

ORDINANCE NO.: 60 -2017
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 ARTICLE IX, SECTION 4, TO INCREASE THE TIME PERIOD FOR SETTING AN ELECTION DATE ON A RECALL PETITION; AND DECLARING AN EMERGENCY.

WHEREAS, the Charter at Article IX, Section 4, provides that in the case of a recall election, Council shall set the date of the election no less than 30 days and no more than 45 days from the date of delivery by the Clerk of a certificate determining the sufficiency of a recall petition to the officer whose removal is sought; and

WHEREAS, under federal and state law, Military and Overseas Civilian ballots must be mailed at least 45 days prior to an election; and

WHEREAS, to streamline election filing deadlines and conform with federal and state law, the Cuyahoga County Board of Elections has requested that City Council amend the Charter at Article IX, Section 4, to provide for a recall election no less than 75 days and no more than 120 days from the date of delivery by the Clerk of a certificate determining the sufficiency of the petition to the officer whose removal is sought; and

WHEREAS, the Mayor and Council Committee-of-the-Whole have recommended to place the issue of amending the Charter at Article IX, Section 4, before the electorate on November 7, 2017, to increase the time period in which Council may set a recall election to not less than 75 days, nor more than 120 days from the date of delivery by the Clerk of a certificate determining the sufficiency of the petition to the officer whose removal is sought, in order to conform with federal and state law; and

WHEREAS, pursuant to Charter, Article XIII, Section 2, Council has the authority to submit this proposed amendment to the electorate.

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 7th day of November, 2017, 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 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 ~~thirty (30)~~ **seventy-five (75)** days, nor more than ~~forty-five (45)~~ **one hundred twenty (120)** days from the date of delivery. The form of the ballot used shall be:

Shall _____ be retained in their office as _____ ?

If a majority of the votes cast shall be voted affirmatively, such officer shall remain in office. If a majority of the votes case 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 the ballots for said election shall, at the top of the ballot, 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 Article IX, Section 4, of the Richmond Heights Charter be amended to increase the time period in which Council may set a recall election from not less than 30 days, nor more than 45 days, to not less than 75 days, nor more than 120 days from the date of delivery by the Clerk of a certificate determining the sufficiency of the petition to the officer whose removal is sought, in order to conform with federal and state law regarding the mailing of Military and Overseas Civilian ballots?”

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 as soon as possible to certify a copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, as provided by law.

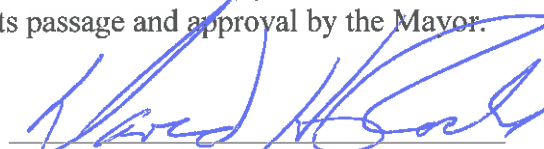
Section 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

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 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 7, 2017, in compliance with the Ohio Constitution and the City Charter, and, therefore, provided it receives the affirmative vote of at least five (5) members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: July 11, 2017


David H. Roche, Mayor

APPROVED: July 11, 2017

ATTEST: Betsy Trahen
Betsy Trahen


Eloise Cotton-Henry
President of Council