

ORDINANCE NO. 2026-08

INTRODUCED BY COUNCIL AS A WHOLE

**AN ORDINANCE DECLARING VACANT THE WARD 5 COUNCIL
SEAT AND DECLARING AN EMERGENCY**

WHEREAS, Candace Hill was elected to serve as the Ward 5 Councilperson on November 4, 2025 for a term commencing on January 1, 2026; and,

WHEREAS, Oakwood Charter Sec. 6.08 provides that officers of the municipality shall, within 10 days after the commencement of their term, take the prescribed oath of office; and,

WHEREAS, Council determines that the 10-day period prescribed by Oakwood Charter Sec. 6.08 expired on January 12, 2026; and,

WHEREAS, Council has received no oath of office subscribed by Candace Hill for the Ward 5 term of office commencing on January 1, 2026 and further it received a communication on January 12, 2026 at 11:58 PM from Ms. Hill in which she indicated that she tendered "my formal resignation from the Ward 5 Council seat I was elected to in November 2025..."; and,

WHEREAS, Oakwood Charter Sec. 7.05 provides that Council shall be the judge of the election and the qualifications of its members and Ohio Revised Code Sec. 731.49 provides that the legislative authority of a municipal corporation may declare vacant the office of any person elected or appointed to such office who, within 10 days after he has been notified of his election or appointment, fails to take the required official oath or to give any bond required of him; and,

WHEREAS, Joseph Lastery was appointed on or about November 25th, 2025 to fill the Ward 5 Council seat for the remainder of the term expiring on December 31st, 2025 due Ms. Hill's resignation therefrom occurring on or about November 6, 2025 and Mr. Lastery continues to serve in that seat pursuant to Oakwood Charter Sec. 6.10 and Ohio Revised Code Sec. 3.01;

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio:

SECTION 1. The Ward 5 Council seat be and hereby is declared to be vacant pursuant to Ohio Revised Code Sec. 731.49 and shall be filled pursuant to the procedures prescribed by Oakwood Charter Sec. 7.07.

SECTION 2. Pursuant to Oakwood Charter Sec. 6.10 and Ohio Revised Code Sec. 3.01 Joseph Lastery shall continue to hold the seat of Ward 5 Councilperson until his successor is appointed and qualified.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that it is critical to the continued operation and efficiency of Council that the matter of the person to hold the Ward 5 Council seat for the term commencing January 1, 2026 be determined as soon as possible, therefore, provided it receives

two-thirds ($\frac{2}{3}$) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 1-19-26

Eloise Hardin
Eloise Hardin, President of Council

Evan Garrett
Evan Garrett, Clerk of Council

Presented to the
Mayor 1-28-26

Approved: 1-28-26

Erica L. Nikolic
Mayor, Erica Nikolic

I, Evan Garrett, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2026-08 was duly and regularly passed by this Council at the meeting held on the 19th day of January, 2026.

Evan Garrett
Evan Garrett, Clerk of Council

POSTING CERTIFICATE

I, Evan Garrett, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2026-08 was duly posted on the 11th day of February, 2026, and will remain posted in accordance with the Oakwood Village Charter.

Evan Garrett
Evan Garrett, Clerk of Council

DATED: 2/11/26