

ORDINANCE NO.: 2020 – 46

INTRODUCED BY: MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF OAKWOOD THE QUESTION OF AMENDING SECTION 6.05 OF THE VILLAGE CHARTER SO AS TO PROVIDE THAT A CANDIDATE FOR OFFICE IS NOT ELIGIBLE TO FILE A NOMINAING PETITION WITH THE BOARD OF ELECTIONS IF HE OR SHE HOLDS A DIFFERENT ELECTED OFFICE OF THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Oakwood Charter Commission, pursuant to the authority vested in it by Section 12.02 of the Oakwood Village Charter, has considered a proposed amendment to Section 6.05 of the said Charter to provide that a candidate for office is not eligible to file a nominating petition with the Board of Election if he or she holds a different elective office of the Village at the time of filing a petition for a different elected office; and

WHEREAS, the Oakwood Charter Review Commission has recommended said amendment to Charter Section 6.05 by passage of Charter Review Commission Resolution No. CRC 2020 – 02, a copy of which is attached hereto and incorporated herein as Exhibit 1, and

WHEREAS, Section 12.01 of the Village Charter and the Ohio Constitution require that Council submit to the electors any proposed alterations, revisions or amendments to the Charter at the next regular election or at a special election on a date designated by Council after submission by Council of the proposed Charter Amendment;

NOW, THEREFORE, Be It Ordained by the Council of the Village of Oakwood, County of Cuyahoga, State of Ohio, that:

Section 1: There shall be submitted to the electors of the Village of Oakwood, Ohio, on the date of the regular election to be held on the 3rd day of November, 2020, the question of whether Section 6.05 of the Charter of the Village of Oakwood, which presently reads as follows:

Sec. 6.05. NOMINATIONS. Nominations for elective offices, under this Charter, shall be made only by petition, which shall be filed with the Board of Elections not less than 90 days prior to the primary election. Each candidate for Mayor shall file a petition signed by not less than 75 registered voters of the Municipality and by not more than 150 registered voters. Each candidate for member of Council-at-large shall file a petition signed by not less than 50 registered voters of municipality and by not more than 100 registered voters. Each candidate for Ward Councilman shall file a petition signed by not less than 25 registered voters of the respective an by not more than 50 such registered voters. Each petition shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts which shall be filed, however, as one instrument.

should be amended to read as follows:

Sec. 6.05. NOMINATIONS. Nominations for elective offices, under this Charter, shall be made only by petition, which shall be filed with the Board of Elections not less than 90 days prior to the primary election. Each candidate for Mayor shall file a petition signed by not less than 75 registered voters of the Municipality and by not more than 150 registered voters. Each candidate for member of Council-at-large shall file a petition signed by not less than 50 registered voters of municipality and by not more than 100 registered voters. Each candidate for Ward Councilman shall file a petition signed by not less than 25 registered voters of the respective ward and by not more than 50 such registered voters. Each petition shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts which shall be filed, however, as one instrument. A candidate for office is not eligible to file a nominating petition with the Board of Election if he or she holds a different elective office of the Village at the time of filing said petition.

Section 2: The ballot of said election shall at the top thereof be entitled:

"Proposed Charter Amendment providing that a current elective officeholder within the Village is not eligible to file a nominating position with the Board of Elections"

and the question to be submitted on said ballot shall be in words as follows:

"Shall Section 6.05 of the Oakwood Village Charter, which presently reads as follows:

Sec. 6.05. NOMINATIONS. Nominations for elective offices, under this Charter, shall be made only by petition, which shall be filed with the Board of Elections not less than 90 days prior to the primary election. Each candidate for Mayor shall file a petition signed by not less than 75 registered voters of the Municipality and by not more than 150 registered voters. Each candidate for member of Council-at-large shall file a petition signed by not less than 50 registered voters of municipality and by not more than 100 registered voters. Each candidate for Ward Councilman shall file a petition signed by not less than 25 registered voters of the respective an by not more than 50 such registered voters. Each petition shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts which shall be filed, however, as one instrument.

be amended to reads as follows:

Sec. 6.05. NOMINATIONS. Nominations for elective offices, under this Charter, shall be made only by petition, which shall be filed with the Board of Elections not less than 90 days prior to the primary election. Each candidate for Mayor shall file a petition signed by not

less than 75 registered voters of the Municipality and by not more than 150 registered voters. Each candidate for member of Council-at-large shall file a petition signed by not less than 50 registered voters of municipality and by not more than 100 registered voters. Each candidate for Ward Councilman shall file a petition signed by not less than 25 registered voters of the respective ward and by not more than 50 such registered voters. Each petition shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts which shall be filed, however, as one instrument. A candidate for office is not eligible to file a nominating petition with the Board of Election if he or she holds a different elective office of the Village at the time of filing said petition.

YES - For Passage

NO - Against Passage"

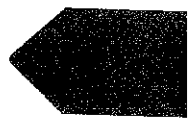
Section 3: The Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County and cause notice of the foregoing proposed Charter amendment to be given in accordance with general law.

Section 4: To pay the cost of publishing said notice, there be and is hereby appropriated from the General Fund such sums of money as may be required.

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 citizens of the Village of Oakwood for the reason that it is necessary to submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the regular election to be held on November 3, 2020 in order to conform Village primary election dates to those specified in State law for which time is of the essence and, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____

Johnnie A. Warren, President of Council



Debra L. Hladky, Clerk of Council

Presented to the
Mayor: _____

Approved: _____

Mayor, Gary V. Gottschalk

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2020 - _____ was duly and regularly passed by this Council at the meeting held on the _____ day of _____ 2020.

Debra L. Hladky, Clerk of Council

POSTING CERTIFICATE

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2020 - 46 was duly posted on the _____ day _____ of _____, 2020 and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

Debra L. Hladky, Clerk of Council

DATED: _____

EXHIBIT 1

RESOLUTION NO. CRC 2020 - 02

INTRODUCED BY CHARTER REVIEW COMMISSION AS A WHOLE

A RESOLUTION REFERRING TO OAKWOOD VILLAGE COUNCIL RECOMMENDED AMENDMENTS TO OAKWOOD CHARTER SECTION 6.05

WHEREAS, Oakwood Charter Section 12.02 commits to the Oakwood Charter Commission the responsibility to review the Oakwood Village Charter and recommend to Oakwood Village Council any alterations, revisions and amendments to the Charter as may be deemed advisable within the judgment of the Commission; and

WHEREAS, the Commission has been duly appointed and it has met and reviewed the Charter; and

WHEREAS, the Commission deems it advisable to amend Section 6.05 of the Charter because the election cycles in Oakwood permit some current officeholders to run for another elective office within the Village during years in which their present office is not up for re-election while other officeholders do not have that ability and to make certain grammatical corrections;

NOW THEREFORE, BE IT ORDAINED that the Charter Review Commission of the Village of Oakwood, County of Cuyahoga, and State of Ohio recommends to the Oakwood Village Council that:

SECTION 1. Oakwood Village Charter Section 6.01 which presently reads as follows:

Sec. 6.05. NOMINATIONS. Nominations for elective offices, under this Charter, shall be made only by petition, which shall be filed with the Board of Elections not less than 90 days prior to the primary election. Each candidate for Mayor shall file a petition signed by not less than 75 registered voters of the Municipality and by not more than 150 registered voters. Each candidate for member of Council-at-large shall file a petition signed by not less than 50 registered voters of municipality and by not more than 100 registered voters. Each candidate for Ward Councilman shall file a petition signed by not less than 25 registered voters of the respective an by not more than 50 such registered voters. Each petition shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts which shall be filed, however, as one instrument.

should be amended to read as follows:


Sec. 6.05. NOMINATIONS. Nominations for elective offices, under this Charter, shall be made only by petition, which shall be filed with the Board of Elections not less than 90 days prior to the primary election. Each candidate for Mayor shall file a petition signed by not less than 75 registered voters of the Municipality and by not more than 150 registered voters. Each candidate for member of Council-at-large shall file a petition

signed by not less than 50 registered voters of municipality and by not more than 100 registered voters. Each candidate for Ward Councilman shall file a petition signed by not less than 25 registered voters of the respective ward and by not more than 50 such registered voters. Each petition shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts which shall be filed, however, as one instrument. A candidate for office is not eligible to file a nominating petition with the Board of Election if he or she holds a different elective office of the Village at the time of filing said petition.

A "redline" version showing the proposed amendments is attached hereto as Exhibit "A".

SECTION 2. The Secretary of the Commission is hereby authorized and directed to refer the proposed amendment to the Oakwood Village Council for its consideration as provided in Oakwood Village Charter Sections 12.01 and 12.02.

PASSED: May 6, 2020



Debra L. Hladky, Secretary of the Commission

Exhibit "A"

Nominations for elective offices, under this Charter, shall be made only by petition, which shall be filed with the Board of Elections not less than 90 days prior to the primary election. Each candidate for Mayor shall file a petition signed by not less than 75 registered voters of the Municipality and by not more than 150 registered voters. Each candidate for member of Council-at-large shall file a petition signed by not less than 50 registered voters of municipality and by not more than 100 registered voters. Each candidate for Ward Councilman shall file a petition signed by not less than 25 registered voters of the respective ward and by not more than 50 such registered voters. Each petition shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts which shall be filed, however, as one instrument. A candidate for office is not eligible to file a nominating petition with the Board of Election if he or she holds a different elective office of the Village at the time of filing said petition.