

**CITY OF NORTH OLMSTED
ORDINANCE NO. 2020 – 87**

BY: Mayor Kennedy and Councilmembers Glassburn & Hemann

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF AN AMENDMENT TO THE ELECTORS OF THE CITY OF NORTH OLMSTED TO ARTICLE I OF THE CHARTER OF THE CITY OF NORTH OLMSTED FOR THE PURPOSE OF CONFORMING THE CHARTER TO REVISED CODE REQUIREMENTS REGARDING DETACHMENT OF LAND, AND DECLARING AN EMERGENCY.

WHEREAS, Art. XVIII, §3 of the Ohio Constitution, (“Home Rule Amendment”), empowers the City of North Olmsted, as a chartered city, to exercise powers of local self-government. It reads as follows:

[m]unicipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws; and

WHEREAS, as an exercise of local self-government, North Olmsted Charter Art. I presently reads as follows:

The municipal corporation now existing and known as the City of North Olmsted, in the County of Cuyahoga and State of Ohio, shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of the State of Ohio; but no territory shall be detached therefrom, nor shall the City be annexed to any other municipality without the consent of the Council and of a majority of its electors voting on such question.

See North Olmsted Charter Art. I, Name and Boundaries; and

WHEREAS, concerning annexation, merger and detachment, the General Assembly of the State of Ohio has passed comprehensive general laws of statewide application governing every form of annexation, merger, and detachment and set those laws out in Chapter 709 of the Ohio Revised Code; and

WHEREAS, to the extent that the Charter establishes a process for detachment of land from

the City that is in conflict with Chapter 709 of the Revised Code by requiring a vote for approval, such provision conflicts with Ohio law and is in violation of the Ohio Constitution; and

WHEREAS, it is the desire of this Council to submit to the voters of the City of North Olmsted a proposal to amend Article I of the Charter of the City of North Olmsted to provide that the process of detachment shall be governed by Ohio law; and

WHEREAS, this proposal was reviewed and recommended by the Charter Review Commission in accordance with Article XIV, Section (b) (1) of the City Charter, and the Commission on the 28th day of May, 2020, filed a written report with the Clerk of Council in which the Commission stated that, by a 7 to 0 vote, a motion to recommend approval of the proposal passed; and

WHEREAS, this Council has adopted this Ordinance, as required by state law, no sooner than 120 days, and no later than 60 days, prior to the date of the election at which the issue will be voted upon by the electorate.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH OLMSTED, COUNTY OF CUYAHOGA, STATE OF OHIO, TWO - THIRDS OF ALL MEMBERS CONCURRING THAT:

SECTION 1. Pursuant to Article XVIII, Section 9 of the Ohio Constitution, and Article XII of the Charter of the City of North Olmsted, this Council authorizes and directs that the following proposal to amend the Charter of the City of North Olmsted be submitted to the electors of the City of North Olmsted at an election to be held at the usual places of voting in the City on Tuesday, November 3, 2020:

That Charter Article I, Name and Boundaries, which presently reads as follows:

ARTICLE I, NAME AND BOUNDARIES

The municipal corporation now existing and known as the City of North Olmsted, in the County of Cuyahoga and State of Ohio, shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of the State of Ohio; but no territory shall be detached therefrom, nor shall the City be annexed to any other municipality without the consent of the Council and of a majority of its electors voting on such question.

BE AMENDED, AND, AS AMENDED, SHALL READ AS FOLLOWS:

ARTICLE I, NAME AND BOUNDARIES

The municipal corporation now existing and known as the City of North Olmsted, in the County of Cuyahoga and State of Ohio, shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries, **detach**, and annex other territory contiguous thereto in the manner authorized by the general laws of the State of Ohio; but no territory shall be ~~detached therefrom, nor shall the City be~~ annexed to any other municipality without the consent of the Council and of a majority of its electors voting on such question.

SECTION 2. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then the said amendment to Article I of the Charter shall be effective upon certification of such affirmative vote following the election on November 3, 2020.

SECTION 3: It is the desire of the Council that the ballot for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall Article I of the Charter of the City of North Olmsted entitled “Name and Boundaries” be amended to eliminate procedures for detachment of lands that are in conflict with the general law procedures established in the Ohio Revised Code?

Yes

No

SECTION 4. The Clerk of Council is authorized and directed to deliver a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no sooner than July 7, 2020 and no later than September 5, 2020.

SECTION 5. This Council requests that the Board of Elections of Cuyahoga County cause to be duly given an appropriate notice of the election to be held on November 3, 2020, on the foregoing amendments to the Charter of this City and otherwise provide for such election in the manner

provided by the general laws of the State of Ohio.

SECTION 6. The Clerk of Council is authorized and directed to cause the full text of such proposed Charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Olmsted, with the first publication to be made at least fifteen days prior to the election to be held on November 3, 2020, as provided in Article XVIII, Section 9 of the Ohio Constitution and in Section 731.211 of the Ohio Revised Code.

SECTION 7. There is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

SECTION 8. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions, were in meetings open to the public in compliance with the law.

SECTION 9. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is necessary that this Ordinance go into effect immediately so as to satisfy statutory deadlines for the submission of Charter amendments to the electorate, and further provided it receives the affirmative vote of two-thirds of all members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: August 4, 2020

First Reading: 8-4-2020
Second Reading: Suspended
Third Reading: Suspended
Committee: _____

ATTEST:

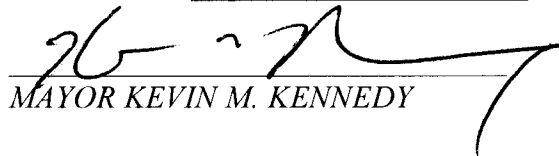


CHARLES MASSAROLO II
Clerk of Council



NICOLE DAILEY JONES
President of Council

APPROVED: 8-4-2020



MAYOR KEVIN M. KENNEDY

APPROVED AS TO LEGAL FORM:

/s/ Michael R. Gareau, Jr.
MICHAEL R. GAREAU, JR.
Director of Law