

ORDINANCE NO.: 2020 – 47

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 7.07 OF THE VILLAGE CHARTER SO AS TO PROVIDE FOR STABILITY AND CONTINUITY OF THE COUNCIL OF THE VILLAGE BY PROVIDING FOR AND SIMPLIFYING THE DETERMINATION OF UNEXPIRED TERMS FOR COUNCIL OFFICES WITHIN 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 7.07 of the said Charter to provide for stability and continuity of the Council of the Village; and

WHEREAS, the Oakwood Charter Review Commission has recommended said amendment to Charter Section 7.07 by passage of Charter Review Commission Resolution No. CRC 2020 – 03, 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 7.07 of the Charter of the Village of Oakwood, which presently reads as follows:

Sec. 7.07. VACANCY. Whenever the office of a member of Council shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after the date the vacancy has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred, or until the beginning of the term of a successor duly elected for the unexpired term at the next regular municipal election if (A) such election shall occur two (2) years or more prior to the expiration of the unexpired term, and (B) the vacancy shall have occurred more than ninety (90) days prior to such election.

should be amended to read as follows:

Sec. 7.07. VACANCY. Whenever the office of a member of Council shall become

vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after the date the vacancy has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred.

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

"Proposed Charter Amendment providing for the filling of unexpired terms of Village Council"

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

"Shall Section 7.07 of the Oakwood Village Charter, which presently reads as follows:

Sec. 7.07. VACANCY. Whenever the office of a member of Council shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after the date the vacancy has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred, or until the beginning of the term of a successor duly elected for the unexpired term at the next regular municipal election if (A) such election shall occur two (2) years or more prior to the expiration of the unexpired term, and (B) the vacancy shall have occurred more than ninety (90) days prior to such election.

be amended to read as follows:

Sec. 7.07. VACANCY. Whenever the office of a member of Council shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after the date the vacancy has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred.

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 provide for and simplify the filling of unexpired terms for Council offices within the Village 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 -47 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 - 47 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 - 03

INTRODUCED BY CHARTER REVIEW COMMISSION AS A WHOLE

**A RESOLUTION REFERRING TO OAKWOOD VILLAGE COUNCIL
RECOMMENDED AMENDMENTS TO OAKWOOD CHARTER SECTION 7.07**

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 7.07 of the Charter to provide for the stability and continuity of the Council of the Village;

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 7.07 which presently reads as follows:

Sec. 7.07. VACANCY. Whenever the office of a member of Council shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after the date the vacancy has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred, or until the beginning of the term of a successor duly elected for the unexpired term at the next regular municipal election if (A) such election shall occur two (2) years or more prior to the expiration of the unexpired term, and (B) the vacancy shall have occurred more than ninety (90) days prior to such election.

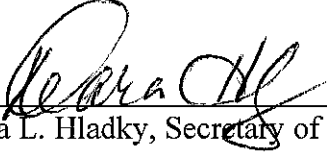
should be amended to read as follows:

Sec. 7.07. VACANCY. Whenever the office of a member of Council shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after the date the vacancy has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred.

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"

Sec. 7.07. VACANCY. Whenever the office of a member of Council shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after the date the vacancy has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred.