

ORDINANCE NO.: 2020 – 48

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 7.13 OF THE VILLAGE CHARTER SO AS TO DISPENSE WITH THE THREE-READINGS REQUIREMENT FOR PASSAGE OF ORDINANCES IN CERTAIN CIRCUMSTANCES 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 7.13 of the said Charter to allow for dispensing with the requirement for three readings of certain ordinances before passage where three - fourths of council members are in agreement; and

WHEREAS, the Oakwood Charter Review Commission has recommended said amendment to Charter Section 7.13 by passage of Charter Review Commission Resolution No. CRC 2020 – 04, 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 7.13 of the Charter of the Village of Oakwood, which presently reads as follows:

Sec. 7.13. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d)

contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure.

should be amended to read as follows:

Sec. 7.13. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure. Council may, by a vote of three fourths (3/4) of its members, dispense with three readings of any such ordinance(s).

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

"Proposed Charter Amendment dispensing with the three-readings requirement for passage of ordinances in certain circumstances"

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

"Shall Section 7.13 of the Oakwood Village Charter, which presently reads as follows:

Sec. 7.13. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its passage or

adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure.

be amended to reads as follows:

Sec. 7.13. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure. Council may, by a vote of three fourths (3/4) of its members, dispense with three readings of any such ordinance(s).

YES - For Passage

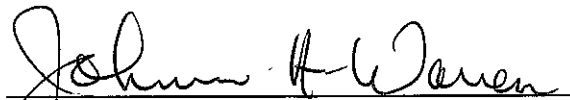
NO - Against Passage"

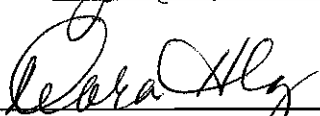
Section 3: The Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County and cause notice of the foregoing proposed Charter amendment to be given in accordance with general law.

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 streamline the legislative process for the passage of certain ordinances 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: June 9, 2020


Johnnie A. Warren, President of Council

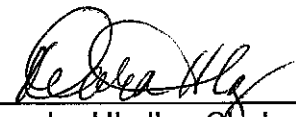

Debra L. Hladky, Clerk of Council

Presented to the Mayor: June 10, 2020

Approved: June 11, 2020

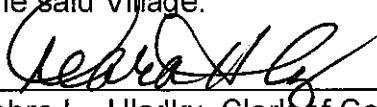

Mayor, Gary V. Gottschalk

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 - 48 was duly and regularly passed by this Council at the meeting held on the 9th day of June 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 - 48 was duly posted on the 11 day June of 2020, 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: June 11, 2020

EXHIBIT 1

RESOLUTION NO. CRC 2020 - 04

INTRODUCED BY CHARTER REVIEW COMMISSION AS A WHOLE

**A RESOLUTION REFERRING TO OAKWOOD VILLAGE COUNCIL
RECOMMENDED AMENDMENTS TO OAKWOOD CHARTER SECTION 7.13**

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 7.13 of the Charter so that it allows for the dispensation of the three-readings requirement in certain circumstances under which $\frac{3}{4}$ of council members are in agreement.

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 7.13 which presently reads as follows:

Sec. 7.13. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure.

should be amended to read as follows:

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual


real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure. Council may, by a vote of three fourths (3/4) of its members, dispense with three readings of any such ordinance(s).

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 20, 2020

Tabled May 6, 2020 DLA



Debra L. Hladky, Secretary of the Commission

Exhibit "A"

Sec. 7.13. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure. Council may, by a vote of three fourths (3/4) of its members, dispense with three readings of any such ordinance(s).

MEMO

To: Charter Review Commission

From: James A. Climer

Date: May 7, 2020

Re: Proposed amendments to Charter Section 7.13

Dear Members:

Please let this serve as a response to the request at the meeting of May 6 for further explanation of the reasoning behind the suggested revisions to Charter Section 7.13. The suggested revision is as follows (highlighting added):

Sec. 7.13. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure. Council may, by a vote of three fourths (3/4) of its members, dispense with three readings of any such ordinance(s).

The standard path to passing legislation requires readings of the legislation at Council meetings held on three separate days before passage. Two recognized and valid exceptions to the standard path requiring three readings are: 1) passage as an emergency measure which requires a 2/3 majority vote in favor and dispenses with requirements for posting the legislation for 15 days before it becomes effective and 2) passage under suspension of the rules which requires a 3/4 majority vote in favor and does not dispense with positing requirements. As a practical matter, the vast majority of legislation in Oakwood is passed either as an emergency measure or under suspension of the rules.

As you will note the highlighted language prohibits passage of legislation dealing with certain subjects as an emergency measure with zoning changes being the most frequently encountered. The Charter is somewhat unclear as to whether these measures can be passed under suspension of the rules so, in an abundance of caution, Council has addressed these matters with three readings even though there are generally enough votes in favor to proceed under suspension of the rules. Because there are frequently time pressures involved in Oakwood's extensive procedures for zoning changes this has frequently resulted in Council having to meet on three consecutive days to fulfill the three reading requirement.

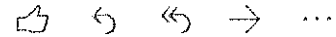
This change is proposed as part of other suggested changes to streamline Oakwood's zoning process and to avoid unnecessary expenditures of time and effort. Should there be any further questions I am happy to address them.

Regarding: Village of Oakwood Re: General Matters 2020 (File #: 200002)

Jim Climer <jclimer@mrrlaw.com>

Thu 5/7/2020 4:36 PM

DEBRA HLADKY ✎



2020-11 AMENDED FINAL Re...
25 KB

2020-05 AMENDED FINAL Re...
20 KB

5 attachments (118 KB) Download all Save all to OneDrive - VILLAGE OF OAKWOOD

Hi Deb:

Please find attached a memo as requested by the Commission concerning Resolution 2020-04 relating to suggested amendments to Charter Sec. 7.13 as well as copies of the other requested rewrites. Please remind them that all of these Resolutions were tabled and need to be voted upon as well as 2020-06 (Charter Sec. 7.16) and 2020-08 (proposed new Charter Sec. 8.05) which were tabled for further consideration.

James A. Climer

Direct Line: 440-287-8290


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