First Reading: November 2, 2015
Second Reading, November 16, 2015
Tabled on 11-16-15

Introduced by: Councilman Mabe

ORDINANCE NO. 39 - 2015

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CHARTER OF MADISON VILLAGE TO PROHIBIT SITTING MAYORS FROM BRINGING CAUSES OF ACTION AGAINST THE VILLAGE, ITS OFFICERS OR EMPLOYEES DURING THEIR TERM OF OFFICE RELATED TO ANY LAWS OR OTHER ACTIONS AUTHORIZED BY THE COUNCIL

WHEREAS, pursuant to Art. XVII, § 17.1 of the Village Charter, the Charter may be amended as set forth in the Constitution of the State of Ohio; and

WHEREAS, the Mayor is required by Charter to enforce the laws of the Village and to carry into effect such other duties of office imposed by the Charter; and

WHEREAS, a Mayor who may during his or her term of office bring a cause of action against the Village, its officers or employees, related to any laws the Council enacted or other actions authorized by the Council creates a conflict of interest between the duties of their office to uphold those laws and the interests they may seek by bringing such an action, inclusive of advancing personal financial interests, political gain, or to obtain leverage for other ends, the result being, at a minimum, an appearance of impropriety and, at worst, an improper motive; and

WHEREAS, the Council therefore deems it advisable to submit to the electors of the Village an amendment to the Charter prohibiting any sitting Mayor from bringing a cause of action against the Village for any laws enacted by or other actions authorized by the Council unless so approved by the Law Director.

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, March 15, 2016 and shall appear as a ballot question titled "Village Charter Amendment Ballot" with the question to be submitted on said ballot to be "Shall the proposed amendment to the Charter of Madison Village be adopted?", to-wit:

Section 3.7
No sitting Mayor may bring any legal action against the Municipality or any of its officers or employees, when such officers or employees are acting in their official capacities, related to any law enacted by the Council or for any other action authorized by the Council, unless the legal action has been authorized by the Law Director. In the event the Mayor violates this section he or she shall have forfeited their right to hold office and shall be subject to removal from office pursuant to Section 3.3 of this Charter.

SECTION 2. Public notice of the time and place of holding such election shall be given as required by law.

SECTION 3. 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 Amendment 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 4. 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, March 15, 2016.

SECTION 5. 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 6. That this Ordinance shall take effect at the earliest time allowed by law.

PASSED: 12-21-2015

Kenneth D. Takacs,
President of Council

Attested:

Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:

Sam Britton Jr.,
Mayor

12-21-15
Date