

ORDINANCE NO. 2020-18  
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE ENACTING MAYFIELD VILLAGE CODIFIED ORDINANCE  
CHAPTER 159 MORAL CLAIMS**

**WHEREAS**, it has become necessary to provide for a process and procedure for the Village to address both moral and legal claims brought against the Village; and

**WHEREAS**, the Mayfield Village Council deems it in the best interest of the Village and its residents to enact Chapter 159 Moral Claims as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of Mayfield Village, Cuyahoga County, State of Ohio that:

**SECTION 1.** Chapter 159 of the Village's Codified Ordinances as enacted to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

**SECTION 2.** That any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

**SECTION 3.** The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

**SECTION 4.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 5.** This Ordinance shall take effect after adoption and at the earliest time allowed by law.



STEPHEN SCHUTT  
Council President

First Reading: June 15, 2020

Second Reading: July 20, 2020

Third Reading: August 17, 2020

PASSED: August 17, 2020



BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:



ANTHONY J. COYNE, ESQ.,  
Director of Law

ATTEST: Mary E. Betts  
MARY E. BETSA, MMC,  
Clerk of Council

## CHAPTER 159

### Moral Claims

#### 159.01 CREATION AND COMPOSITION.

There is hereby created a Moral Claims Commission which shall consist of four members that shall include the Director of Law or a designated Assistant Director of Law, the President of Council, the Director of Administration, and the Finance Director. The Commission shall only meet as needed and may adopt rules of procedure for conduct of its meetings.

#### 159.02 DEFINITIONS.

(a) **Legal Claim:** An obligation enforceable by law against the Village.

(b) **Moral Claim:** An obligation which by law is unenforceable against the Village; but based upon principals of justice and equity, the Village may choose to and has the right to pay. Such obligation must arise from injury or damage proximately caused from alleged action or inaction (where there is a duty to have acted) of the Village in its governmental capacity.

#### 159.03 CLAIMS DETERMINATION PROCEDURE.

(a) All claims against the Village arising from injury or damage from alleged acts or omissions of the Village shall be referred to the Village Law Director. There will be no requirement as to the form of the claim submitted.

(b) The Village Law Director shall determine whether the claim constitutes a Moral Claim or a Legal Claim. Legal Claims shall be either submitted to the Village's general liability insurance carrier or settled with approval of the Mayor, if the claim is within the Mayor's spending authority. If the amount of the claim exceeds the Mayor's spending authority, it will be presented to Council for authorization to settle the claim.

#### 159.04 MORAL CLAIMS EVALUATION PROCEDURE

(a) Moral Claims shall be reviewed by the Village Law Director and, if additional information is required, referred to the appropriate Village Department Head for further investigation in accordance with this Chapter.

(b) Within thirty (30) days of receiving the referral from the Village Law Director, the Department Head shall perform an initial investigation of the claim affording a thorough examination of the facts and evidence. The investigation shall provide an opportunity for all interested parties to present evidence in support of the claim.

(c) After the Department Head complete the investigation, he or she shall provide a written summary of the investigation and a recommendation to the Moral Claims Commission that the claim be denied, approved, or approved in a modified amount.

(d) Within thirty (30) days of receiving the written recommendation of the Department Head, the Moral Claims Commission shall hold a hearing regarding the claim. The Claimant shall be notified at least five (5) days in advance of the hearing and shall be invited to be present during consideration of the claim.

(e) The Moral Claims Commission may approve, reject, modify, or table a Moral Claim by majority vote. A tie vote shall be deemed a rejection of the claim. If the Moral Claims Commission approves a claim, the claim, up to a maximum of Twenty-Five Thousand Dollars (\$25,000), shall be paid after approval by Village Council at the next regularly scheduled Council meeting. In such case, the Village Law Director shall present to Village Council a resolution authorizing payment of the claim in the amount approved by the Claims Commission. Such resolutions shall be considered by Village Council in a manner consistent with its powers, authority, and rules. Notwithstanding, approved Moral Claims in an amount up to One Thousand Dollars (\$1,000) shall not require approval by the Village Council prior to payment being made to the claimant in accordance with sub-section(f) below.

(f) Moral Claims approved pursuant to this chapter shall be paid by the Director of Finance payable to the claimant. Such payment shall be delivered to the Law Department for delivery to the claimant and/or his attorney, provided however, that no payment shall be delivered to the claimant and/or his attorney until the Law Department receives appropriate documentation satisfactory to the Village Law Director evidencing the settlement of the claim and release of the Village from liability. Until the claim approval is accepted by the claimant as provided for herein, said approval shall be considered an offer of settlement by the Village.

(g) The Village Law Director and the Moral Claims Commission shall, after deciding each claim, return each file to the Law Department, which shall retain the same in its file for a period not less than the statute of limitations applicable to the claim.