

ORDINANCE NO.: 109 -2022
INTRODUCED BY: All of Council

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE V, SECTION 7, REGARDING ABSENCE OF THE MAYOR DUE TO EXTENUATING CIRCUMSTANCES AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee, pursuant to Article XIV of the City Charter, has recommended to place the issue of amending the Charter before the City's electorate in order to provide for clarification of the circumstances when the Mayor is absent from duty when extenuating circumstances exist;

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

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendments to the electors at the next regular election that occurs not less than 60 nor more than 120 days from the passage of such ordinance, which is the general election on November 8, 2022, but the Council is required to file this Ordinance with the Cuyahoga County Board of Elections by September 9, 2022.

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 8th day of November, 2022, 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 V, Section 7 – "Vacancy in Office of Mayor", so that, as amended, it shall read in pertinent part as follows:

ARTICLE V
THE MAYOR

* * *

SECTION 7. VACANCY IN OFFICE OF MAYOR.

(a) Absence. When **extenuating circumstances, for example but not limited to, poor health, mental incapacity, or absence from City for an extended period of time, cause** the Mayor is ~~to be~~ **unable or unwilling for any cause** to perform ~~their~~ **the Mayor's** duties, the President of Council shall act as the Mayor with the same powers and duties as the Mayor and shall continue as ~~a Councilperson~~ **member** with all of the powers and duties of a ~~Councilperson~~ **member**, except that the ~~Council President who is Acting as the~~ 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 is hereby directed to provide for the voting upon said Amendment and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Richmond Heights", and the question to be submitted on said ballot shall be substantially in the following words:

"Shall Section 7 of Article V of the Richmond Heights Charter be amended to allow clarify the circumstances and process when the Mayor is absent and unable to perform the Mayor's duties for extenuating circumstances, for example but not limited to, poor health mental incapacity, or absence from City for an extended period of time?"

Section 3: 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 certify a copy of the 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 requirements, 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 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 8, 2022, 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 23, 2022

APPROVED: August 23, 2022

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council

Kim A. Thomas
Kim A. Thomas, Mayor
Bobby Jordan
Bobby Jordan
President of Council