

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 05-165

INTRODUCED BY: Willey, Stefanik, Uffman-Kirsch

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 2 ADMINISTRATION, CHAPTER 220 COUNCIL, SECTION 220.06 RULES OF COUNCIL, TO CREATE RULE XXX, AND DECLARING AN EMERGENCY

WHEREAS: Pursuant to the Charter and ORC 731.45, Council has established rules which govern the manner in which it operates; and

WHEREAS: Council desires to amend the Rules to create a new Rule XXX to provide a process for moral claims; and

WHEREAS: It is necessary to amend Part 2 Administration, Chapter 220 Council, Section 220.06 Rules of Council, to create Rule XXX to provide for a moral claims process; and

WHEREAS: Rule XXV provides that these rules may be amended from time to time by a majority vote of Council; and

WHEREAS: Council desires to provide for this amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby amends the Codified Ordinances of the City of North Royalton, Part 2 Administration, Chapter 220 Council, Section 220.06 Rules of Council, to create Rule XXX to hereinafter read as follows:

Rule XXX - MORAL CLAIMS PROCEDURE.

(a) Establishment and Members.

There is hereby established a Moral Claims Commission consisting of the members of the duly appointed Finance Committee.

(b) Duties of Commission.

1. All claims arising from injury or damage from alleged acts of the City in its governmental capacity, or which arise from circumstances wherein but for the interposition of some defense peculiar to municipal corporations the City would otherwise be liable at law, or which arise from facts under which the City has the right and obligation in good conscience to pay for such injury or damage, shall be referred first to the Law Department for investigation.
2. All claims filed with the Law Department shall be properly designated either by number or short title or both. All such claims shall be carefully investigated by the Law Department. The Law Department shall have authority to reject or deny claims where there is evidence of negligence on the part of the claimant. The Law Director shall make regular reports to the Finance Committee listing all claims including the name of the claimant, date of incident giving rise to the claim, brief summary of claim, and disposition. All claims not denied or rejected by the Law Department shall be referred for hearing before the Moral Claims Commission. All decisions of the Law Department and/or Moral Claims Commission are final and not subject to appeal, nor shall the claimant be permitted to re-submit any such claim in the future for reconsideration.
3. The Chairman of the Commission shall, for the purposes of this chapter, has the power to administer oaths, compel attendance of witnesses and production of books and papers under the penalty provided in Article XVIII (d) of the Charter. After such investigation, the Commission shall either approve, with or without conditions or limitations, or disapprove such a claim.
4. Original papers relating to claims shall be filed in the office of the Director of Law and shall be preserved for not less than four years.
5. The Law Director shall cause to be prepared and introduced into Council ordinances setting forth moral claims allowed by the Commission. Each such ordinance shall set forth the number of each claim, the general subject of the claim and the fund from which payment is to be made.

6. The Director of Finance shall certify that funds are available for the payments contemplated by each such ordinance. After the recommendation for approval of the claim by the Finance Committee, Council shall proceed to pass such ordinance as introduced or as it may be amended.

(c) Award Determined by Commission.

The Moral Claims Commission may fix an award for the payment of a claim. Such award shall be fixed in the discretion of the Commission as a matter of grace and not as a matter of right.

(d) Assignment of Reimbursement to City.

Before any payment is made, the claimant shall execute and deliver an assignment to the City in such form as approved by the Director of Law agreeing to reimburse the amount of the payment to the City any sum of money obtained by the claimant arising out of the occurrence entitling the claimant to the payment, whether by judgment, settlement or otherwise against anyone legally responsible for the damage.

Section 2. Chapter 220, Section 220.06, Rule XXX of the Codified Ordinances of the City of North Royalton is hereby enacted as provided for herein and all other provisions of Chapter 220 shall remain in full force and effect.

Section 3. This Ordinance shall supercede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to provide a process for moral claims.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: November 1, 2005

DATE APPROVED: November 1, 2005

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading November 1, 2005

YEAS: Stefanik, Bobulsky, Gentile, Willey,
Koch, Zaccardelli, Uffman-Kirsch

NAYS: none