First Reading: July 6, 2015
Second Reading, July 20, 2015

Introduced by: Charter Review Commission

ORDINANCE NO. 30 - 2015

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF MADISON VILLAGE AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Art. XVIII, § 18.2 of the Village Charter, the Charter Review Commission timely drafted and submitted to the Council proposed amendments to the Madison Village Charter; and

WHEREAS, this Council is therefore mandated by the Village Charter to forthwith provide by ordinance for the submission to the electors of Madison Village the proposed amendments to the Madison Village Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MADISON VILLAGE, COUNTY OF LAKE, STATE OF OHIO:

SECTION 1. That the following proposed Charter Amendment shall be submitted to a vote of the qualified electors of Madison Village at an election to be held on Tuesday, November 3, 2015 and shall appear as a separate and distinct ballot question titled "Village Charter Amendment Ballot" with the question to be submitted on said ballot to be "Shall the proposed amendment to Art. III, Sec. 3.3 of the Charter of Madison Village be adopted?", to-wit:

> The Council may remove the Mayor for gross misconduct, malfeasance, misfeasance, or nonfeasance in or disqualification for office, or for the conviction while in office of a felony or crime involving dishonesty or moral turpitude, or if adjudicated legally incompetent or for a violation of the oath of office; provided, however, that such removal shall not take place until the Mayor has been notified in writing of the charges at least ten days in advance of a public hearing upon such charges, and the Mayor or the Mayor's counsel has been given an opportunity at such hearing to be heard, present evidence, and examine any witness appearing in support of the charges. At the conclusion of the hearing Council may choose to proceed with the removal of the Mayor as follows: effective 1/1/2016 such removal shall not take place without the affirmative vote of five (5)

members of Council; effective 1/1/2018 such removal shall not take place without the affirmative vote of four (4) members of Council.

SECTION 2. That the following proposed Charter Amendment shall be submitted to a vote of the qualified electors of Madison Village at an election to be held on Tuesday, November 3, 2015 and shall appear as a separate and distinct ballot question titled "Village Charter Amendment Ballot" with the question to be submitted on said ballot to be "Shall the proposed amendment to Art. III, Sec. 3.4 of the Charter of Madison Village be adopted?", to-wit:

> When the Mayor for any reason is unable to perform his or her duties as Mayor, the President of Council shall become the Acting Mayor, and while so acting shall have and exercise all of the powers of the Mayor, but shall continue to be the President of Council and shall retain his or her right to vote. If both the Mayor and the President of Council for any reason are unable to perform the duties of Mayor, then the Vice-President of Council shall become the Acting Mayor, and while so acting shall have and exercise all of the powers of the Mayor, but shall continue to be Vice-President of Council and shall retain his or her right to vote. The President of Council or the Vice President of Council while acting as Mayor shall have no veto power.

SECTION 3. That the following proposed Charter Amendment shall be submitted to a vote of the qualified electors of Madison Village at an election to be held on Tuesday, November 3, 2015 and shall appear as a separate and distinct ballot question titled "Village Charter Amendment Ballot" with the question to be submitted on said ballot to be "Shall the proposed amendment to Art. III, Sec. 3.5 of the Charter of Madison Village be adopted?", to-wit:

> If the office of Mayor becomes vacant, the President of Council shall forthwith become Mayor for the unexpired term and the Vice President of Council shall become President of Council. Thereupon, the vacancy in Council shall be first filled in the manner provided hereinafter and, thereafter, a new Vice President of Council shall be chosen by Council. If the President of Council declines to serve as Mayor, Council shall then appoint, by a majority vote of all the members of Council, one of its members as Mayor for the unexpired term. If a Mayor-elect fails to qualify for office, a vacancy shall be deemed to exist and the President of Council elected at the organizational meeting following such regular municipal election shall become Mayor for that term as provided above.

SECTION 4. That the following proposed Charter Amendment shall be submitted to a vote of the qualified electors of Madison Village at an election to be held on Tuesday, November 3, 2015 and shall appear as a separate and distinct ballot question titled "Village Charter Amendment Ballot" with the question to be submitted on said

ballot to be "Shall the proposed amendment to Art. III, Sec. 3.6(d)(2) of the Charter of Madison Village be adopted?", to-wit:

> Council Override of Veto When the Mayor has vetoed an ordinance or resolution, or a part or item thereof as herein provided, the Council shall, not later than its next regular meeting, proceed to reconsider it; and if, upon reconsideration, the ordinance or resolution or part or item thereof vetoed by the Mayor be approved by the affirmative vote of at least four (4) members of Council, it shall then take effect without the signature of the Mayor, in the same manner as if he had signed it. In all such cases, the votes shall be taken by roll call and entered upon the journal of Council.

SECTION 5. Public notice of the time and place of holding such election shall be given as required by law.

SECTION 6. That pursuant § 731.211(B) of the Ohio Revised Code, the Fiscal Officer is hereby directed to publish the full text of the proposed Charter Amendments once a week for two consecutive weeks in a newspaper of general circulation within Madison Village with the first publication being at least fifteen days prior to the election.

SECTION 7. That the Fiscal Officer is hereby directed to certify a copy of this Ordinance to the Board of Elections of Lake County, Ohio, which Board shall make the necessary arrangements for submission of said question to the electors of Madison Village on Tuesday, November 3, 2015.

SECTION 8. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 § 121.22 of the Ohio Revised Code.

SECTION 9. That this Ordinance constitutes an emergency measure necessary for the peace, health, and safety of the Village in that the same is part of a mandatory Charter process which requires the proposed amendments to appear on the November ballot, and, in order to comply with a 90-day advance submission requirement to the Board of Elections this Ordinance must and shall take immediate effect in accordance with the provisions of Article V, § 5.2 of the Madison Village Charter.

PASSED: 7-20-15

Kenneth D. Takacs,
President of Council

Attested:

Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:

Sam Britton Jr.,
Mayor

7/20/15
Date