

ORDINANCE NO.: 116 -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 IX, SECTION 4, TO CLARIFY PROVISIONS REGARDING RECALL OF ELECTED OFFICIALS OF THE CITY; 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 clarify the Charter provisions regarding the recall of elected officials of the City;

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 IX, Section 4 – "Recall" so that, as amended, it shall read in pertinent part as follows:

ARTICLE IX
INITIATIVE - REFERENDUM - AND RECALL

* * *

SECTION 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 the elected officer's term, a petition demanding the elected officer's 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 the Clerk 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 **[Name of Person]** be removed from that person's office as _____?

If a majority of the votes cast shall be voted affirmatively, such officer shall ~~remain in~~ **be removed from** office, **the 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.** If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed **remaining in office.** ~~, the 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.~~

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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 4 of Article IX of the Richmond Heights Charter be amended to clarify the provision for the removal of and appointment of a replacement for any elected officer of the City by recall election?"

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