

ORDINANCE NO.: 69 -2014
INTRODUCED BY: Council, as required by Charter Art. XIV

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE IV – THE COUNCIL AT SECTION 1(A)- COMPOSITION AND TERM; SECTION 8 – VACANCIES IN COUNCIL AND SECTION 11- PRESIDENT OF COUNCIL TO (1) ELIMINATE THE ELECTED POSITION OF COUNCIL PRESIDENT, EFFECTIVE FOR THE NEXT TERM; (2) ESTABLISH A THIRD OFFICE OF “COUNCILPERSON AT LARGE”; AND (3) ADD PROVISIONS FOR ELECTING ONE COUNCILPERSON AS PRESIDENT FOR A TERM OF ONE YEAR AT THE FIRST REGULAR COUNCIL MEETING IN JANUARY, AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee has recommended to place the issue of amending the Charter before the electorate in order to eliminate the position of “elected council president”; to create a third “At-Large” Council office and to provide for the election of a council president by the other councilpersons in the municipality pursuant to Article IV, and

WHEREAS, pursuant to Charter Article XIV, Council shall submit these proposed amendments to the electorate: and

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendments to the electors at the next regular municipal election that occurs not less than 60 or more than 120 days from the passage of such ordinance.

NOW, THEREFORE, Be it Ordained by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 4th day of November, 2014, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law, the question of the amendment of the Charter of the City of Richmond Heights, at Article IV, Section 1 (a)- Composition and Term; Article IV, Section 8 – Vacancies in Council and Article IV, Section 11 – President of Council, so that, as amended, it shall read in pertinent part as follows:

ARTICLE IV
THE COUNCIL

SECTION 1 COMPOSITION AND TERM

(a) Composition: the legislative powers of the Municipality, except as otherwise provided for by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members; ~~one of whom shall be elected by the people at large as the President of Council, two (2) three (3)~~ of whom shall be elected by the people ~~at large~~ citywide as ~~Councilman~~ Councilperson At Large, and four (4) of whom shall be elected by the people from wards, one from each of the four (4) wards.

SECTION 8 VACANCIES IN COUNCIL

The Mayor by appointment shall fill any vacancy in the Council, ~~other than in the office of the President of Council~~, by first considering the list of defeated candidates for Council, along with other qualified persons, in wards or at large, as applicable to the vacancy, in the order of their plurality at the last municipal election. Such appointment by the Mayor must be approved by a majority of the remaining members of Council; provided however, that the Mayor may vote on such matter in case of a tie vote of the Council.

In the event such vacancy is not filled by appointment by the Mayor within forty-five (45) days after the vacancy occurs, the Council shall fill such vacancy by appointment by a majority vote of the remaining members of Council.

If the vacancy occurs in the office of a Council member representing a ward, such vacancy must be filled from that ward. If the vacancy occurs in the office of a Council member elected at large, such vacancy can be filled from any ward within the Municipality.

~~—A vacancy in the office of President of Council shall be filled by election by Council as provided for in Article IV, Section 11, of this Charter.~~

Any person appointed or elected to fill a vacancy in the Council, shall hold office for the balance of the unexpired term of the member in whose office the vacancy occurs.

SECTION 11 – PRESIDENT OF COUNCIL

Effective for the next term, The President of Council shall be a member of Council, elected by the people ~~at large as President of Council~~ other Council members for a term of one year at the first regular meeting in January following a regular municipal election; shall preside at all Council meetings, and ~~he~~ they shall have all the rights and voting privileges of a ~~Councilman~~ Councilperson during such tenure.

The President of Council shall succeed to the Office of Mayor and be Mayor for the unexpired term, if and when a vacancy occurs in the office of Mayor on or after the first day of April next following the last regular municipal election at which said Mayor was elected. The office of Mayor shall then be filled at the next regular municipal election.

The President of Council shall be acting Mayor when the Mayor is absent from the Municipality unable for any cause to perform his or her duties or during the existence of a

vacancy in the office of Mayor, pending the time when said vacancy is to be filled by a special municipal election, with the same powers and duties as the Mayor and shall continue as a ~~Councilman~~ **Councilperson** with all the powers and duties of a ~~Councilman~~ **Councilperson** except that he they shall have the restriction of not voting in Council meetings consistent with Article V, Section 4 of this Charter, except in the case of a tie.

In the case of a vacancy, the President of Council shall be elected by a majority of the remaining members of Council from among its members at the first meeting after such vacancy occurs; provided, however, that the Mayor may vote on such matter in case of a tie vote of the Council.

Section 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendments and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Richmond Heights: and the questions to be submitted on said ballot shall be substantially in the following words:

"Shall Article IV of the Richmond Heights Charter at Section 1 (a); Section 8 and Section 11 regarding the Composition of Council, Vacancies in Council and the President of Council's election be amended to (1) eliminate the elected position of Council President, effective for the next term, (2) establish a third "At-Large" City Council Office and (3) to require the election of a Council President by the other councilpersons, for a term of one year, at the first regular meeting in January?

Section 3: The Clerk of Council is directed to give notice of the above proposed Charter amendments to the electors of the City in accordance with general law, and to certify a copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio as provided by law.

Section 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirement, including Section 121.22 of the Ohio Revised Code.

Section 6: 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 City of Richmond Heights for the reason that is necessary to timely submit the proposed Charter Amendments to the Board of Elections for placement upon the ballot for the general election to be held on November 4, 2014, in compliance with the Ohio Constitution and the City Charter, and therefore, shall take effect and be in force immediately upon its passage and approval of the Mayor.

PASSED: _____

Miesha W. Headen, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche,
President of Council