

1st reading _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED _____ DEFEATED _____

(5/22/2017)

ORDINANCE NO. 2017-21

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORS
OF ORANGE VILLAGE OF AN AMENDMENT TO
SECTION 4 OF ARTICLE VII OF THE ORANGE VILLAGE
CHARTER WHICH WOULD REQUIRE COUNCIL TO
SUBMIT A RECALL ELECTION TO THE ELECTORATE
AT THE NEXT REGULARLY SCHEDULED PRIMARY OR
GENERAL ELECTION OCCURRING NOT LESS THAN
SEVENTY-FIVE (75) DAYS AFTER RECEIVING A VALID
PETITION FOR RECALL, AND DECLARING AN
EMERGENCY.**

WHEREAS, existing Article VII, Section 4 of the Orange Village Charter currently provides that Council shall submit the question of recall of an elected Orange Village official to the electors of the Village at an election to be held within forty-five (45) to sixty (60) days after the receipt by Council of a valid recall petition; and

WHEREAS, this Council has been advised by the Cuyahoga County Board of Elections that the time-frame provided by Article VII, Section 4 of the Orange Village Charter does not provide sufficient time to permit the Board of Elections to comply with Ohio law to provide ballots to overseas and military electors; and

WHEREAS, Council seeks to submit to the electorate of the Village an amendment to the Charter of the Village which would lengthen the period of time before the election after receipt of a valid petition for recall, so as to not inadvertently disenfranchise overseas and military voters; and

WHEREAS, Council does not wish the Village to incur the cost of a special election which would likely be necessary if the election were not held at the next regularly scheduled primary or general election; and

WHEREAS, the proposed Charter Amendment would require Council to submit the question of recall of an elected Orange Village official to the electors of the Village at the next regularly scheduled primary or general election to be held not less than seventy-five (75) days after the receipt by Council of a valid recall petition; and

WHEREAS, pursuant to the Charter of Orange Village, Ohio (the "Village") and the Constitution of the State of Ohio, particularly Section 9 of Article XVIII, this Council has determined to authorize and direct the submission to the electorate of the Village at the general

election to be held on November 7, 2017, which election is not less than sixty (60) nor more than one hundred twenty (120) days after the passage of this Ordinance, for a Charter Amendment that will lengthen the period of time before a recall election that Council must submit the ballot issue to the Board of Elections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO, AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF COUNCIL CONCURRING:

SECTION 1. That the question of the amendment of Article VII, Section 4 of the Charter of the Village, which shall read and provide, in its entirety as follows:

“ARTICLE VII. INITIATIVE, REFERENDUM AND RECALL.

Section 4. Recall.

The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served for six months of his or her term, a petition demanding removal may be filed with the Clerk who shall note thereon the names and addresses of the persons constituting the Petitioners' Committee filing the petition and the date of such filing. The petition shall be signed by at least that number of qualified electors which equals twenty percent (20%) of the total electors voting at the last preceding general election. Within ten (10) days after the date on which such petition is filed, the Clerk shall determine its sufficiency. If the Clerk shall find the petition insufficient, he or she shall within ten (10) days after the date of filing thereof, certify the particulars in which the petition is defective, deliver a copy of that certificate to the Committee named in that petition and make a record of the delivery. Such Committee shall then be allowed a period of ten (10) days after the day on which such delivery is made to make the petition sufficient and refile it as an originally filed petition with the Clerk. If the Clerk shall find the petition sufficient, he or she shall within ten (10) days after the date of filing thereof, so certify to Council, deliver a copy of such certificate to the officer whose removal is sought, and make a record of that delivery. If such officer shall not resign within five (5) days after the day on which such delivery is made, Council shall thereupon schedule a ~~fix a date for holding a special~~ recall election, to be held at the next regularly scheduled primary or general election occurring not less than ~~thirty (30) nor more than forty~~ seventy-five (475) days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be removed from office (naming the office) of Orange Village"? with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively, the officer shall remain in office. If a majority of the votes cast shall be voted affirmatively, the officer shall be considered as removed, the office shall be deemed vacant, and the vacancy shall be filled as provided in this Charter. The officer removed by such election shall not be eligible for appointment to the vacancy created thereby.”

Be submitted to a vote of the qualified electors of the Village at the general election to be held on Tuesday, the 7th day of November, 2017 at the regular places of voting in the Village and during the usual hours for holding elections as provided in the general laws of the State of Ohio.”

SECTION 2. That the form of ballot to be cast at the election for the proposed charter amendment contained in Section 1 shall read and provide as follows:

“PROPOSED CHARTER AMENDMENT
A majority affirmative vote is necessary for passage

Shall Article VII, Section 4 of the Charter of Orange Village, Ohio, be amended to provide that Council shall submit the vote for the recall of an elected Village official at the next regularly scheduled primary or general election occurring not less than seventy-five (75) days after a valid recall petition has been submitted to the Council, so that military and overseas ballots may have the opportunity to cast ballots in the recall election within the timeframe provided by Ohio law?”

Said ballot shall provide appropriate means for each elector to indicate his/her affirmative or negative vote on the question.

SECTION 3. That if such amendment is approved by a majority of the electors voting thereon at such election, such amendment shall become effective from and after December 31, 2017.

SECTION 4. That the Clerk of Council is hereby authorized and directed to cause copies of said proposed charter amendments to be mailed at least thirty (30) days prior to said election, to each elector of this Village whose name appears upon the registration book of the last regular or general elections held in the Village; provided, however, that in lieu of such mailing and to the extent provided by law, the Clerk of Council is hereby authorized to cause a copy of the proposed charter amendments to be published in such manner as may be authorized by law.

SECTION 5. That the Clerk of Council be and hereby is, authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County.

SECTION 6. That the Board of Elections of Cuyahoga County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

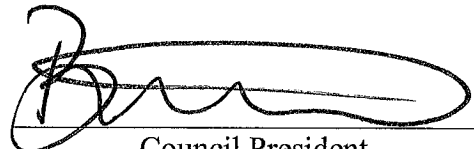
SECTION 7. That there is hereby appropriated from the General Fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the

costs of printing or otherwise preparing and mailing or publishing said copies of said proposed charter amendments and of publishing notice of such election.

SECTION 8. That actions of this Council concerning and relating to the passage of this legislation 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 Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 9. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this Village and its inhabitants and for the further reason that this Ordinance must be immediately effective in order to permit necessary arrangements to be made in sufficient time for said election; wherefore, this Ordinance shall be in full force and effect from and immediately after the passage and approval by the Mayor.

PASSED: July 17, 2017

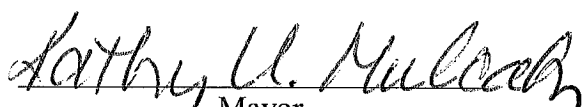

Council President

Submitted to the Mayor for approval on this 17 day of July, 2017

Approved by the Mayor this 17 day of July, 2017

ATTEST:


Clerk of Council


Mayor