ORDINANCE NO. 34-2018

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND SECTIONS 6.01 AND 6.03 OF ARTICLE VI OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO PROVIDE FOR A NON-PARTISAN PRIMARY ELECTION FOR MAYOR, AND DECLARING AN EMERGENCY

WHEREAS, Council has received the recommendation of the 2018 Olmsted Falls Charter Review Commission, appointed pursuant to the Charter of the City of Olmsted Falls, to amend the Charter as herein provided, and Council is obligated to submit such proposed amendment to the Electors of the City at the General Election to be held November 6, 2018. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, OHIO, THAT:

SECTION 1. That this Council hereby authorizes and directs the submission to the Electors of the City of Olmsted Falls at the General Election to be held at the usual places of voting of said City on Tuesday, November 6, 2018, between the hours as provided by law, the following proposal to amend Article VI of the Charter of the City of Olmsted Falls to read as follows:

ARTICLE VI
NOMINATIONS, ELECTIONS, QUALIFICATIONS, AND VACANCIES

SECTION 6.01 NOMINATIONS

There shall be no primary election for the selection of candidates for any elective office of this Municipality, EXCEPT UNDER THE CIRCUMSTANCES IDENTIFIED BELOW IN SECTION 6.03(a) FOR MAYORAL NON-PARTISAN PRIMARY ELECTIONS.

Nominations for each elective municipal office shall be made by petition only, on the standard forms provided by the Board of Elections for the nomination of non-partisan candidates, filed with such Board at least ninety (90) days before the day of the GENERAL MUNICIPAL ELECTION FOR ANY CITY COUNCIL POSITION, AND NINETY (90) DAYS BEFORE THE DAY OF THE NON-PARTISAN PRIMARY ELECTION FOR THE OFFICE OF MAYOR.

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SECTION 6.03 RUN-OFF NON-PARTISAN PRIMARY ELECTIONS.

(a) OFFICE OF MAYOR
If no candidate for Mayor receives a majority of the votes cast for that office, there shall be a run-off election held on the first (1st) Tuesday in December between the two (2) candidates receiving the greatest number of votes cast for that office. IN THE EVENT THERE ARE THREE OR MORE CERTIFIED CANDIDATES FOR THE OFFICE OF MAYOR, A NON-PARTISAN PRIMARY ELECTION SHALL BE HELD FOR THAT OFFICE IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO ON THE SECOND TUESDAY IN SEPTEMBER, IN THE YEAR OF A GENERAL MUNICIPAL ELECTION FOR MAYOR. THE NAMES OF THE TWO CANDIDATES FOR MAYOR RECEIVING THE HIGHEST NUMBER OF VOTES AT THE NON-PARTISAN PRIMARY ELECTION SHALL APPEAR AT THE GENERAL MUNICIPAL ELECTION.

(b) CITY COUNCIL
(1) Of the candidates for an office filled by election from a ward, the one (1) receiving the greatest number of votes shall be declared elected.
(2) Of the candidates for Councilman-at-Large, the three (3) or fewer receiving the greatest number of votes shall be declared elected.

(c) GOVERNING LAW
Except as otherwise provided in this Charter, the laws of Ohio shall govern the nomination and election of the elective officers of the City.

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SECTION 2. That the foregoing proposed amendment upon receiving at least a majority of the votes cast thereon at the November 6, 2018, General Election shall become effective immediately upon adoption.

SECTION 3. That the ballot submitting the question of adoption of the aforesaid amendment shall read substantially as follows:

PROPOSED CHARTER AMENDMENT
CITY OF OLMSTED FALLS

A majority affirmative vote is necessary for passage.

Shall Article VI of the Charter concerning Nominations and Elections be amended to include a Non-Partisan Primary Election if there are three or more candidates running for the Office of Mayor?

SECTION 4. That the Clerk of Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County.

SECTION 5. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the Election to be held on November 6, 2018, on the
foregoing amendment to the Charter of this city and otherwise to provide for such
election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That the Clerk of this Council is hereby authorized and directed to
cause the full text of such proposed Charter amendment to be posted on the city’s website
30 days immediately prior to the General Election and to be published once a week for
two consecutive weeks in a newspaper of general circulation in the City of Olmsted Falls,
with the first publication to be made at least fifteen days prior to the General Election to
be held on November 6, 2018, as provided by Article XVIII, Section 9 of the Constitution
of the State of Ohio and Ohio Revised Code Section 731.211.

SECTION 7. That 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. The Council finds and determines that all formal actions of this
Council relating to the adoption of this Ordinance have been taken at open meetings of
this Council; and that deliberations of this Council and of its committees, resulting in
such formal action, took place in meetings open to the public, in compliance with all
statutory requirements including the requirements of Section 121.22 of the Ohio Revised
Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure
necessary for the immediate preservation of the public peace, health and safety in that it
is necessary that it become effective and be certified to the election authorities
immediately in order for the question to appear on the ballot at the General Election to be
held on November 6, 2018; wherefore, this Ordinance shall go into effect immediately
upon its passage by the affirmative vote of no less than five (5) members elected to
Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Paul Stibich, Interim President of Council

PASSED: ______________________

APPROVED: ______________________  ______________________
James Graven, Mayor       Date

APPROVED AS TO FORM: ______________________
Andrew D. Bemer, Director of Law
ATTEST: ____________________________

Angela Mancini, Clerk of Council

First Reading: _______________________

Second Reading: ____________________

Third Reading: ______________________

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