

ORDINANCE NO.: 2026 – 60

INTRODUCED BY COUNCIL AS A WHOLE

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF OAKWOOD THE QUESTION OF AMENDING SECTION 5.03 OF THE VILLAGE CHARTER CONCERNING THE RECALL OF ELECTED OFFICERS OF THE VILLAGE AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Oakwood, pursuant to the authority vested in it by Section 12.01 of the Oakwood Village Charter, has considered a proposed amendment to Section 5.03 of the said Charter concerning the recall of elected officers of the Village; 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, 2026, the question of whether Section 5.03 of the Charter of the Village of Oakwood be amended.

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

“Proposed Charter Amendment a majority affirmative vote is necessary for passage” and the question to be submitted on said ballot shall be in words as follows:

“Shall Section 5.03 of the Charter of the Village of Oakwood be amended to expand the timeframe for holding a recall election from between sixty (60) and seventy-five (75) days, to not less than sixty (60) and no more than ninety (90) days after the delivery of notice to the elected officer of a sufficient petition calling for the officer to resign, and to remove reference to council members elected at large? Section 5.03, which presently reads as follows:

Sec. 5.03. - Recall. The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served for six months of his term, a petition demanding his removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. Such petition in a case of a recall election for an officer elected at large shall be signed by at least that number of electors which

equals twenty-five percent of the electors voting at the last preceding general election in the Municipality. In the case of a Ward Councilman such petition shall be signed by at least that number of electors which equals twenty-five percent of the electors voting at the last preceding general election in the ward represented. Within ten days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with him, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than seventy-five days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (officer's name) be allowed to continue as (name of office)?" with provision on the ballot for voting affirmatively or negatively on such question. Such election shall be held for the entire Municipality for recall of an at large officer and within the ward for recall of a Ward Councilman. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

will be amended to read as follows:

Sec. 5.03. Recall. The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served for six months of the official'shis term, a petition demanding ~~his~~removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. ~~Such petition in a case of a recall election for an officer elected at large shall be signed by at least that number of electors which equals twenty-five percent of the electors voting at the last preceding general election in the Municipality.~~ In the case of a Ward Councilman such petition shall be signed by at least that number of electors which equals twenty-five percent of the electors voting at the last preceding general election in the ward represented. Within ten days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, ~~the Clerk~~he shall promptly certify the particulars in which the petition is defective, deliver a copy of ~~the~~his certificate to the person who filed the petition ~~with him~~, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, ~~the Clerk~~he shall promptly so

certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than ~~ninetyseven~~ ninetyseven five days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (officer's name) be allowed to continue as (name of office)?" with provision on the ballot for voting affirmatively or negatively on such question. Such election shall be held ~~for the entire Municipality for recall of an at-large officer and~~ within the ward for recall of a Ward Councilman. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, ~~the~~ his office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

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 and for the reason that it is necessary to submit the proposed Charter Amendment to the Board of Elections in time for placement upon the ballot for the regular election to be held on November 3, 2026 and, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: August 30, 2026

Carol Jackson
Carol Jackson, Clerk of Council

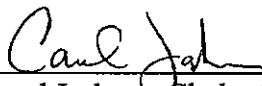
Eloise Hardin
Eloise Hardin, President of Council

Presented to the
Mayor: _____

Approved: _____

Mayor, Erica Nikolic

I, Carol Jackson, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2026-60 duly and regularly passed by this Council at the meeting held on the 20th day of August 2026.



Carol Jackson, Clerk of Council

POSTING CERTIFICATE

I, Carol Jackson, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2026-60 was duly posted on the 20th day of August, 2026, and will remain posted in accordance with the Oakwood Village Charter.

Carol Jackson
Carol Jackson, Clerk of Council

DATED: August 31, 2026

I, Carol Jackson, Clerk of **Council**, Village of Oakwood, County of Cuyahoga, State of Ohio, do hereby certify this to be a true and exact copy of Ord. No. 2026-60 passed by Oakwood Village **Council** on the 1st reading on the 20th day of August, 2026 by a vote of 6 out of 6 Councilpersons present. Certified this 31st day of August, 2026

Carol Jackson 8/31/2026
Carol Jackson, Clerk of Council Date