

**ORDINANCE NO. 35-2018**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE IV AND ARTICLE V OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO MODIFY THE DUTIES OF MAYOR AND PRESIDENT OF COUNCIL SO THAT THE PRESIDENT OF COUNCIL SHALL NOW PRESIDE AT REGULAR AND SPECIAL COUNCIL MEETINGS, 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 IV and Article V of the Charter of the City of Olmsted Falls to read as follows:

**ARTICLE IV  
THE MAYOR**

**SECTION 4.04. GENERAL POWERS AND DUTIES**

It shall be the duty of the Mayor to act as chief conservator of the peace within the Municipality; to supervise the administration of the affairs of the Municipality; to see that all ordinances of the Municipality are enforced; ~~to preside at all meetings of Council~~; to recommend to Council for adoption such measures as he may deem necessary or expedient; and to keep Council advised of the financial condition and the future needs of the Municipality. He shall sign on behalf of the Municipality all contracts, conveyances, evidences of indebtedness, and other instruments, unless another official is specifically designated to do so by this Charter or by ordinance. He shall exercise such other powers and perform such other duties as are conferred or required by this Charter, by appropriate action of Council, or by the general laws of Ohio.

ARTICLE V  
THE COUNCIL

SECTION 5.02(a). OFFICERS OF COUNCIL

(a) President of Council. At the organizational meeting of Council, Council shall elect one (1) of the Councilmen-at-Large to the office of President of Council. The President of Council shall serve until the first (1st) day of January after the next regular municipal election or until his successor is elected and qualified, and his duties shall be **TO PRESIDE AT ALL REGULAR AND SPECIAL MEETINGS OF COUNCIL**, to appoint various Council committees **AND COMMITTEE CHAIRMEN WHO WILL PRESIDE AT COUNCIL COMMITTEE MEETINGS**, to perform such duties as are assigned to him by Council and this Charter, and to co-ordinate the work of the various committees appointed by him. The President of Council shall succeed to the office of Mayor in the case of a vacancy, temporary or permanent, in that office. The Councilman serving as President of Council may be removed from that office at any time at a regular meeting of Council upon the concurrence of at least two-thirds (2/3) of the members elected thereto. Any vacancy in the office of President of Council shall be filled in the manner provided in Section 6.05 of this Charter.

**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 IV and Article V in the Charter be amended so the duty of presiding at all regular and special Council meetings shall be held by the President of Council?

**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. Bemmer, Director of Law*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_