

ORDINANCE NO.: 70 -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, SECTIONS 11 AND ARTICLE V, SECTION 7 (a), REGARDING THE CONDITIONS UNDER WHICH THE COUNCIL PRESIDENT IS TO SERVE AS ACTING MAYOR AND LIMITING THE COUNCIL PRESIDENT'S AUTHORITY TO VOTE WHEN SERVING AS ACTING MAYOR; 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 clarify conditions upon which the Council President shall become the Acting Mayor and the imposition of the same restrictions on voting in Council meetings for the Acting Mayor as they currently exist for the Mayor pursuant to Article IV and Article V; 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 4<sup>th</sup> 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 11 –President of Council and Article V, Section 7 (a), so that as amended, it shall read in pertinent part as follows:

**ARTICLE IV  
THE COUNCIL**

\*\*\*

**SECTION 11. PRESIDENT OF COUNCIL**

\*\*\*

The President of Council shall be Acting Mayor when the Mayor is ~~absent from the Municipality~~, unable **or unwilling** for any cause to perform ~~his~~ **their** 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 of the Mayor and shall continue as a ~~Councilman~~ **Councilperson** with all of the powers and duties of a ~~Councilman~~ **Councilperson, except that the Acting Mayor shall not be able to vote in Council meetings, except in the case of a tie, consistent with Article V, Section 4 of this Charter.**

## ARTICLE V THE MAYOR

\*\*\*

### SECTION 7. VACANCY IN THE OFFICE OF MAYOR

\*\*\*

- (a) Absence. When the Mayor is ~~absent from the Municipality~~ or unable **or unwilling** for any cause to perform ~~his~~ **their** duties, the President of Council shall act as the Mayor with the same powers and duties as the Mayor and shall continue as ~~Councilman~~ **Councilperson** with all ~~of~~ the powers and duties of a ~~Councilman~~ **Councilperson except that the Acting Mayor shall not be able to vote in Council meetings, unless there is a tie vote, consistent with Article V, Section 4 of this Charter.**

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, Section 11 and Article V, Section 7 (a) regarding the Council President as Acting Mayor be amended to remove the language "absent from the Municipality" and to state that the President of Council shall be the Acting Mayor when the Mayor is unable or unwilling for any cause to perform the duties of the Mayor with the same powers and duties of the Mayor and with the restriction of not voting in Council meetings except in the case of a tie vote as is consistent with Article V, Section 4 of the Charter?"

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