

CITY OF KIRTLAND

ORDINANCE NUMBER 20-O-63

AN ORDINANCE AMENDING SECTION 254.13(b) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO CERTAIN BENEFITS FOR RETIRING EMPLOYEES, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 82-O-24 was passed on March 1, 1982, enacting Kirtland Code of Ordinance §254.13 relating to certain benefits offered to retiring employees; and

WHEREAS, Kirtland Ordinance §254.13(b), when read in conjunction with §254.06(j), has led to confusion due to the difference in pay structure with the description of a payment in increments of days versus increments of hours; and

WHEREAS, the City of Kirtland maintains a desire to compensate its eligible retiring employees with the payment of accrued sick time but wishes to avoid confusion and instead create uniformity within its Codified Ordinances; and

WHEREAS, it is recommended by its Law Director that Ordinance §254.13(b) be modified to incorporate the payment of a maximum number of “hours” rather than the increments to be in “days”; and

WHEREAS, the City further wishes to express its gratitude for employees who work many years for, and ultimately retire with, the City by increasing the maximum number of hours an employee may be entitled to be paid upon retirement; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: Codified Ordinance Section 254.13(b), enacted by Ordinance No. 82-O-24, passed on March 1, 1982, is hereby amended to read as follows:

§ 254.13 RETIREMENT

(b) Upon the retirement in good standing of a full-time employee who has not less than ten years of continuous full-time employment with the city and who has qualified for retirement from a State Public Employee's Retirement System, such full-time employee shall be entitled to receive a cash payment equal to his or her hourly rate of pay at the time of retirement, multiplied by one-fourth of the total number of accumulated but unused sick hours earned by the employee, as certified by the Finance Director of the city; provided that, such resulting number of hours to be paid shall not exceed 480 hours. Payment for sick leave on this basis shall eliminate all sick leave credit accrued by the employee to the time of retirement. Such payment shall be made only once to an employee.

SECTION II: That the heretofore existing Section 254.13(b) of the Codified Ordinances of the City of Kirtland, previously enacted and in force, be amended by the passage of this ordinance, and is hereby replaced as set forth in Section I hereinabove.

SECTION III: The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION IV:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to timely correct the aforementioned discrepancy or confusion and to provide a benefit for the City's workers; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2020.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2020.

Clerk of Council
Amend 254.13(b) Retirement

Mayor Kevin F. Potter