

City of South Euclid  
2015 Charter Review Commission

*Agenda*

February 16, 2015

Prepared by Dennis Fiorelli, Chairman

- A. Pledge of Allegiance
- B. Discussion February 16, 2015 minutes
- C. March 16, 2015 Public Hearing notification
- D. Review and accept three status changes (25 open proposals)
  - #24 and #25 withdrawn by M. Romeo
  - #8 modified by M. Gelfand
- E. Adoption of Rules of Debate and Decorum
- F. Discussion on "amendment selection" process
- G. Review and discuss proposals #9-#34
- H. Next meeting March 2, 2015 7 pm

**PAGES AFTER #7  
WERE HANDED OUT  
BY MEMBERS DURING MEETING**



Dennis Fiorelli &lt;dennisfiorelli@gmail.com&gt;

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**Legal Notice of Public Meeting**

2 messages

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**Keith Benjamin** <kbenjamin@seuclid.com>  
To: Dennis Fiorelli <dennisfiorelli@gmail.com>

Mon, Feb 16, 2015 at 12:46 PM

Hi Dennis:

- The Legal Notice for the Charter Review Public Hearing was published in the Plain Dealer on Sunday, February 15, 2015
- It will also be published in the Sun Messenger on February 19, 2015 and February 26, 2015.
- It is also published on Cleveland.com at the following link: [http://classifieds.cleveland.com/?temp\\_type=detail&category=detail&tp=me\\_cleve&cur\\_cat=6869&classification=Notices%20and%20Announcements&ad\\_id=848929927](http://classifieds.cleveland.com/?temp_type=detail&category=detail&tp=me_cleve&cur_cat=6869&classification=Notices%20and%20Announcements&ad_id=848929927)
- And on the City's website at the following link: <http://www.cityofsoutheuclid.com/se/charter-review-commission/>
- The Legal Notice will also be posted to Facebook & Twitter once a week for the next 3 weeks with additional reminders the week prior to the Public Hearing.

Attached is a copy of the notice published in yesterday's Plain Dealer and also on Cleveland.com. Please let me know if you need additional information.

If the Charter Review Commission desires, I can also have the legal notice republished in the Sun Messenger on March 6 & March 12, 2015 to ensure continued notice to the public.

Thanks,  
Keith

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**keith ari benjamin**

the city of south euclid  
kbenjamin@seuclid.com  
216.381.0400 ext. 234

***Sign up for our E-Newsletter by Visiting our Website at:  
[www.cityofsoutheuclid.com](http://www.cityofsoutheuclid.com)***

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 **South Euclid Cleveland.Com Legal Notice.pdf**  
67K

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**Dennis Fiorelli** <dennisfiorelli@gmail.com>

Mon, Feb 16, 2015 at 1:33 PM

**AD TEXT****Legal Notices**

**NOTICE OF PUBLIC HEARING** Notice is hereby given that the Charter Review Commission of the City of South Euclid will hold a public hearing on March 16, 2015 at 7 pm to hear and solicit feedback regarding proposed Charter Review Commission Proposals to be considered for the November 3, 2015 General Election. The Public Hearing will take place on March 16, 2015 at South Euclid City Hall, 2nd Floor, 1349 South Green Road, South Euclid, Ohio. Charter Review Commission Agendas and Proposals are available for review on the Charter Review Commission Page located on city's website at [www.cityofsoutheuclid.com](http://www.cityofsoutheuclid.com) or call 216.381.0400 ext. 234 if you would like copies and do not have access to a computer/ internet. Dennis Fiorelli, Chairman, Charter Review Commission p.d.feb.15,2015 3137957

Related Categories: Notices and Announcements - Legal Notice

Published in *The Northeast Ohio Media Group* 2/15. Updated 2/16.

Fellow Commissioners: Based on my observation from the last Charter Review Commission meeting, there did not seem to be much enthusiasm for the election of a law director for South Euclid. However, I thought Moe's suggestion that we tie the appointment and confirmation of the law director to the election of the mayor was a good one. Therefore, I propose Substitute Amendment No. 8, which amends Article V, Section 1 with the attached language providing for the nomination and confirmation of law director during the month of January following each regular election of mayor.

## ARTICLE V – ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

### SECTION 1. GENERAL PROVISIONS

...The head of each department shall be a director appointed by the Mayor who shall serve at the pleasure of the Mayor. However, the appointment of the Law Director shall be for a term concurrent with that for which the Mayor is elected for the full term beginning January 1, 2016. The newly elected (or re-elected) Mayor shall nominate a Law Director by January 1 of the full term commencing and Council shall confirm or reject the Mayor's appointment no later than January 31<sup>st</sup> of the year of appointment. Failure by Council to confirm or reject the appointee by January 31<sup>st</sup> of the appointment year shall result in automatic confirmation of the Mayor's appointee.



**The following Chapter 111 Rules of Council – as applicable to the Charter Review Commission and its Members - are adopted by the 2015 Charter Review Commission. February 16, 2016**

**111.10 RULES OF DEBATE.**

(a) Presiding Officer May Debate and Vote. The President, or such other member of Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the Presiding Officer.

(b) Getting the Floor; Improper References To Be Avoided. Any member desiring to speak shall address the chair and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions. A member, once recognized, shall not be interrupted when speaking, unless it is to call him to order. or as otherwise provided in this chapter. If a member, while speaking is called to order, he shall cease speaking until the question of order is determined, and if in order, he shall be permitted to proceed. A member once recognized may yield the floor to a fellow member, to the Mayor, or to any other official or officer of the City, but no member may yield the floor to any person who would not otherwise under these rules be entitled to address the meeting.

(d) Privilege of Closing Debate. The Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) Motion to Reconsider. A motion to reconsider any action taken by Council may be made only on the day such action was taken or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor. A motion to reconsider shall be debatable. Nothing in this chapter shall be construed to prevent any member of Council from making or remaking the same or any other motion at a subsequent meeting of Council.

(f) Remarks of Councilman; When Entered in Minutes. A Councilman may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by Council entered in the minutes. If Council consents thereto, such statement shall be entered in the minutes.

(g) Synopsis of Debate; When Entered in Minutes. The Clerk may be directed by the Presiding Officer, with consent of Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before Council.

(Ord. 22-54. Passed 5-24-54.)

**111.13 DECORUM.**

While Council is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of Council nor disturb any member while speaking or refuse to obey the orders of Council or its Presiding Officer, except as otherwise provided in this chapter.

Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing Council shall be barred by the Presiding Officer from further audience before Council, unless permission to continue is granted by a majority vote of Council.

(Ord. 22-54. Passed 5-24-54.)

## Charter Review Commission

### Proposed

Process to review, discuss, and select final proposed amendments.

Dennis Fiorelli

February 16, 2015

1. The nine members submitted 34 proposed amendments (January 5, 2015)
  2. Review and discuss #1-8, combine and withdrawal (February 2, 2015)
  3. Review and discuss #9-34, combine and withdrawal (February 16, 2015)
  4. At this point, each member had the opportunity to introduce and present their proposed amendments. Members also had the opportunity to ask their questions.
  5. Each member does the research on their own proposals and distributes it to all members preferably by February 23.
  6. On February 23, close to new proposals unless agreed upon by five or more members.
  7. On March 2, members will vote "For" to advance to the Public Hearing phase. If that proposal receives five or greater "For" votes it advances to Public Hearing. Any proposal that receives four or less votes it will be withdrawn from future consideration.
- All members are required to attend on March 2, 2015 and March 30, 2015.**
8. On March 30, members will apply insight from Public Hearing, make modifications as necessary, and again vote "For" the proposals. Any proposal receiving five or more votes will be approved for November ballot.
  9. Members will decide on March 30, if the proposals receiving four or less votes merit further consideration.
  10. If necessary, a final vote may occur on April 30, 2015.

Planning Commission Charter Comparisons

CITY	MEMBERS	APPOINTED/ELECTED	TERM
BEACHWOOD	7 members: 1 Mayor, 1 Council Member 4 appointed by Mayor 1 appointed by Council	Appointed	?
EUCLID	5 members	All appointed by Mayor	6 years
GARFIELD	5 members: 1 Mayor, 1 Council Member/ 3 appointed by mayor	Appointed	6 years
LYNDHURST	5 members: 1 Mayor, 1 Council Member 3 appointed by Council	Appointed	?
RICHMOND	5 members	All appointed by Mayor and approved by Council	5 years, staggered
SHAKER	5 members: 1 Mayor, 1 Council Member 3 members appointed	Appointed by Mayor, approved by Council	6 years
SOLON	5 members: 1 Mayor, 1 Council Member 3 appointed by Mayor	Appointed	?
UNIVERSITY	5 members: 1 Mayor, 1 Council Member 3 appointed by Mayor	Appointed	?
SOUTH EUCLID	5 members	All appointed by Mayor	6 years

## Charter Review Makeup Charter Comparisons

GOVERNMENT	MEMBERS	APPOINTED/ELECTED	REVIEWED
<b>CUYAHOGA COUNTY</b>	9 members: County Executive (9 electors of County with no more than 5 may be same political party)	All appointed by Mayor and approved by Council— No more than 2 may be officer or employee of County	10 years
<b>EUCLID</b>	9 members: 5 Mayor, 4 Council	All appointed	6 years
<b>LAKEWOOD</b>	9 members: 4 Mayor, 5 Council	All appointed—None can be public officials or work for City	10 years
<b>LYNDHURST</b>	11 members: 4 Mayor, 7 Council	All appointed— None can be public officials or work for City	10 years
<b>RICHMOND HTS.</b>	5 members: Mayor	All appointed by Mayor and approved by Council	5 years
<b>SOLOM</b>	9 members: Mayor (7 members for each ward and two at-large)	All appointed by Mayor and approved by Council	5 years
<b>HIGHLAND HTS.</b>	9 members: Mayor	All appointed by Mayor and approved by Council— None can be public officials or work for City	5 years
<b>UNIVERSITY HTS.</b>	11 members: 1 Mayor, 1 by each member of Council; 3 appointed by majority vote of Council	All appointed—None can be public officials or work for City	10 years
<b>SOUTH EUCLID</b>	9 members	All are elected	10 years

Charter Review Confirmation Comparisons

GOVERNMENT	APPOINTEES	PROCESS
<b>CUYAHOGA COUNTY</b>	7 appointed officers	All appointed by Executive Director and approved by Council
<b>BAY VILLAGE</b>	All Department Directors	All appointed by Mayor and approved by Council
<b>BEDFORD</b>	All Department Directors	All appointed by Mayor and approved by Council (Law Director serves at will of Council)
<b>BROOKLYN</b>	Law, Finance, and Civil Service	Appointed by Mayor and approved by Council
<b>CLEVELAND HTS.</b>	Law, Finance, and Service	Appointed by Mayor and approved by Council
<b>CUYAHOGA FALLS</b>	Law, Finance and Service	Appointed by Mayor and approved by Council
<b>LAKEWOOD</b>	Law, Finance, Public Works, Planning, Human Service	Appointed by Mayor and approved by Council
<b>OAKWOOD</b>	All Department Directors	All appointed by Mayor and approved by Council
<b>SOUTH EUCLID</b>	Law	Appointed by Mayor and approved by Council
<b>BEACHWOOD</b>	All Department Directors	All appointed by Mayor and approved by Council
<b>BEREA</b>	Law, Finance, Civil Service, Public Safety	Appointed by Mayor and approved by Council
<b>CHAGRIN FALLS</b>	Law and Finance	Appointed by Mayor and approved by Council
<b>UNIVERSITY HTS.</b>	Law, Finance, Planning, Human Services	Appointed by Mayor and approved by Council, except Law Director who is appointed by Council

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# CITY OF SOUTH EUCLID



DEPARTMENT OF LAW

Michael P. Lograsso  
Director

PROSECUTORS  
Mary Riley Casa  
Michael Shaughnessy

## MEMORANDUM

TO: Mayor Welo

FROM: Michael P. Lograsso, Law Director *MPL*

DATE: November 22, 2004

RE: CHARTER REVIEW

In reference to your inquiry about the Charter Review Commission, please note the following:

1. At your request, the Commission shall meet within 30 days after the election.
2. The members are to elect a Chairman
3. Any amendments to the charter must be voted for by a majority of the commission members.
4. Any amendments passed by majority must be submitted to the electors for approval or rejection on a separate ballot at the next general election.
5. If there is more than one amendment, they shall be submitted to the electorate separately.
6. Any amendment passes by the electorate becomes part of the charter.
7. Not less than 30 days prior to the date of the election, the clerk of council shall mail a copy of each proposed amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held in this City.

8. The commission shall cease to function on the day of the next regular November election following election of members to such commission.

Should you have any further questions, please do not hesitate to contact me.

Michael P. Lograsso  
Law Director

MEMORANDUM

### **107.01 PREAMBLE.**

(a) The citizens and businesses of the City of South Euclid are entitled to have fair, ethical and accountable local government which has earned the public's full confidence and trust for integrity. In pursuit of a commitment to excellence, the effective functioning of local government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; avoid misconduct and conflicts of interest, either apparent or real; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain and advancement; and public deliberations and proceedings be conducted in an atmosphere of respect and civility and openly, unless the topic is one which under the Ohio Revised Code may be discussed in executive session.

(b) To this end, the Council of the City of South Euclid adopts herein ethical standards for members of the Council and the City's boards and commissions to assure the public's trust in the integrity of local government and its effective and fair operation.

(Ord. 2419. Passed 9-13-07.)

### **107.02 POLICY STATEMENT.**

It is policy of the City to carry out its business in accordance with the strictest ethical guidelines and to ensure that members of Council and municipal officials conduct themselves in a manner that fosters public confidence in their integrity and the municipal government process.

(Ord. 2419. Passed 9-13-07.)

### **107.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Anyone doing business with the City" includes, but is not limited to, any person, corporation, other business entity or other party that is doing or seeking to do business with, is regulated by, or has interests before the City.

(b) "Anything of value" includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, event tickets and expenses, travel expenses, golf outings, consulting fees, compensation, or employment. "Value" means worth greater than de minimis or nominal.

(c) "Censure" is a formal resolution of a body reprimanding one of its members for specified improper conduct.

(d) "Confidential information" is information which a member obtains because of the position held and which is not a matter of public record.

(e) "Conflict of interest" is representing another or participating in any matter

that comes before the City.

(f) "Improper disclosure" is using confidential or privileged information (which is clearly designated as confidential) acquired within the course of one's official duties without appropriate authorization.

(g) "Improper influence" is using public office to secure anything of value that rises to substantial improper influence.

(h) "Malfeasance" is doing an act which a person ought not to do at all.

(i) "Misconduct in office" is wrongdoing by a public official, who receives illegal compensation, has an illegal interest in a municipal contract, willfully or flagrantly exercises unauthorized authority, refuses or willfully neglects to enforce the law or perform any official duty imposed by law, or is guilty of gross neglect of duty, gross immorality, drunkenness, misfeasance, malfeasance or nonfeasance.

(j) "Misfeasance" is improperly doing an act which a person may lawfully do.

(k) "Nonfeasance" is the omission of or not doing an act which a person ought to do.

(l) "Position of trust" applies to any public official who holds a public office with the City.

(m) "Public contract" is a contract/agreement for the purchase or acquisition of property or services, by or for the use of the City.

(n) "Public office" means any elective or appointed office with the government of the City.

(o) "Public official" includes any person elected or appointed to public office. A "public official" has legal status to represent the City.

(Ord. 2419. Passed 9-13-07.)

#### **107.04 ETHICAL CONSIDERATIONS.**

(a) Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the City and not for any private or personal interest. They will assure fair and equal treatment of all persons, claims and transactions coming before the Council or the City's boards and commissions.

(b) Comply with the Law. Members shall comply with all Federal, State and local laws in the performance of their public duties. These laws include, but are not limited to: the United States and Ohio constitutions; the City of South Euclid Charter; the Ohio Ethics Law and all other laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities; Ohio's Public Records Act and Sunshine Law; and City ordinances and policies.

(c) Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

(d) Respect for Process. Members shall perform their duties in accordance

with the procedures and rules of order established by the City Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by municipal staff.

(e) Conduct of Public Meetings. Members shall be thoroughly prepared before each meeting to consider all legislation and discuss all public issues on the agenda; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; avoid personal comments not germane to the business of the body; or otherwise interfere with the orderly conduct of meetings.

(f) Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(g) Communication. Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(h) Conflict of Interest.

(1) In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest.

(2) In accordance with Ohio's financial disclosure law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where a conflict may exist.

(i) Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting anything of value, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

(j) Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(k) Use of Public Resources. Members shall not use public resources, not

available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

(l) Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission, or proceeding of the City, nor shall members of board and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

(m) Advocacy. Members shall represent the official policies or positions of the Council, board or commissions to the best of their ability when designated as a representative of the City for this purpose. When presenting individual opinions and positions, members shall explicitly state they do not represent the Council, board or commission or the City, nor shall they allow the inference that they do.

(n) Policy Role of Members.

(1) Members shall respect and adhere to the Council-Manager structure of City government as set forth in the Charter. Under this form of government, the Council determines the policies of the City after considering the advice, information and analysis provided by the public, boards and commissions, and municipal staff.

(2) Except as provided by the Charter, members of Council shall not interfere with the administrative functions of the City or the professional duties of municipal staff; nor shall they impair or impede the ability of municipal staff to implement Council's decisions or ordinances and resolutions which it has passed.

(o) Independence of Boards and Commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board and commission proceedings.

(p) Positive Work Place Environment. Members shall support the maintenance of a positive, efficient and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealing with municipal employees and act in a manner which does not create the perception of inappropriate direction to staff.

(q) Implementation.

(1) As an expression of the standards of conduct for members expected by the City, the Standards of Ethical Conduct are intended to be self-enforcing. It is most effective when members are thoroughly familiar with it and embrace its provisions.

(2) For this reason, ethical standards shall be included in the regular

orientations for candidates for City Council, applicants to boards or commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City's General Standards of Ethical Conduct. In addition, the Standards shall be periodically reviewed by the Council, boards and commissions. The Council shall consider recommendations from boards and commissions and update as necessary.

(r) Compliance and Enforcement.

(1) The General Standards of Ethical Conduct establishes a minimum benchmark of ethical conduct expected for members of the Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met so that the public continues to have full confidence in the integrity of local government.

(2) The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Standards are brought to their attention.

(3) The Council may impose sanctions on members whose conduct does not comply with the City's ethical considerations, such as reprimand, formal censure, or loss of committee assignments. Under the Charter, the Council also may remove members of boards and commissions from office.

(4) A violation of this code of ethics shall not be considered a basis for challenging the validity of legislation authorized by Council or a Council board or commission decision.

(Ord. 2419. Passed 9-13-07.)

**107.05 GENERAL STANDARDS OF ETHICAL CONDUCT.**

(a) Unless otherwise provided in the Charter or by Council, the laws of the State of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials, and campaign financing and other election practices of candidates for municipal office shall apply.

(Ord. 2419. Passed 9-13-07.)

(b) In addition to compliance with division (a) above, no official shall violate the Ohio Ethics Law, including the following:

(1) Solicit or accept anything of value from anyone doing business with the City, a violation of R.C. § 102.03(D), (E) and (F) and R.C. § 2921.43;

(2) Solicit or accept employment from anyone doing business with the City, unless the official or employee completely withdraws from all City activities involving the party offering employment, and the Council approves the withdrawal;

(3) Use his or her public position to obtain personal benefit or secure anything of value;

(4) Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the City

unless the official or employee qualifies for the exception and files the statement described in R.C. § 102.04(D);

(5) Hold or benefit from a contract with, authorized by, or approved by the City in violation of R.C. § 2921.42(A);

(6) Vote, authorize, recommend, or in any other way use his or her position to secure approval of a City contract (including employment or personal services) in which the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, has an interest in violation of R.C. § 2921.42(A);

(7) Solicit or accept honoraria in violation of R.C. § 102.03(H);

(8) During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official or employee personally participated while serving with the City in violation of R.C. § 102.03(A)(1);

(9) Use or disclose confidential information without appropriate legal authorization in violation of R.C. § 102.03(B); or

(10) Use his or her office to secure anything of value in violation of R.C. § 102.03(D);

(c) All Council members must:

(1) Meet the qualifications for elective office and maintain qualifications throughout the term as set forth in R.C. § 705.12; and

(2) Take an oath to support Federal, State and local laws in the discharge of their public duties and secure a bond to protect the City;

(d) A Council member may resign at any time upon making a statement submitted in writing or an oral statement at a meeting of the Council of the intention to relinquish and resign from office.

(Ord. 2419. Passed 9-13-07.)

#### **107.06 FINANCIAL DISCLOSURE.**

Every City official required to file a financial disclosure statement must file a complete and accurate statement with the Ethics Commission by April 15 of each year. An official or employee elected, appointed, or employed to fill a position after February 15 must file a statement within 90 days of appointment or employment. The elected or appointed official shall pay the financial disclosure statement filing fee of such forms, and the City shall pay the fee for employees and those persons appointed to a board or commission.

(Ord. 2419. Passed 9-13-07.)

#### **107.07 PROHIBITED INTERESTS.**

(a) No member of Council shall:

(1) Act directly or indirectly as attorney, agent, broker or employee, or in any other capacity, on behalf of any private person, firm or corporation interested directly or indirectly in any manner whatsoever in any contract, work or business,

or the sale or acquisition of any property, the cost of which is payable from City funds; or

(2) Engage in the practice of law or represent or appear on behalf of an individual before the Municipal Court in any manner or controversy in which the City is, or may become, a party, except on behalf of the City as an officer or employee; or volunteer opinion evidence against the interests of the City in any litigation in which the City is a party; or

(3) Appear before any board or commission of the City as counsel, attorney, agent or advocate, except on behalf of a constituent without compensation therefore, or in the performance of public obligations or official duties; or

(4) Have an unlawful interest in a public contract in violation of R.C. § 2921.42; or

(5) Maintain any other public office that is incompatible with Council duties, i.e. other incompatible public employment, to prevent inconsistency of functions [See Table of Incompatible Offices].

(6) Use public office to secure anything of value that rises to substantial improper influence in violation of R.C. § 102.03(E), (G), (H)(1) or R.C. § 2921.43.

(7) Disclose anything that is not a "public record" as defined in R.C. § 149.43(A)(10) if the information is confidential by statute or if the information is clearly

designated as confidential and privileged to properly conduct government business in violation of R.C. § 102.03(B).

(Ord. 2419. Passed 9-13-07.)

#### **107.08 BOARD OF ETHICS REVIEW.**

(a) There is hereby established a Board of Ethics, consisting of three members, who shall be electors of the City and who shall be appointed by the Mayor, with the approval of Council. The members shall serve without compensation for three-year terms, except upon the original appointment, one member shall be appointed for a three-year term, one shall be appointed for a two-year term and one shall be appointed for a one-year term. The Board shall select its own chair and establish its own rules. The Law Director or special counsel appointed by Council shall advise the Board upon request of the Chair.

(b) The Board shall render advisory opinions with respect to these standards, the Charter and Codified Ordinances dealing with ethical conduct. Such advisory opinions shall be rendered pursuant to the written request of any member of Council or public official of the City. Statutes, court decisions, decisions of the Ohio Attorney General and Ethics Commission advisory opinions are permissible resources for review when considering the conduct of a public official.

(Ord. 2419. Passed 9-13-07.)

#### **107.09 ETHICS EDUCATION/ASSISTANCE.**

Providing ethics education and information is an inherent part of good ethics governance. The City shall utilize the services of the Ohio Ethics Commission to

provide education and informational materials to City officials. Any member of the Council, board or commission may contact the Ethics Commission directly at 614-466-7090. The Ethics Commission's web site address is:

[www.ethics.ohio.gov](http://www.ethics.ohio.gov).

(Ord. 2419. Passed 9-13-07.)

#### **107.99 PENALTY.**

Failure of any City official to abide by the General Standards of Ethical Conduct, financial disclosure requirements, or who engages in prohibited interests; or fails to comply with the Ohio Ethics Law and related statutes, will result in discipline, which may include reprimand, formal censure, loss of committee assignments, dismissal, recall from office, and civil or criminal sanctions under R.C. 3.07, and 3.10. Removal for misconduct, misfeasance or malfeasance is outlined in R.C. §§ 733.72 through 733.76.

(Ord. 2419. Passed 9-13-07.)

Section 2. Qualifications

No member of Council shall hold any other public office or public employment during his/her term except as otherwise provide in this Charter and further except the office of Notary public and membership in the National Guard or Reserve Corps and the office of Precinct Committee Person once affirmed by the voters in the November 3, 2015 election.

**(A)** In researching the above change I found an ordinance from Chardon Ohio, Moe removed the city of Chardon's name and substituted South Euclid to allow for discussion. I have also located different publications that already have definitions such as the Ohio Attorney General's website. We do not need to reinvent the wheel.

I am going to email them to everyone to review. This matter may be better suited as an ordinance verses a Charter Amendment however I am not sure.

**(B)** I also included the minutes in which the conflict occurred. because this is where the question lies.

The real question is:

A conflict that occurs occasionally is more than likely not a real conflict and or problem.

However, a conflict that happens repeatedly and or regularly should not occur and is a problem.

I asked myself the following:

What is the job description of the Community Life Director in Bedford Heights?

How many grants did the Councilperson/ Director apply for during their employment thus far?

How many of these same grants did the City of South Euclid apply for also?

If the Councilperson as the Director for Bedford Heights only competed against the City of South Euclid once then there is no real conflict. However, if there are several grant applications that compete with the City of South Euclid then there is a true conflict with this job description and serving as an elected official. Unlike a Coach, Teacher or Mailman.

The City of South Euclid Council could handle the matter by requesting a copy of the job description of the Councilperson and a list of the grants that the Councilperson/Director has applied for. The City of South Euclid Council could then ask for a list of the grants the administration has applied for in the same period. Council could then determine if the job description of the Councilperson is in conflict or not with the City of South Euclid elected position- thus the conflict could be handled by an ordinance.

### **RULE 3.1 Extrajudicial Activities in General**

A judge may engage in extrajudicial activities, except as prohibited by *law*. However, when engaging in extrajudicial activities, a judge shall not do any of the following:

(A) Participate in activities that will interfere with the proper performance of the judge's judicial duties;

(B) Participate in activities that will lead to frequent disqualification of the judge;

(C) Participate in activities that would appear to a reasonable person to undermine the judge's *independence, integrity, or impartiality*;

(D) Engage in conduct that would appear to a reasonable person to be coercive;

(E) Make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for extrajudicial activities permitted by *law*.

#### **Comment**

[1] To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by: (1) speaking, writing, teaching, or participating in scholarly research projects; (2) participating in judicial or bar association activities; or (3) serving on a board, commission, committee or task force established by the Supreme Court or a judicial or bar association. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal, or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. See Rule 3.7. However, a judge should consider whether engaging in a particular extrajudicial activity could give rise to an unlawful interest in a public contract as prohibited by R.C. 2921.42.

[2] Participation in both law-related and other extrajudicial activities helps integrate judges into their communities and furthers public understanding of and respect for courts and the judicial system.

[3] Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. For the same reason, a judge's

## **RULE 3.2 Appearances before Governmental Bodies and Consultation with Government Officials**

A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official, except as follows:

(A) In connection with matters concerning the *law*, the legal system, or the administration of justice;

(B) In connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties;

(C) When the judge is acting *pro se* in a matter involving the judge's legal or *economic interests*, or when the judge is acting in a *fiduciary* capacity.

### **Comment**

[1] Judges possess special expertise in matters of law, the legal system, and the administration of justice, and may properly share that expertise with governmental bodies and executive or legislative branch officials.

[2] In appearing before governmental bodies or consulting with government officials, judges must be mindful that they remain subject to other provisions of this code, such as Rule 1.3, prohibiting judges from using the prestige of office to advance their own or others' interests, Rule 2.10, governing public comment on pending and impending matters, and Rule 3.1(C), prohibiting judges from engaging in extrajudicial activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

[3] In general, it would be an unnecessary and unfair burden to prohibit judges from appearing before governmental bodies or consulting with government officials on matters that are likely to affect them as private citizens, such as zoning proposals affecting their real property. In engaging in such activities, however, judges must not refer to their judicial positions, and must otherwise exercise caution to avoid using the prestige of judicial office.

### **Comparison to Ohio Code of Judicial Conduct**

Rule 3.2(A) is comparable to Ohio Canon 2(A)(2).

Rule 3.2(B) has no comparable provision in the Ohio Code.

Rule 3.2(C) is comparable to a portion of Ohio Canon 4(C)(1).

The City of South Euclid City Council shall sponsor a Resolution requesting the Merging of the South Euclid Municipal Court with the Lyndhurst Hillcrest Regional Court once affirmed by the voters in the November 3, 2015 election.

Purpose:

To allow the City of South Euclid Independent Municipal Court to merge with the Lyndhurst Regional Municipal Court. The Lyndhurst Court operates on the Court Costs they collect and returns all city fines to the municipalities.

## ARTICLE XI-A CHARTER REVIEW COMMISSION

At the general election in November of 2023, and at the general election in November of each tenth year thereafter, a Charter Review Commission of nine members shall be elected.

### Purpose:

The purpose of the change is to not have the Charter Review on a Local Election Year. This would remove any implications dealing with politics and or the local election. It would make the process independent of the Local Election cycle.



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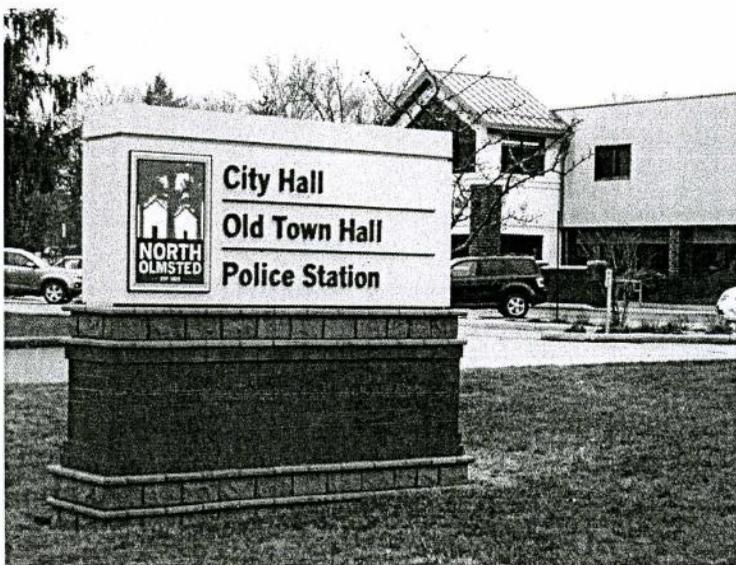
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# North Olmsted Mayor's Court made \$282,000 in 2014

9 comments



North Olmsted Mayor's Court generated additional money for the city in 2014.

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(<http://connect.cleveland.com/user/bgeiselman1/index.html>) By Bruce Geiselman, Northeast Ohio Media Group (<http://connect.cleveland.com/user/bgeiselman1/posts.html>)  
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on January 27, 2015 at 3:37 PM, updated January 27, 2015 at 4:40 PM

NORTH OLMSTED, Ohio – North Olmsted Mayor's Court made about \$282,000 in court costs last year, in its second year of operation. That was after expenses.

It is an increase of about \$31,000, compared to 2013. The number of cases also increased from 7,938 in 2013 to 8,148 last year.

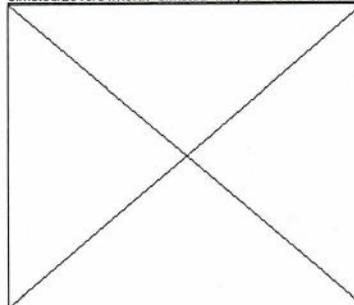
The money, which without the mayor's court would have gone to Rocky River Municipal Court, is added to the city's general fund, Finance Director Carrie Copfer said. The court costs are separate from fines collected.

"It's our streets, our lights and our police; we might as well run a court," Mayor Kevin Kennedy said.

Court costs are lower for residents who have their cases decided in mayor's court rather than in municipal court. North Olmsted court costs for a traffic ticket normally are \$95, including state and Cuyahoga County fees, while similar court costs in Rocky River are about \$135. North Olmsted keeps \$51 of its \$95 in court fees, while Rocky River keeps \$91 of its \$135 in court fees.

The North Olmsted Mayor's Court uses magistrates to handle uncontested traffic misdemeanors, parking tickets, first-time impaired driving offenses, and minor misdemeanor cases. Defendants who want their cases heard in Rocky River Municipal Court may request their case be transferred, Kennedy said.

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(http://www.cleveland.com/sun/all/index.ssf/2014

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# North Olmsted mayor's court appears poised to exceed original financial expectations

0 comments

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North Olmsted Mayor Kevin Kennedy released the first quarterly report of the city's new Mayor's Court on Tuesday night, and although there are some caveats, the court appears poised to surpass Kennedy's **original projection of \$256,000**

(http://www.cleveland.com/north-olmsted/index.ssf/2012/08/kevin\_kennedy\_says\_his\_budget.html) in revenue for 2013.

Kennedy first announced North Olmsted **would form a mayor's court in May of last year** (http://www.cleveland.com/north-olmsted/index.ssf/2012/05/north\_olmsteds\_kevin\_kennedy\_p.html), and despite the court only handling traffic offenses and minor misdemeanors, it was met with resistance from Rocky River Municipal Court, which formerly handled court cases for the city. The mayor **also faced resistance** (http://www.cleveland.com/north-olmsted/index.ssf/2012/09/north\_olmsted\_council\_approves.html) from former Councilman Mark Mahoney and Ward 4 Councilman Larry Orłowski, but council approved the court by a 5-2 vote.

The city's mayor's court officially began at the beginning of 2013, but Kennedy said the city did not begin writing tickets until Jan 15. Kennedy's financial analysis for the first quarter also did not include the months of November and December.

Kennedy's figures indicate the court collected \$82,059 in court cost fees and collections for the quarter ending on March 31, and collections after costs totaled approximately \$42,694. His analysis showed the court collected \$74,429 in April and May, and after costs collections totaled just shy of \$50,000.

Kennedy said Rocky River court collected an average fine of \$64.98 in the first quarter of 2013 (which does include December and all of January), compared to \$57.45 in North Olmsted. He pointed to this figure to dispute the idea of a mayor's court being a money grab, as tickets are down for the city, although he did admit North Olmsted's police department was down by a couple officers.

"You're not only keeping money in your city, you're charging less," he said. "The numbers are exceeding my expectation, and with summer coming up, and (North Olmsted) hiring new officers, we expect things to keep going in a positive direction. We look forward to giving council another full update at the end of the year."

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Share photos of your decorations -- your Christmas tree, your lights, your reindeer on the rooftop -- and your family traditions. ... Show off your 2014 holiday photos» (http://www.cleveland.com/sun/all/i

Kennedy said after costs, the court has collected approximately \$95,086, as of June 3, and many start-up costs are not recurring, and will not affect the finances going forward.

Cities receive all money for ticket fines under the Rocky River Municipal Court, however, court costs go to the Rocky River court. Court fees in Rocky River begin at \$125, and other fees are added as necessary, although they are not always necessary with smaller traffic infringements. Anyone pleading not guilty in North Olmsted court is transferred to Rocky River court.

Kennedy said North Olmsted's court costs are \$95 no matter what the offense is. He also said the city does not charge court costs for each ticket, so an individual receiving three tickets for the same incident would only pay \$95 total in court costs. He said the fine costs are the same as they were under Rocky River court. North Olmsted keeps \$51 of the court costs charged, with \$3 to a computer fund and \$41 going back to the state.

By comparison, Rocky River court sends \$39 to the state, \$5 to a Cuyahoga County computer system fund, \$10 to a technology fund and \$20 to a special projects fund, which pays for the bond on the Rocky River courthouse. The remaining \$51 is for operating costs.

The North Olmsted court operates with one full-time employee, a clerk of court, and a few part-time employees.

Kennedy admitted he doesn't know if the mayor's court will be permanent in the city, as if a new mayor would be elected, the court could be overturned. However he said he couldn't imagine why a new mayor would want to overturn the court, especially after looking at the numbers.

"We can have a meeting (to review the numbers) anytime council wants to have a meeting," Kennedy said. "We wanted people to see the numbers, and so council can understand that they made a good business decision."

## Winter 2014-15



([http://www.cleveland.com/sun/all/index.ssf/2014/12/show\\_off\\_y\\_15\\_winter\\_p.html](http://www.cleveland.com/sun/all/index.ssf/2014/12/show_off_y_15_winter_p.html))

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## OHIO ETHICS COMMISSION

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### SELLING GOODS OR SERVICES TO PUBLIC AGENCY (LOCAL): Ethics Commission Information Sheet # 2

#### I. Introduction

The Ohio Ethics Law and related statutes are found in Ohio Revised Code (R.C.) Chapter 102. and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

The Ethics Law applies to all people who serve as officials and employees for public agencies in Ohio. "Public agencies" include state departments, boards, and commissions, counties, cities, villages, townships, school districts, public colleges and universities, public libraries, port authorities, and all other public entities.

The Ohio Ethics Commission was created to administer, interpret, and assist in the enforcement of the Ethics Law for all officials in the state, except members and employees of the General Assembly and judicial officers and employees.<sup>1</sup> In this information sheet, the word "official" includes any person who serves any public agency, except a state agency, whether elected, appointed, or employed.

#### II. Purpose of this Information Sheet

The Ethics Commission prepared this information sheet to explain how the law applies when a *local* public official

wishes to sell goods or services to the *local* public agency she serves.

The Commission has prepared a separate information sheet (Information Sheet # 3) for officials and employees of state agencies.

#### III. Summary of the Law

The Ohio Ethics Law and related statutes prohibit an official from:

- Selling goods or services to the agency she serves unless she can meet one of two exceptions to the law; and
- Using her position to get a public contract or payments from the agency.

#### IV. Prohibition Against Having an Interest in a Public Contract

R.C. 2921.42(A)(4) prohibits an official from having an interest in the profits or benefits of a public contract entered into by or for the use of a public agency with which she is connected.

A public contract exists whenever a public agency buys or acquires goods or services, regardless of whether there is a written contract.<sup>2</sup> Examples of public contracts are:

- Purchases of goods like computers, fire trucks, and paper products<sup>3</sup>;
- Purchases of services like insurance, consulting, and accounting<sup>4</sup>;
- Any employment, whether full time, part time, temporary or permanent; and
- Grants (because the agency acquires services by virtue of the grant).<sup>5</sup>

R.C. 2921.42(A)(4) prohibits an official from selling goods or services to the public agency with which she is “connected.”

A person is “connected” with the agency she serves.<sup>6</sup> For example, a person who works for the county is connected with all county agencies. An employee of the county engineer’s office is prohibited from selling computers to the sheriff’s office. A city council member is prohibited from selling uniforms to the police department.

#### V. Stockholding Exception

There is an exception when an official is a stockholder of a company. If an official owns less than five percent of the stock in a company, and files an affidavit about her stock ownership with her public agency, she will not have a prohibited interest in any contract between the agency and the company. However, the exception does not apply if the official has any additional connection with the company, such as employment.<sup>7</sup>

For example, if a city employee owns less than five percent of the stock in a car company, and she files an affidavit with the city disclosing her stockholding, she

does not have a prohibited interest if the city buys a car from the company.

#### VI. Four-Part Exception

There is another exception. In order for the exception to apply, the public official must be able to show that she meets all four of the following requirements:

**Requirement 1:** The goods or services are necessary goods or services.<sup>8</sup> In other words, the agency can demonstrate that it needs the goods or services the official will provide.

**Requirement 2:** Either the goods or services are part of a continuing course of dealing or they are unobtainable elsewhere for the same or lower cost.<sup>9</sup> There are two ways the official can show that she meets this requirement.

First, the official can meet the requirement if she is supplying goods or services to the agency as part of a continuing course of dealing established before she was elected or employed. In other words, if the official had a contract to sell goods or services to the agency before she was hired, she can continue to perform that contract.<sup>10</sup> However, if there was simply a practice of purchases, or if there are any significant changes to the contract (including cost), the official cannot meet this exception. If the official believes that she can show that she meets this requirement, she should contact the legal advisor for the public agency, or the Ethics Commission, to independently assure that the requirement can be met.

Second, the official can meet the requirement if the agency cannot get the goods or services from any other source for the same or lower cost. However, the

agency *must* use some objective price comparison and must provide adequate notice to other suppliers of the same goods or services, in a fair and impartial purchasing process.<sup>11</sup> If the official provided the lowest and best bid after a fair and open competitive bid, or offered the lowest price on the goods as determined by some other fair and objective process, the official may be able to demonstrate that she meets this requirement.

**Requirement 3:** The treatment that the official provides to the agency is the same as, or better than, the treatment that she provides to other customers or clients in similar transactions.<sup>12</sup> In other words, the official must treat the agency the same as, or better than, she treats the other customers or clients of her business.

**Requirement 4:** The transaction is conducted at arm's length, the agency has full knowledge of the official's interest in the sale of goods or services, and the official has taken no part in the deliberations or decision with respect to the transaction.<sup>13</sup> The official must first show that she did not use her unique access as an agency employee to secure the contract. Then the official must show that she has fully informed the agency that she is interested in the transaction. Finally, the official must show that she was not involved in any votes, discussions, or decisions about the contract.

## **VII. Using Public Position to Secure a Public Contract**

The Ethics Law also prohibits the official from using the authority or influence of her public position, in any way, to get an agency contract, or payments for goods or services from the public agency to her or her business.<sup>14</sup> The official is prohibited from

discussing her contract with other officials or employees of the same agency.

Similarly, R.C. 102.03(D), a protection against conflicts of interest, prohibits an official from using her public position to secure a thing of value for herself.<sup>15</sup> The money that an official would receive from the sale of goods or services to the agency would be a thing of value. The official is prohibited from using her position to get payments from the agency.

## **VIII. Occupying a Position of Profit in a Contract**

An official who authorizes contracts, or is a member of any board or committee that authorizes contracts, including a governing board (such as a city council, school board, or board of trustees), is also subject to R.C. 2921.42(A)(3). This section prohibits an official from occupying a position of profit in a contract if the contract is authorized by the official, or by a body, committee, or board of which she sits, unless the contract is competitively bid and awarded to the lowest and best bidder.

A public contract has been authorized by an official, body, board, or commission where the contract could not have been awarded without the approval of the board or official, the position in which the official serves, or the public entity with which she serves.<sup>16</sup>

If a board for an agency will authorize or approve a contract, a member of the board would be prohibited from receiving any profit from the contract unless the contract is competitively bid and awarded to the lowest and best bidder.<sup>17</sup> This is true even if the board member does

not participate in the board's approval or authorization of the contract.<sup>18</sup>

## IX. Other Considerations

Any official who wishes to sell goods or services to her public agency should ask her supervisor, or legal counsel for the public agency, whether the public agency has any additional policies or rules regarding this matter. (A public agency cannot create a policy or rule that is less restrictive than the prohibitions described above. However, an agency may have a policy or rule that is more restrictive than the Ethics Law.)

## X. Penalties

The Ethics Law and related statutes are criminal laws. If a person is convicted of violating an ethics law, that person may receive a jail sentence and/or have a fine levied against her.

Most of the ethics laws discussed in this information sheet (R.C. 2921.42(A)(4) and R.C. 102.03(D)) are first-degree misdemeanors, with a maximum penalty of six months in prison and/or a \$1000 fine. One of the laws discussed (R.C. 2921.42(A)(1)) is a fourth-degree felony, with a maximum penalty of eighteen months in prison and/or a \$5000 fine.

## XI. Conclusion

Please contact the Ethics Commission if you have questions about this information sheet or the Ohio Ethics Laws. This information sheet is not an advisory opinion, and is not intended to provide advice on specific facts. Copies of the Commission's formal advisory opinions can be obtained from: Ohio Ethics Commission, William Green Building, 30 West Spring

Street, L3, Columbus Ohio, 432315-2256;  
telephone (614) 466-7090, and on the  
Commission's Website:  
[www.ethics.ohio.gov](http://www.ethics.ohio.gov).

*Rev'd March 2006*

### Endnotes:

<sup>1</sup> The ethics agency with jurisdiction over ethics issues related to members and employees of the General Assembly is the Joint Legislative Ethics Committee. The ethics agency with jurisdiction over ethics issues related to judicial officers and employees is the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court.

<sup>2</sup> R.C. 2921.42(G)(1).

<sup>3</sup> Ohio Ethics Commission Advisory Opinions No. 84-013 (computers), 87-002 (paper and cleaning supplies), and 84-014 (fire equipment).

<sup>4</sup> Adv. Ops. No. 82-007 (accounting services), 92-017 (insurance services) and 97-004 (employment).

<sup>5</sup> Adv. Op. No. 87-003.

<sup>6</sup> Adv. Op. No. 87-002.

<sup>7</sup> Adv. Op. No. 93-001.

<sup>8</sup> R.C. 2921.42(C)(1).

<sup>9</sup> R.C. 2921.42(C)(2).

<sup>10</sup> Adv. Op. No. 88-008.

<sup>11</sup> Adv. Op. No. 90-003.

<sup>12</sup> R.C. 2921.42(C)(3).

<sup>13</sup> R.C. 2921.42(C)(4).

<sup>14</sup> R.C. 2921.42(A)(1).

<sup>15</sup> R.C. 102.03(D).

<sup>16</sup> Adv. Op. No. 2001-02.

<sup>17</sup> Adv. Op. No. 90-005.

<sup>18</sup> Id.

*City of South Euclid Court 2007-2014 Analysis*

YEAR	(A) Court YTD EXPENSE (General Fund)	(B) Court YTD REVENUE (General Fund)	(A)-(B) +/- Impact on General Fund w/SE Court	(C) South Euclid Fines Collected by Court	(D)-((A)-(B)) Potential General Fund Revenue (3)
2007	\$ 473,144.96	\$ 515,782.31	\$ 42,637.35	\$ 192,207.25	\$ 149,569.90
2008	502,450.26	592,390.60	89,940.34	219,283.00	129,342.66
2009	538,034.01	519,406.14	(18,627.87)	224,618.00	243,245.87
2010	534,024.86	619,695.56	85,670.70	249,879.00	164,208.30
2011	562,756.47	638,008.79	75,252.32	261,344.00	186,091.68
2012	688,502.65	609,939.72	(78,562.93)	254,261.00	332,823.93
2013	607,113.68	567,354.92	(39,758.76)	221,636.50	261,395.26
2014	602,068.87	547,640.47	(54,428.40)	234,997.45	289,425.85
Total	\$ 4,508,095.76	\$ 4,610,218.51	\$ 102,122.75	\$ 1,858,226.20	\$ 1,756,103.45

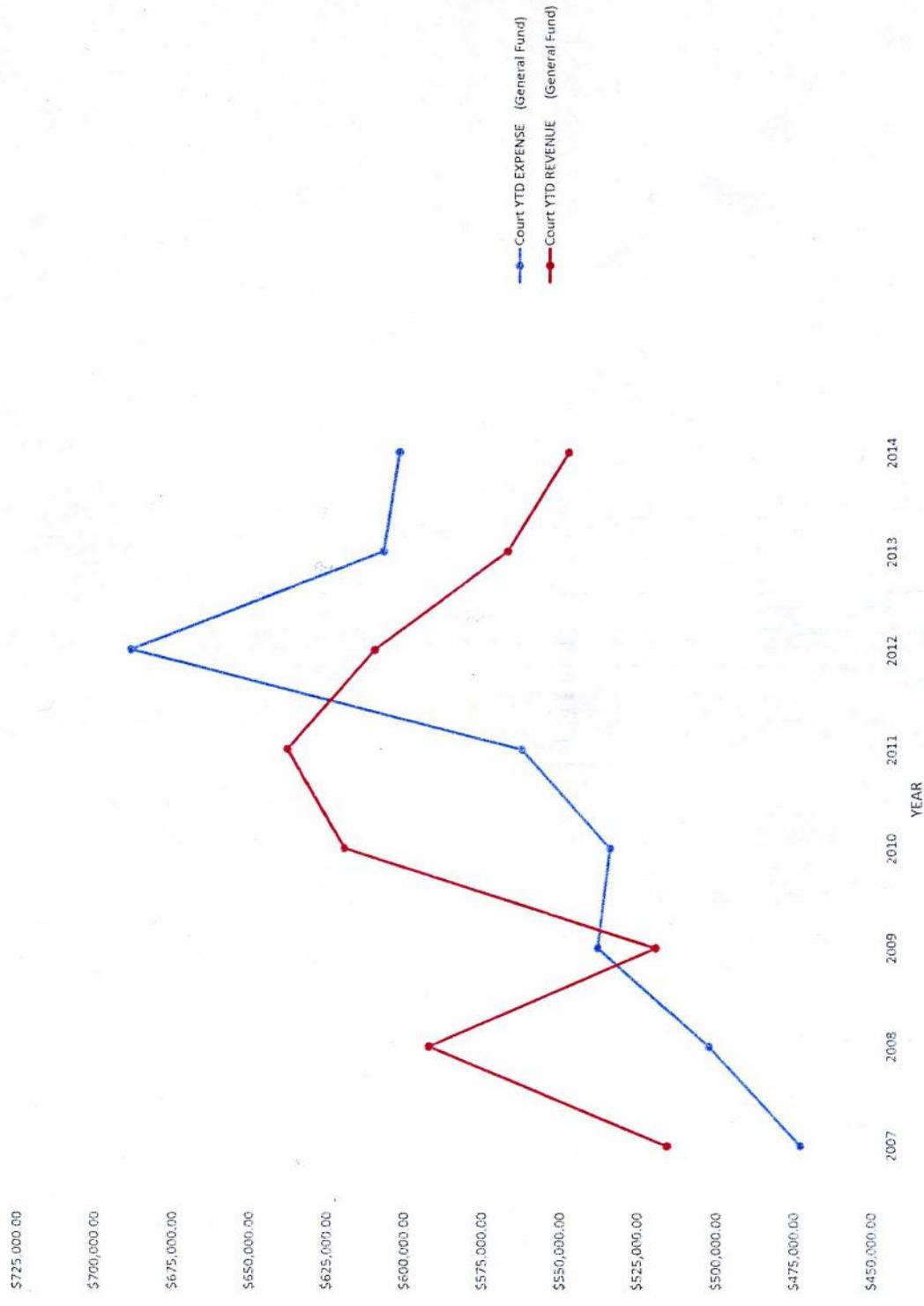
**NOTES:**

- (1) Revenues reflect the following: Criminal Fines, Civil Fines, Expungement Fees, DUI Housing Costs, Jury Trial Reimbursement
- (2) Total Amount of City Fines Collected by Court that were deposited in General Fund (CITY FINES RECORDED IN FUND 101-6000-46102)
- (3) This dollar amount represents the actual amount that could have been recognized by the General Fund

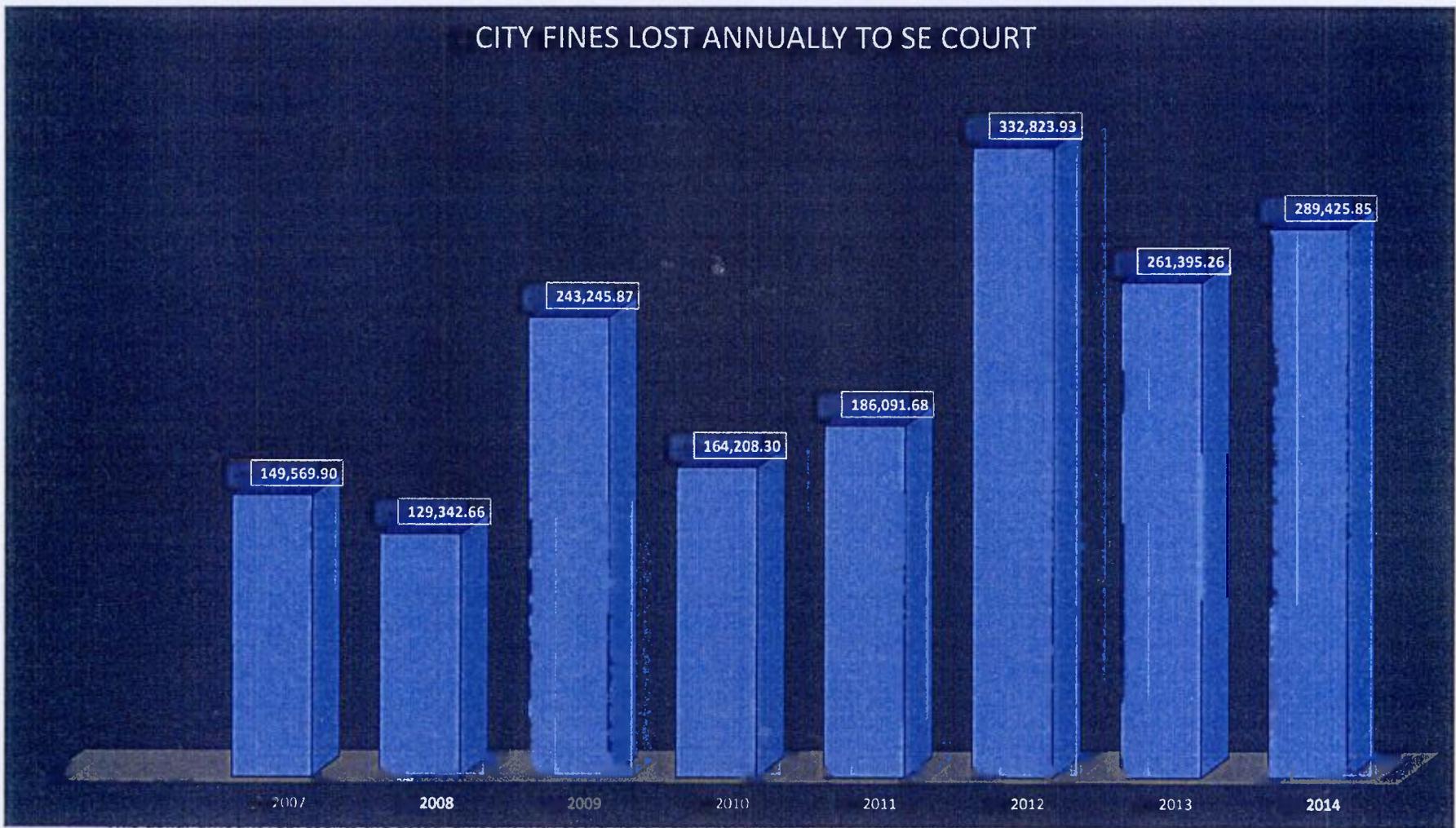
# South Euclid Court Revenue vs. Expenditure Analysis

(C)

(B)



# CITY FINES LOST ANNUALLY TO SE COURT



The legislation has been approved.

Introduced by Miller

Resolution 42-14

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TELECO CLEVELAND TO COMPLETE THE 2014 TELECOMMUNICATION PROJECT BY INSTALLING A NEW TELEPHONE AND VOICEMAIL SYSTEM IN MUNICIPALLY OWNED BUILDINGS. FIRST READING.

The legislation was placed on First Reading and referred to the Committee of the Whole.

Introduced by Miller

Resolution 43-14

RESOLUTION

AUTHORIZING THE MAYOR TO APPLY FOR A GRANT UNDER THE CUYAHOGA COUNTY "COMPETITIVE MUNICIPAL PROGRAM": 2015 COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND DECLARING AN EMERGENCY.

The legislation was placed on First Reading for the purposes of an administrative public hearing per County CDBG policy.

Introduced by Miller

Resolution 45-14

RESOLUTION

AUTHORIZING THE MAYOR TO PREPARE AND FILE A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES – DIVISION OF REAL ESTATE AND LAND MANAGEMENT UNDER THE NATUREWORKS PROGRAM FOR THE PURPOSE OF REIMBURSEMENT ASSISTANCE FOR CAPITAL IMPROVEMENT PROJECTS RELATED TO OUR PARKS NATURAL RESOURCES. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilwoman Jane Goodman, **Seconded by** Councilman Moe Romeo.

Councilwoman Gray stated that she would be recusing from voting on the resolution and explained that in her position in Bedford Heights she will be applying for the same grant for a project in Bedford Heights.

**Vote:** Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

**Absent:** Councilman Dennis Fiorelli

**Abstain:** Councilwoman Ruth Gray.

The legislation has been approved.

Introduced by Miller

Ordinance 06-14

ORDINANCE

ASSESSING UNPAID COSTS OF SERVICE DEPARTMENT- NUISANCE ABATEMENT (HIGH GRASS, WEEDS, ETC.) AS AUTHORIZED BY SECTION 521.14 (D), OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilman Ed Icove, **Seconded by** Councilman Moe Romeo.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

**Absent:** Councilman Dennis Fiorelli

The legislation has been approved.

Introduced by Miller

Ordinance 07-14

ORDINANCE

ASSESSING UNPAID COSTS OF SERVICE DEPARTMENT- NUISANCE ABATEMENT (YARD CLEAN-UP, BOARDING CHARGES, ETC.) AS AUTHORIZED BY SECTION 521.14 (D) OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilman Ed Icove, **Seconded by** Council President Pro Tem Jane Goodman.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

**Absent:** Councilman Dennis Fiorelli

The legislation has been approved.

Introduced by Miller

Ordinance 08-14

RESOLUTION

AUTHORIZING THE MAYOR TO APPLY FOR A GRANT UNDER THE CUYAHOGA COUNTY "COMPETITIVE MUNICIPAL PROGRAM": 2015 COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND DECLARING AN EMERGENCY.

The legislation was placed on First Reading for the purposes of an administrative public hearing per County CDBG policy.

Introduced by Miller

Resolution 45-14

RESOLUTION

AUTHORIZING THE MAYOR TO PREPARE AND FILE A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES – DIVISION OF REAL ESTATE AND LAND MANAGEMENT UNDER THE NATUREWORKS PROGRAM FOR THE PURPOSE OF REIMBURSEMENT ASSISTANCE FOR CAPITAL IMPROVEMENT PROJECTS RELATED TO OUR PARKS NATURAL RESOURCES. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilwoman Jane Goodman, **Seconded by** Councilman Moe Romeo.

Councilwoman Gray stated that she would be recusing from voting on the resolution and explained that in her position in Bedford Heights she will be applying for the same grant for a project in Bedford Heights.

**Vote:** Motion passed (summary: Yes = 5, No = 0, Abstain = 1).

Following discussion, **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

**Yes:** Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

Absent: Councilman Dennis Fiorelli

**Abstain:** Councilwoman Ruth Gray.

The legislation has been approved.

Introduced by Miller

Ordinance 06-14

ORDINANCE

ASSESSING UNPAID COSTS OF SERVICE DEPARTMENT- NUISANCE ABATEMENT (HIGH GRASS, WEEDS, ETC.) AS AUTHORIZED BY SECTION 521.14 (D), OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilman Ed Icove, **Seconded by** Councilman Moe Romeo.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).

**Yes:** Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

Absent: Councilman Dennis Fiorelli

The legislation has been approved.

Introduced by Miller

Ordinance 07-14

ORDINANCE

ASSESSING UNPAID COSTS OF SERVICE DEPARTMENT- NUISANCE ABATEMENT (YARD CLEAN-UP, BOARDING CHARGES, ETC.) AS AUTHORIZED BY SECTION 521.14 (D) OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilman Ed Icove, **Seconded by** Council President Pro Tem Jane Goodman.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).

**Yes:** Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

Absent: Councilman Dennis Fiorelli

The legislation has been approved.

Introduced by Miller

Ordinance 08-14

ORDINANCE

ASSESSING ALL UNPAID COSTS OF FALSE ALARM- NUISANCE ABATEMENTS, AS AUTHORIZED BY CHAPTER 531 OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, THE CUYAHOGA COUNTY COMMON PLEAS COURT AND THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilman Marty Gelfand, **Seconded by** Council President Pro Tem Jane Goodman.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).

CITY OF SOUTH EUCLID

RESOLUTION NO.: 63-97  
INTRODUCED BY: Romeo  
REQUESTED BY: Weiner

September 8, 1997

A RESOLUTION

REQUESTING THE CREATION OF A FULL-TIME JUDICIAL POSITION FOR THE  
SOUTH EUCLID MUNICIPAL COURT

WHEREAS, the South Euclid Municipal Court presently employees one part-time judge; and

WHEREAS, the judge of the South Euclid Municipal Court has presented to City Council an analysis of the workload of the South Euclid Municipal Court and has recommended that the judicial position of the court be changed from part-time to full-time commencing with the judicial term to begin in the year 2000; and

WHEREAS, the work of the court has increased in the number of cases filed due to changes in the law both traffic and civil and has further increased because of changes in the law that have increased the amount of time required by the court to process certain cases; and

WHEREAS, the work of the court has increased in time required for administrative responsibilities including but not limited to personnel matters, court security measures and computerization; and

WHEREAS, it is projected that by the year 2000 the work load of the South Euclid Municipal Court will require a full-time judgeship; and

WHEREAS, the analysis presented reflects that there are at least eight full-time municipal courts in Ohio with populations and case filings comparable to South Euclid; and

WHEREAS, the analysis presented reflects that there is at least one full-time multi-judge municipal court in Cuyahoga County where case filings per judge are less than or comparable to the case filings of the South Euclid Municipal Court; and

WHEREAS, the creation of a full-time judgeship for the South Euclid Municipal Court will greatly aid the citizens of South Euclid who have cases to be heard in both civil, traffic and criminal matters;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of South Euclid requests that the judicial position of the South Euclid Municipal Court be changed to full-time status commencing with the term that begins in the year 2000.

Section 1: That the City of South Euclid will appropriate the necessary funds for its proportionate share of the compensation for a full-time judicial position for the South Euclid Municipal Court commencing January 1, 2000; and

Section 2: That the City of South Euclid supports the goal of creating a full-time judicial position for the South Euclid Municipal Court commencing January 1, 2000.

September 8, 1997

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is effected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this 8th day of September, 1997.

Moe Romeo  
Moe Romeo  
President of Council

Attest:

Celeste DiCillo  
Celeste DiCillo  
Clerk of Council

Approved:

John T. Kocevar  
John T. Kocevar  
Mayor

Approved as to form:

Vincent A. Feudo  
Vincent A. Feudo  
Director of Law