

ORDINANCE NO.: 2026 – 69

INTRODUCED BY COUNCIL AS A WHOLE

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF OAKWOOD THE QUESTION OF AMENDING SECTION 7.06 OF THE VILLAGE CHARTER CONCERNING REMOVAL FROM OFFICE OF CERTAIN ELECTED OFFICIALS AND DIRECTORS IN 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 7.06 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 7.06 of the Charter of the Village of Oakwood.

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 7.06 of the Oakwood Village Charter

Sec. 7.06. - Removal. The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct or malfeasance or nonfeasance in or disqualification for office, or upon conviction while in office of a felony or other crime involving moral turpitude, or for a violation of his oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from three (3) consecutive regular meetings of Council, provided, however, that such expulsion or removal shall be upon the concurrence of two-thirds (2/3) of the members of Council after public hearing upon the charge or charges brought; and provided further, that the accused member shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and

provided further, that he or his counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.

The decision of Council in expelling or removing a member of Council after compliance with this section shall be final and thereupon the office of any such removed or expelled member of Council shall be vacant.

should be amended to read as follows:

Sec. 7.06. Removal.

Elected officials and any Director of any Department of the Municipality shall be removed for cause as provided in this Section of the Charter.

As used in this section of the Charter, the "charging official" shall mean: The Mayor or 2/3 of the Council.

The charging official, if there exists reason to believe there is probable cause (as such causes are defined in this section) for removal of an official, shall give notice of the alleged cause for removal and the time, date, and place of the commencement of a hearing for removal, which shall not be earlier than ten (10) days after the service of the notice, to the accused person by personal service, certified mail or by leaving a copy of such notice at the person's last known place of residence in the Municipality. At such time, date, and place and at any adjourned meetings of such hearing, the Council shall hear the cause for removal; shall provide an opportunity for the accused person to be heard and present defenses and shall determine whether the accused person shall be removed from office. The Council may remove an official for any of the following causes by a three-fourths (3/4) vote of the members of Council. Such person shall not vote on any matter during the removal procedure and shall not be counted in determining required majorities. The following are grounds for removal of elected officials and directors of departments of the Municipality.

A. Failure to possess the qualifications of office required pursuant to the provisions of this Charter.

B. Conviction of a felony or other crime involving moral turpitude.

C. Failure to take the required oath, or to give any require bond within twenty (20) days after effective date of election or appointment, or obligation to give a new or additional bond.

D. Being adjudicated legally incompetent.

E. Conduct which is determined by Council to be gross misconduct or gross

neglect of duty with respect to the official's powers or duties.

F. Violation of the oath of office.

G. Gross failure of an elected official or director to abide by the rules of Council or the ordinances of the Municipality, as appropriate; or absence from three (3) consecutive regular meetings of the Council without being excused by Council.

Upon the removal of an official from office pursuant to this Section, the office of the offending person shall be declared vacant, subject to any appeal to and review by an appropriate court, and the vacancy shall be filled as provided in this Charter.

The removal of an official or the occurrence of any of the causes permitting the removal shall not invalidate any action of the official or anybody, including Council, in which the member participated. The subsequent removal of a person who fills a vacancy created pursuant to this section by reinstatement by a court of a person previously removed by Council, shall not invalidate any action of the person who filled the vacancy or anybody, including Council, in which such person who filled the vacancy participated.

Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. Council shall have the power to subpoena witnesses, administer oaths, and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall receive a public hearing, and a record of the proceedings shall be made and preserved. A notice of such hearing shall be published in at least any one (1) newspaper of general circulation in the Municipality at least one (1) week in advance of the hearing, and in such event, the President of Council, or other presiding officer of Council, may reschedule the time, date, and place of the hearing to accommodate the publication of the notice. If the hearing is rescheduled, the President of Council, or other presiding officer, shall notify the accused person of such fact. Decisions made by Council under this Section shall be subject to review by the Courts on matters of law and whether Council acted arbitrarily and without probative evidence to support the grounds for removal.

The Director of Law or special counsel engaged by the Director of Law shall prosecute the removal proceedings before Council and any review thereof by the courts. In the event the person sought to be removed from office is the Director of Law, a special counsel engaged by the Mayor, with the approval of a majority of Council, shall prosecute the removal proceedings before Council and any review thereof by the courts. If a person accused is not finally removed, the Municipality shall pay the reasonable costs of the defense of such person and any compensation withheld pending the appeal of the action of Council.

~~The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct or malfeasance or nonfeasance in or disqualification for office, or upon conviction while in office of a felony or other crime involving moral turpitude, or for a violation of his oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from three (3) consecutive regular meetings of Council, provided, however, that such expulsion or removal shall be upon the concurrence of two thirds (2/3) of the members of Council after public hearing upon the charge or charges brought; and provided further, that the accused member shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and provided further, that he or his counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.~~

~~The decision of Council in expelling or removing a member of Council after compliance with this section shall be final and thereupon the office of any such removed or expelled member of Council shall be vacant.~~

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 20, 2026

Eloise Hardin

Eloise Hardin, President of Council

Carol Jackson
Carol Jackson, Clerk of Council

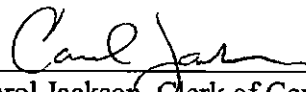
Presented to the

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. 2026-69 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. 2026-69 was duly posted on the 31st 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. 2026-69 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