



CLEVELAND HEIGHTS

Administrative Services Committee

June 30, 2025

4:30 PM

City Hall – Executive Conference Room

Administrative Code, Board & Commission Appointments, Charter Review, Salaries & Benefits

Council members

Chair: Craig Cobb | Vice Chair: Jim Petras | Member: Tony Cuda

Agenda

1) Call to Order/Roll Call

2) Proposed Legislation

- a. **ORDINANCE NO. 131-2024(AS): First Reading.** An Ordinance amending Chapter 105, "Public Records" of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, by adding a Section 105.03 "Rules for City Emails."

Introduced by Mayor Seren

- b. **NEW: ORDINANCE NO. XXX-2025.** An Ordinance amending Chapter 105, "Public Records," to add Section 105.04 to prohibit the review or access of city email accounts of employees or elected officials without consent or lawful approval pursuant to Ohio Public Records Law.
- c. **NEW: ORDINANCE NO. XXX-2025.** An Ordinance amending Chapter 105, "Public Records," to add Section 105.05 to prohibit the use of city social media accounts and email systems for political messaging and limiting their use to official informational purposes.
- d. **NEW: ORDINANCE NO. XXX-2025.** An Ordinance amending Chapter 121.05 "Rules and Regulations," relating to the Mayor's authority over City property.

3) Committee/Commission/Board Vacancies (Time Permitting)



CLEVELAND HEIGHTS

- 4) **Other (Time Permitting)**
- 5) **Executive Session (Time Permitting)**
 - a. *To consider the appointment of a public official*
- 6) **Adjourn**



Date: August 2, 2024

To: City Council

From: Mayor Seren

Subject: Chapter 105.03 "Rules for Emails"

Purpose Statement:

To amend Chapter 105 of the City's Codified Ordinances to enact a new Section 105.03, "Rules for Emails," to require that the Mayor and all members of Council have City-provided e-mails, and that the use of private e-mail accounts for conducting public business is prohibited. This rule will enhance the City's ability to comply with public records requests, and to operate in accordance with its public records retention schedules. The use of private e-mail accounts for public business is not consistent with the Sunshine laws and creates significant burdens for City staff in responding to public records requests, as well as discovery requests in litigation.

As the Ohio Electronic Records Committee has stated, "Using private e-mails for public business should be avoided....If constituents...send e-mail to a private e-mail address, it should be forwarded to a governmental e-mail account and the response should be send from the government account."

Is this legislation recurring: Yes: _____ No: X

Is emergency language necessary: Yes: _____ No: X

If yes, why?

Is passage on first reading necessary: Yes: _____ No: X

If yes, why?

If funding is required, is it already budgeted for? Yes: _____ No: _____

If not already budgeted for, where will funding come from?

N/a

Proposed: 8/5/2024

ORDINANCE NO. 131-2024(AS), *First Reading*

By Mayor Seren

An Ordinance amending Chapter 105, "Public Records" of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, by adding a Section 105.03 "Rules for City Emails."

WHEREAS, under Ohio and Cleveland Heights law, emails which serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the public office are public records; and

WHEREAS, emails sent from or received by private email accounts which meet the definition of public records, are more administratively challenging to produce in response to public records requests and more prone to retention mismanagement and failure to disclose in response to public records requests; and

WHEREAS, the Ohio Electronic Records Committee, in their 2019 publication "Guidelines for Managing Email" states that "Using private email accounts for public business should be avoided. An email on a private email account that includes content that is a record, according to the Ohio Revised Code is still a record and is subject to retention schedules and public record requests. If constituents do send email to a private email address, it should be forwarded to a government email account and the response should be sent from the government account."; and

WHEREAS, there are both legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the public office's failure to comply with a request may result in a court ordering the public office to comply with the law and to pay the requester attorney's fees and damages; and

WHEREAS, policies which promote prompt and complete response to public record requests and inhibit violations of public records laws are in the best interest of the City, its residents, and the general goal of civic transparency; and

WHEREAS, a requirement that Council members and the Mayor refrain from using private email accounts to conduct city business is such a policy which promotes prompt and complete response to public record requests and inhibits violations of public records laws, and as such, is in the best interest of the City, its residents, and the general goal of civic transparency.

ORDINANCE NO. 131-2024(AS)

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. Chapter 105, "Public Records" of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights, shall be and is hereby amended by adding a new Section 105.03 "Rules for City Emails" to read as follows:

105.03 RULES FOR CITY EMAILS

- (a) Documents in email format, created or received by or coming under the jurisdiction of any public office or public body of the City which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the City, is a "record" within the meaning of this chapter and as defined by the Ohio Revised Code.
- (b) The Mayor shall provide or cause to be provided official City email accounts for use by the Mayor and each member of Council.
- (c) The Mayor and Council members are prohibited from using private email accounts to conduct City business and shall exclusively use the above referenced official City email accounts when conducting City business through the email medium.
- (d) If the Mayor or a member of Council receive a document in email format to a private email account which is a public record, they shall forward such email to the official City email account provided for their use. Any response shall be sent from the official City email account.

SECTION 2. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance shall take effect and be in force at the earliest time permitted by law.

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

ORDINANCE NO. 131-2024(AS)

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

105.03 RULES FOR CITY EMAILS

(a) Documents in email format, created or received by or coming under the jurisdiction of any public office or public body of the City which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the City, is a "record" within the meaning of this chapter and as defined by the Ohio Revised Code.

(a) Documents in email format, created or received by or coming under the jurisdiction of any public office or public body of the City which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the City, is a "record" within the meaning of this chapter and as defined by the Ohio Revised Code **in Chapter 149.**

(b) The Mayor shall provide or cause to be provided official City email accounts for use by the Mayor and each member of Council.

(b) The Mayor shall provide or cause to be provided official City email accounts for use by the Mayor, each member of Council and each City employee. The Mayor may provide an official City email to anyone providing contract services to the City. No other person shall be issued or allowed to use or access a City email account.

(c) The Mayor and Council members are prohibited from using private email accounts to conduct City business and shall exclusively use the above referenced official City email accounts when conducting City business through the email medium.

(c) When practical and subject to the provisions of Ohio Revised Code § 149.43, official City email accounts shall be used by the Mayor and members of Council to conduct City. City employees are prohibited from using a personal email account when conducting City business.

(d) If the Mayor or a member of Council receive a document in email format to a private email account which is a public record, they shall forward such email to the official City email account provided for their use. Any response shall be sent from the official City email account.

(d) If the Mayor, member of City Council, City employee or contractor receive a document in email format to a private email account which is a public record, they shall forward such email to any official City email account provided for their use. When practical, any response shall be sent from the official City email account.

RESOLUTION XXX-2025

A RESOLUTION AMENDING CHAPTER 105, “PUBLIC RECORDS” TO ADD SECTION 105.04 TO PROHIBIT THE REVIEW OR ACCESS OF CITY EMAIL ACCOUNTS OF EMPLOYEES OR ELECTED OFFICIALS WITHOUT CONSENT OR LAWFUL APPROVAL PURSUANT TO OHIO PUBLIC RECORDS LAW

WHEREAS, the City of Cleveland Heights, Ohio, maintains official email accounts for employees and elected officials to conduct the business of the City;

WHEREAS, Ohio Revised Code § 149.43 establishes the right of the public to access public records, subject to certain legal exceptions and redactions;

WHEREAS, the City of Cleveland Heights recognizes the need to protect employees and elected officials from unauthorized access to official email accounts while ensuring compliance with Ohio’s public records law;

WHEREAS, procedures are needed to safeguard the confidentiality and integrity of City managed email accounts and to establish clear, lawful procedures for any review or disclosure in compliance with Ohio Revised Code § 149.43.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, OHIO, THAT:

SECTION 1. Chapter 105 of the Codified Ordinances of Cleveland Heights is hereby amended to add Section 105.04 review or access of City email accounts as set forth in Exhibit 1 attached hereto and incorporated herein.

SECTION 2. It is found and determined that all formal actions of the Council 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 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

EXHIBIT 1

105.04 REVIEW OR ACCESS OF CITY EMAIL ACCOUNTS

(a) DEFINITIONS

For purposes of this ordinance:

- 1. "City Email Account"** means any email address or account issued or maintained by the City of Cleveland Heights for use by an employee or elected official in the conduct of official City business.
- 2. "Review" or "Access"** means opening, inspecting, searching, copying, or otherwise examining the content, metadata, or attachments of any messages within a City Email Account.
- 3. "Employee"** means any person employed by the City, including full-time, part-time, contract, or appointed personnel.
- 4. "Elected Official"** means any individual duly elected to public office within the City, including but not limited to the Mayor and City Council members.
- 5. "Law Director or Designee"** means the City Law Director or an attorney within the Law Department who is authorized to act on the Law Director's behalf.

(b) PROHIBITION ON UNAUTHORIZED EMAIL ACCOUNT ACCESS

1. No City employee, elected official, department head, IT staff member, or other individual shall review, access, or inspect the contents of a City Email Account assigned to another employee or elected official except under one of the following conditions:

- A. Written consent is provided by the account holder; or
- B. A public records request is submitted pursuant to Ohio Revised Code § 149.43 and the request is:
 - (1) Reviewed by the Law Director or designee, and
 - (2) Approved in writing to ensure compliance with applicable exemptions, redactions, and statutory requirements.

2. Access to City Email Accounts for purposes of routine system maintenance, IT support, or cybersecurity—*without examining message content*—is not prohibited by this ordinance.

(c) PUBLIC RECORDS REVIEW PROCESS

- 1.** All public records requests involving City Email Accounts shall be processed under the requirements of Ohio Revised Code § 149.43.
- 2.** The Law Director or designee shall determine:

- A. Whether the request seeks public records subject to disclosure under Ohio law;
- B. Which, if any, information must be redacted pursuant to statutory exemptions;
- C. Whether review of the email account is necessary to fulfill the request;
- D. What scope of access is required to comply without exceeding the limits of the law.

3. No disclosure or review shall take place until this legal review is completed and written approval is issued.

(d) ENFORCEMENT AND PENALTIES

1. Violations of this ordinance by City employees shall be grounds for disciplinary action consistent with the City's personnel policies, civil service rules, or applicable collective bargaining agreements.

2. Violations by elected officials may be subject to appropriate remedies permitted under the City Charter, Ordinances or applicable state law.

RESOLUTION XXX-2025

AN ORDINANCE AMENDING CHAPTER 105, “PUBLIC RECORDS” TO ADD SECTION 105.05 TO PROHIBIT THE USE OF CITY SOCIAL MEDIA ACCOUNTS AND EMAIL SYSTEMS FOR POLITICAL MESSAGING AND LIMITING THEIR USE TO OFFICIAL INFORMATIONAL PURPOSES

WHEREAS, the City of Cleveland Heights maintains official communication platforms, including but not limited to social media accounts and email systems, for the purpose of disseminating information to the public in a fair, neutral, and transparent manner;

WHEREAS, the City of Cleveland Heights seeks to ensure that its communication platforms are used solely for nonpartisan, official informational purposes and are not misused for political advocacy, electioneering, or the endorsement or opposition of any candidate, ballot measure, or political party;

WHEREAS, City of Cleveland Heights communication platforms are funded by public resources and must therefore be used solely to serve the interests of the community in a fair and unbiased manner; and

WHEREAS, the inappropriate use of City of Cleveland Heights communication platforms for personal, political messaging or partisan purposes can undermine public trust and violate ethical standards; and

WHEREAS, the City of Cleveland Heights seeks to establish clear guidelines to prevent the use of public communication resources for electioneering, political advocacy, or personal political gain; and

WHEREAS, it is in the public interest to ensure that all City communications remain focused on providing accurate information about municipal services, policies, and public safety, without advancing any personal or political agenda; and

WHEREAS, this ordinance is intended to align with applicable federal, state, and local laws governing the appropriate use of public resources and government communications;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CLEVELAND HEIGHTS THAT:

SECTION 1. The purpose of this ordinance is to protect the integrity of public communication systems by restricting their use to official, informational purposes and prohibiting political messaging that may suggest partisanship or political favoritism.

SECTION 2. Chapter 105 of the Codified Ordinances of Cleveland Heights is hereby amended to add Section 105.05 USE OF CITY SOCIAL MEDIA ACCOUNTS AND EMAIL SYSTEMS as set forth in Exhibit 1 attached hereto and incorporated herein.

SECTION 3. It is found and determined that all formal actions of the Council 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 4. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 5. It is necessary that this Resolution become immediately effective as an emergency measure for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

EXHIBIT 1

105.05 USE OF CITY SOCIAL MEDIA ACCOUNTS AND EMAIL SYSTEMS

(a) DEFINITIONS

For the purposes of this ordinance:

- 1. "City Communication Platforms"** means any official social media account, email address, website, or electronic communication system operated or managed by the City of [Name].
- 2. "Political Messaging"** means any communication that expressly or implicitly supports or opposes a candidate for public office, a political party, or a ballot measure, or that constitutes electioneering or political advocacy.
- 3. "Informational Purposes"** means communications that provide factual information about City services, operations, policies, events, and initiatives, including legally mandated notices and neutral explanations of ballot measures.

(b) PROHIBITED USES

No City employee, elected official, or their representative shall use City Communication Platforms to:

1. Express criticism, support for or opposition to any person holding public office;
2. Advocate for or against any political party;
3. Advocate for or against any ballot measure, unless providing a neutral, legally permitted explanation pursuant to state law;
4. Engage in or promote political fundraising, campaigning, or partisan activity.

(c) PERMITTED USES

City Communication Platforms may be used only to:

1. Disseminate factual, neutral information regarding City programs, services, and operations;
2. Announce City-sponsored events or public meetings;
3. Provide emergency notifications and public safety information;
4. Issue legally required notices, including impartial explanations of ballot measures consistent with state and local laws.

(d) ENFORCEMENT AND PENALTIES

- 1.** Violations of this ordinance may result in disciplinary action for City employees in accordance with the City's personnel policies and procedures.
- 2.** Elected officials found to have violated this ordinance may be subject to public censure or other actions as permitted by law.

RESOLUTION XXX-2025

**A RESOLUTION AMENDING ORDINANCE 121.05 “RULES AND REGULATIONS”
RELATING TO THE MAYOR'S AUTHORITY OVER CITY PROPERTY**

WHEREAS, the existing Ordinance 121.05 grants the Mayor broad authority to establish rules and regulations concerning the care, control, and use of all City property; and

WHEREAS, it is the intent of the City Council to maintain appropriate checks and balances on executive authority, and to ensure transparency and accountability in the use of City property; and

WHEREAS, concerns have arisen regarding actual, potential or perceived misuse of this authority, warranting a mechanism for Council oversight;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND HEIGHTS THAT:

SECTION 1. Ordinance No. 121.05, “Rules and Regulations” is hereby amended as set forth in Exhibit 1 attached hereto and incorporated herein.

SECTION 2. It is found and determined that all formal actions of the Council 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 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

TONY CUDA
President of Council

ADDIE BALESTER
Clerk of Council

EXHIBIT 1

121.05 RULES AND REGULATIONS.

(a) The Mayor is hereby authorized and directed to establish rules and regulations governing the conduct and performance of all City employees, and the care, control and use of all City property, both real and personal, provided such rules and regulations are not inconsistent with the Charter and City ordinances.

Notwithstanding the foregoing, any use, rule or regulation established by the Mayor relating to the care, control, or use of City property shall be subject to override by a vote of five (5) City Council members, through duly adopted resolution. Upon such vote, the specified use, rule or regulation shall be deemed null and void to the extent of the Council's resolution.”

(b) Such rules and regulations shall be in written form and on file in the office of the Mayor.