in that contract is unlawful under general laws applicable to officers and employees of the City. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract involved voidable by the Mayor or the Council.
(Effective November 3, 1987)

§ 196 Hours of Labor

Except in case of extraordinary emergencies, not to exceed eight hours shall constitute a day's work and not to exceed forty-eight hours a week's work, for any City employee of the City of Cleveland in the classified service thereof, and for any workmen engaged in any public work carried on or aided by the Municipality whether done by contract or otherwise. The Council shall by ordinance, provide for the enforcement of the provisions of this section.
(Effective November 9, 1931)

§ 197 Employment Contracts

Every contract for public work entered into by the City of Cleveland shall contain, and no contract shall be entered into unless it contains the following stipulations: The contractor hereby agrees that all persons employed by him shall be paid wages which are not less than are paid by the City of Cleveland for similar or like work; but if said City has not established a rate of wages for any particular class of work to be performed under the terms of this contract, then said employees shall be paid wages not less than are generally paid therefor by others employing union labor in said City. The contractor hereby further agrees that in the employment of labor, skilled or unskilled, under the contract there shall be no discrimination exercised against any citizen because of race, color, religion or national origin; and that any violation hereof shall be deemed a material breach of said contract.
(Effective November 7, 1989)

§ 198 Minimum Wage – Repealed

Note: This section was repealed by the electors on November 7, 1989.

§ 198-1 Annual Rate of Pay to Be Paid Members of Fire Division – Repealed

Note: This section was repealed by the electors on April 26, 1977.

§ 198-2 Annual Rate of Pay to Be Paid Members of Police Division – Repealed

Note: This section was repealed by the electors on April 26, 1977.

§ 199 Continuance of Contracts; Miscellaneous Provisions – Repealed

Note: This section was repealed by the electors on November 7, 1989.

§ 199-1 Daylight Savings Time – Repealed

Note: This section was repealed by the electors on November 7, 1989.

CHAPTER 40

§ 203 Traffic Law Photo-Monitoring Devices

§ 203 Traffic Law Photo-Monitoring Devices

(a) The City, including its various Boards, agencies and departments, shall not use any traffic law photomonitoring device for the enforcement of a qualified traffic law violation, unless a law enforcement officer is present at the location of the device and personally issues the ticket to the alleged violator at the time and location of the violation.

(b) Definitions. As used in this Section 203:

(1) "Law enforcement officer" means any law enforcement officer employed by the City or any other political jurisdiction in Ohio, including the State. The City may from time to time and in its discretion, by ordinance or resolution, designate which City employees are, "law enforcement officers" for purposes of this Section 203.

(2) "Qualified law traffic violation" means a violation of any of the following: (1) any state or local law relating to complying with a traffic control signal or a railroad crossing sign or signal; or (2) any state or local law limiting the speed of a motor vehicle.

(3) "Ticket" means any traffic ticket, citation, summons, or other notice of liability (whether civil or criminal) issued in response to an alleged qualified traffic law violation detected by a traffic law photomonitoring device.

(4) "Traffic law photo-monitoring device" means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape, or digital images of the vehicle, its license plate or its operator.

(c) Any ordinance enacted prior to the passage of this Amendment that contravenes any of the foregoing is void. After the enactment of this Amendment, the City shall not enact or enforce any ordinance that contravenes any of the foregoing. In the event that any provision of this Section 203 is found to be unconstitutional or impermissibly in conflict with state or federal law, only such provision found to be unconstitutional or impermissible will be stricken, and the remainder of Section 203 will remain in full force and effect.

(Effective November 4, 2014)