

**ORDINANCE NO. 36-2018**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE V SECTION 5.01 OF THE CHARTER OF THE CITY OF OLMSTED FALLS TO MODIFY THE TERM OF CITY COUNCIL FROM TWO (2) YEARS TO (4) YEARS AND INCLUDE STAGGERING OF THE NEW FOUR (4) YEAR TERM, 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 V of the Charter of the City of Olmsted Falls to read as follows:

**ARTICLE V  
THE COUNCIL**

**SECTION 5.01 MEMBERSHIP, ELECTION, AND TERM**

The legislative power of the Municipality shall be vested in a Council consisting of seven (7) members. One (1) Councilman shall be elected from each of the four (4) wards in the Municipality and three (3) shall be elected at large. ~~All members of Council shall be elected for a term of two (2) years commencing on January 1st of the year following the date of their election.~~ **IN ORDER TO STAGGER TERMS, BEGINNING WITH THE REGULAR GENERAL MUNICIPAL ELECTION IN THE YEAR 2019 THE OFFICE OF COUNCILMAN-AT-LARGE SHALL BE FOR A TERM OF FOUR (4) YEARS, THE FIRST OF SUCH TERMS COMMENCING JANUARY 1, 2020. THE OFFICE OF WARD COUNCILMAN SHALL CONTINUE TO BE ELECTED FOR A TWO (2) YEAR TERM AT THE REGULAR GENERAL MUNICIPAL ELECTION IN THE YEAR 2019, FOR THE TERM COMMENCING JANUARY 1, 2020. THEREAFTER, AND COMMENCING WITH THE REGULAR GENERAL MUNICIPAL ELECTION IN THE YEAR 2021, THE OFFICE OF WARD COUNCILMAN SHALL BE FOR A FOUR (4) YEAR TERM, COMMENCING JANUARY 1, 2022.**

**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 V, Section 5.01 of the Charter concerning Council terms be amended to provide for staggered terms of four (4) year Council-at-Large terms commencing January 1, 2020 and four (4) year Ward Councilman terms commencing January 1, 2022?

**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: \_\_\_\_\_

	Yea	Nay
Haviland	_____	_____
Stibich	_____	_____
Jones	_____	_____
Gorski	_____	_____
Nicolay	_____	_____
Duncan	_____	_____
Miller	_____	_____