

**CITY OF NORTH OLMSTED  
ORDINANCE NO. 2020 – 90**

**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 XIV OF THE CHARTER OF THE CITY OF NORTH OLMSTED TO REQUIRE APPOINTMENTS TO THE CHARTER REVIEW COMMISSION TO OCCUR BEFORE JANUARY 1<sup>ST</sup> AND FURTHER REQUIRING THE RECURRING FIVE (5) YEAR REVIEW AND REPORT OF THE COMMISSION TO BE COMPLETED AND SUBMITTED TO THE COUNCIL NOT LATER THAN MAY 31<sup>ST</sup> OF THE YEAR IN WHICH A REVIEW OCCURS, AND DECLARING AN EMERGENCY.***

**WHEREAS**, it is the desire of this Council to submit to the voters of the City of North Olmsted a proposal to amend Article XIV of the Charter of the City of North Olmsted to establish mandatory dates for the appointment of Charter Review Commission members and for the submission of the final report of the Commission.

**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 28<sup>th</sup> 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, AND 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 XIV (“Charter Review Commission”), which presently reads as follows:

CHARTER REVIEW COMMISSION

(a) Membership. There is hereby established, effective January 1, 2004, a standing Charter Review Commission. The Commission shall consist of seven (7) members, four of whom shall be appointed by the City Council and three by the Mayor. The members shall be appointed for terms of five years each and shall serve without compensation. Upon expiration of said term of office of a member, his/her or her successor shall be appointed for a term of five years. A vacancy occurring during the term of any member shall be filled for the unexpired term in the same manner as authorized for the original appointment. The Mayor shall have the right to remove any appointed member for cause with the approval of two-thirds (2/3) of the members of the Council.

(b) Duties and Powers. The Charter Review Commission shall have the following duties and powers, which shall be performed at meetings held open to the public:

(1) In January, 2005, and every five (5) years thereafter, the Commission shall meet to review the City Charter and, within six (6) calendar months after such first meeting, shall recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in its judgment are desirable. Council shall review the recommendations of the Charter Review Commission and, in its discretion, may thereafter submit to the electors any or all of the proposed alterations, revisions, and/or amendments in the manner provided for in Article XII of the Charter.

(2) In addition to the Charter review procedure set forth in paragraph (1) above, City Council shall refer to the Charter Review Commission for review and recommendation all ordinances and resolutions introduced before Council that propose amendments to the City Charter. The Charter Review Commission shall meet regarding any such amendments proposed by City Council, and, within sixty (60) days following referral from City Council, file a written report with the Clerk of Council containing a summary of the Commission’s review of the proposal and the Commission’s recommendations regarding the proposal. The City Council shall take no final action regarding any such ordinance or resolution during said sixty-day period.

(3) The Charter Review Commission shall have authority to promulgate rules for its proceedings, not inconsistent with any provision in the Charter or Codified Ordinances of the City, and shall further perform such other duties, consistent with its Charter function, as may be imposed upon it by ordinance of Council.

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

CHARTER REVIEW COMMISSION

(a) Membership. There is hereby established, effective January 1, 2004, a standing Charter Review Commission. The Commission shall consist of seven (7) members, four of whom shall be appointed by the City Council and three by the Mayor. The members shall be appointed for terms of five years each and shall serve without compensation. Upon expiration of said term of office of a member, his/her ~~or her~~ successor shall be appointed for a term of five years **commencing January 1<sup>st</sup>, which successor appointment shall be made prior to the expiration of the then current term concluding December 31<sup>st</sup>.** A vacancy occurring during the term of any member shall be filled for the unexpired term in the same manner as authorized for the original appointment. The Mayor shall have the right to remove any appointed member for cause with the approval of two-thirds (2/3) of the members of the Council.

(b) Duties and Powers. The Charter Review Commission shall have the following duties and powers, which shall be performed at meetings held open to the public:

(1) In January, 2005, and every five (5) years thereafter, the Commission shall meet to review the City Charter and, **within six (6) calendar months after such first meeting not later than the 31<sup>st</sup> day of May in the year of review,** shall recommend to Council such alterations, revisions, and amendments, if any, to the Charter as in its judgment are desirable. Council shall review the recommendations of the Charter Review Commission and, in its discretion, may thereafter submit to the electors any or all of the proposed alterations, revisions, and/or amendments in the manner provided for in Article XII of the Charter.

(2) In addition to the Charter review procedure set forth in paragraph (1) above, City Council shall refer to the Charter Review Commission

for review and recommendation all ordinances and resolutions introduced before Council that propose amendments to the City Charter. The Charter Review Commission shall meet regarding any such amendments proposed by City Council, and, within sixty (60) days following referral from City Council, file a written report with the Clerk of Council containing a summary of the Commission's review of the proposal and the Commission's recommendations regarding the proposal. The City Council shall take no final action regarding any such ordinance or resolution during said sixty-day period.

(3) The Charter Review Commission shall have authority to promulgate rules for its proceedings, not inconsistent with any provision in the Charter or Codified Ordinances of the City, and shall further perform such other duties, consistent with its Charter function, as may be imposed upon it by ordinance of Council.

**SECTION 2.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then the said amendment to Article XIV 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 XIV of the Charter of the City of North Olmsted entitled "Charter Review Commission" be amended to establish that Commission member appointments be made prior to January 1<sup>st</sup> and to further require that the Charter Review Commission final report be submitted to the City Council not later than May 31<sup>st</sup>.

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.

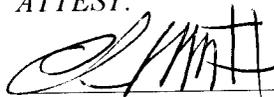
**SECTION 8.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions,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

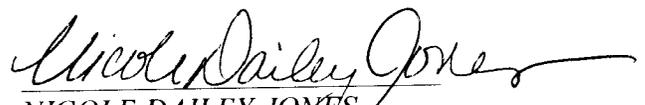
**SECTION 9.** That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is necessary that this Ordinance go into effect immediately so as to satisfy statutory deadlines for 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  
75-74  
MAYOR KEVIN M. KENNEDY

APPROVED AS TO LEGAL FORM:

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