

ORDINANCE NO.: 88-2018  
INTRODUCED BY: Mayor and All of Council

**AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY  
OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE  
CHARTER AT SECTION IX-4 TO REVISE THE FORM OF THE  
BALLOT TO BE USED FOR RECALL OF ELECTED OFFICERS  
OF THE CITY; AND DECLARING AN EMERGENCY.**

WHEREAS, the Charter Review Committee has recommended to place the issue of amending the Charter before the electorate to revise the form of the ballot to be used for recall of the elected officers of the City;

WHEREAS, pursuant to Charter, Article XIV, Council shall submit this proposed amendment to the electorate by ordinance; and

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendment to the electors at the next regular municipal election that occurs not less than 60 nor 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 6<sup>th</sup> day of November, 2018, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law and by other means as provided by the general laws of Ohio, the question of the amendment of the Charter of the City of Richmond Heights at Section IX-4 (the "Amendment"), so that, as amended, it shall read as follows:

**ARTICLE IX**

**INITIATIVE – REFERENDUM – AND RECALL**  
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**SECTION IX-4. RECALL.**

Electors shall have the power to remove from office by recall election, any elected officer of the Municipality. After an elected officer has served six (6) months of their term, a petition

demanding their recall and removal, may be filed with the Clerk. Such petition shall be signed by qualified electors equal in number to at least twenty-five per cent (25%) of the total votes cast at the last preceding regular municipal election. If the Clerk shall find the petition sufficient they shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought and make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election, not less than seventy-five (75) days, nor more than one hundred twenty (120) days from the date of delivery. The form of the ballot used shall be:

“Shall \_\_\_\_\_ be ~~retained in~~ removed from their that person's office as  
\_\_\_\_\_?”<sup>25</sup>

If a majority of the votes cast 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, their 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.”

**Section 2:** The Board of Elections of Cuyahoga County is directed to provide for the voting upon said Amendment and it is suggested the ballot for said election be substantially in the following words:

**Proposed Charter Amendment**

**City or Richmond Heights, Ohio**

**A majority affirmative vote is necessary for passage.**

“Shall Section IX-4 of the City Charter be amended to revise the form of the ballot to be used for recall of the elected officers of the City to state: “Shall [name of officer] be ~~retained in~~ removed from their that person's office as [name of office]?”

	<b>For the Amendment</b>
	<b>Against the Amendment</b>

**Section 3:** A majority affirmative vote of those electors voting upon the ballot question set forth in Sections 1 and 2 of this Ordinance shall be sufficient for its passage.

**Section 4:** The Clerk of Council is directed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law, and to deliver a certified copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, no later than the Board's close of business on September 7, 2018.

Section 5: This Council requests that the Cuyahoga County Board of Elections give notice of the election and prepare the necessary ballots and supplies for the election in accordance with law.

Section 6: 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 4.

Section 7: 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 requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: This Ordinance is 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 it is necessary to timely submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the general election to be held on November 6, 2018, 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 by the Mayor.

PASSED: August 14, 2018



David H. Roche  
David H. Roche, Mayor

APPROVED: August 14, 2018

ATTEST: Betsy Traben  
Betsy Traben  
Clerk of Council



Eloise Cotton-Henry  
Eloise Cotton-Henry  
President of Council