

CITY OF TWINSBURG, OHIO

RESOLUTION 54-2014

A RESOLUTION REQUESTING AND AUTHORIZING THE SUMMIT COUNTY BOARD OF ELECTIONS TO PLACE UPON THE CITY OF TWINSBURG BALLOT AT THE GENERAL ELECTION OF NOVEMBER 4, 2014, CERTAIN PROPOSED AMENDMENTS TO ARTICLE IV OF THE CHARTER OF THE CITY OF TWINSBURG REGARDING VACANCY IN THE OFFICE OF MAYOR

WHEREAS, the Charter Review Commission of the City of Twinsburg appointed pursuant to Section 11.01 of the City Charter has recommended that Section 4.04 of the Charter titled VACANCY IN THE OFFICE OF MAYOR be amended; and

WHEREAS, said creation of §4.04 would clarify the procedure that the City fills any vacancy in the office of the Mayor; and

WHEREAS, Section 11.01 of the Charter provides that the Charter Review Commission shall submit to Council such alterations, revisions and amendments as in its judgment are desirable and Council shall then submit such proposed alterations, revisions, or amendments in the manner provided in Article X of the Charter; and

WHEREAS, Section 10.01 of Article X of the Charter provides that Council shall submit issues presented by the duly appointed Charter review Commission to the electors unless five (5) or more members of Council vote against the recommendation, and such amendment or amendments shall only be effective upon approval of a majority of the electors voting thereon.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Twinsburg, County of Summit and State of Ohio:

SECTION I: That the question of proposed amendments to the Charter of the City of Twinsburg, Ohio, as originally adopted by the electorate on June 25, 1957, and as subsequently amended by the electorate since that date is hereby directed to be submitted to a vote of the qualified electors of the City of Twinsburg, Ohio, at the general election to be held on the 4th day of November, 2014, at the regular places of polling in said municipality between the hours established by the Summit County Board of Elections.

SECTION II: That the ballot at the top thereof be entitled, “City of Twinsburg Charter Amendment Issue,” and the question to be submitted on said ballot shall be substantially in the words and form following which may, however, be synopsised on the ballot by reference to an appropriate title to the issue: “City of Twinsburg Charter

Amendment Issue...shall a proposed amendment to the Charter of the City of Twinsburg be adopted which amendment reads as follows:

Sec. 4.04 Vacancy in Office of Mayor

When temporarily the Mayor is absent or inaccessible, or is unable for any cause or reason to perform the Mayor's duties, the President of Council shall become the Acting Mayor, but shall not thereby cease to be Councilmember.

In the event the Office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Acting Mayor and serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City, but shall not thereby cease to be a Councilmember. If the President of Council is unable or unwilling to serve as Acting Mayor, the Vice President of Council shall thereupon become Acting Mayor and serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City, but shall not cease to be a Councilmember.

When neither the President or Vice President of Council is available or willing for any reason to perform the duties as Acting Mayor, then Council, by a vote of the majority of all members of Council, shall elect one of their members to serve as Acting Mayor and such member shall serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City, but shall not cease to be a Councilmember.

SECTION III: That for purposes of presentation on the ballot the issue presented herein may be synopsized as follows:

PROPOSED CHARTER AMENDMENT

Shall section 4.04 of Article IV of the Charter of the City of Twinsburg be amended to establish the procedure for filling any vacancy in the office of the Mayor?

FOR THE AMENDMENT

AGAINST THE AMENDMENT

SECTION IV: That in the event the foregoing amendments to the City Charter are approved by a majority of the electors voting thereon, they shall become part of the Charter of the City of Twinsburg and shall become effective as provided therein.

SECTION V: That the Clerk be, and she hereby is ordered to give notice of such pending and proposed amendments through publishing or mailing according to law.

SECTION VI: That the Clerk be, and she hereby is directed to certify a copy of this Resolution to the Board of Elections of Summit County. That this Resolution be, and hereby is, determined sufficient authority upon filing with the Summit County Board of Elections to cause that government body to proceed to place the herein prescribed Charter Amendment Issue upon the Twinsburg City Ballot November 4, 2014, general election, and that such authority be deemed granted to the Board upon receipt of a certified copy of this Resolution from the Clerk of Council.

SECTION VII: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION VIII: That this Resolution shall be read on three (3) different days in order to publish and notice the proposed changes to be presented on the ballot and shall thereafter take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

APPROVED: _____

EFFECTIVE: _____

Maureen Stauffer, President of Council

Submitted to the Mayor for approval this
_____ day of _____, 2014

Approved by the Mayor _____, 2014

Katherine A. Procop, Mayor

ATTEST:

Shannon Collins
Clerk of Council

Passed: _____
Yes _____ No _____

CERTIFICATE OF POSTING

I, Shannon Collins, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the _____ day of _____, 2014.

Shannon Collins
Clerk of Council
City of Twinsburg

Sec. 4.04 Vacancy in Office of Mayor

When temporarily the Mayor is absent or inaccessible, or is unable for any cause or reason to perform the Mayor's duties, the President of Council shall become the Acting Mayor, but shall not thereby cease to be Councilmember.

In the event the Office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Acting Mayor and serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City, but shall not thereby cease to be a Councilmember. *If the President of Council is unable or unwilling to serve as Acting Mayor, the Vice President of Council shall thereupon become Acting Mayor and serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City, but shall not cease to be a Councilmember.*

When temporarily *neither* the President *or Vice President* of Council *is available or willing* or ~~the is absent or inaccessible or~~ for any reason ~~unable~~ to perform the President of Council's duties as Acting Mayor, then Council, by a vote of the majority of ~~the remaining~~ *all* members of Council, shall *elect* ~~designate~~ one of their members to *serve* ~~act~~ as Acting Mayor *and such member shall serve for the unexpired term if such term is not in excess of six (6) months, or shall serve until the filling of such vacancy by the electorate of the City, but shall not cease to be a Councilmember.*