

ORDINANCE NO. 37-2018

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND ARTICLE XIII OF THE CHARTER OF THE CITY OF OLMSTED FALLS BY ADDING A NEW SECTION TO AUTHORIZE CITY COUNCIL TO REARRANGE THE NUMBERING AND TITLES, CORRECT TYPOGRAPHICAL ERRORS, AND REVISE OBSOLETE LANGUAGE, AND IN THE CHARTER, 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 XIII of the Charter of the City of Olmsted Falls by adding new section to read as follows:

**ARTICLE XIII
GENERAL PROVISIONS**

SECTION 13.06. REARRANGMENT OF NUMBERS AND TITLES, CORRECTION OF TYPOGRAPHICAL AND REVISION OF OBSOLETE LANGUAGE, ERRORS.

City Council in consultation with the Director of Law, may by Ordinance do any of the following:

- (1) prior to publishing the Charter upon any adoption by the electorate of any amendment hereto, make such changes to the numbers, titles and arrangement of articles and sections as may be necessary to maintain the logical and consistent ordering of the Charter; and
- (2) correct any typographical errors appearing in the Charter.

- (3) revise any Charter language that has become obsolete as a result of either the passage of time, an amendment to the Charter, or the preemption of State or Federal law;

No such rearrangement of numbers and titles, correction of typographical errors or revision of obsolete language may be made which affects the substance or meaning of this Charter or any part thereof or amendment thereto.

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 XIII of the Charter concerning general provisions be amended by adding a new section to authorize City Council by Ordinance to rearrange the numbering and titles, correct typographical errors and delete obsolete language in the Charter?

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 at least 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	_____	_____