

CITY OF TWINSBURG, OHIO

ORDINANCE 75-2018

AN ORDINANCE REQUESTING AND AUTHORIZING THE SUMMIT COUNTY BOARD OF ELECTIONS TO PLACE UPON THE CITY OF TWINSBURG BALLOT AT THE GENERAL ELECTION OF NOVEMBER 6, 2018, CERTAIN PROPOSED AMENDMENTS TO ARTICLE III OF THE CHARTER OF THE CITY OF TWINSBURG REGARDING “THE COUNCIL”

WHEREAS, the Charter Review Commission of the City of Twinsburg appointed pursuant to Section 11.01 of the City Charter has recommended that Article III of the Charter titled THE COUNCIL be amended; and

WHEREAS, said amendment to Article III would delete obsolete references; require a Councilmember to vacate his/her current Council seat if running for another seat on Council; allows for electronic notification of Council members; and clarifies emergency legislation; 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 ORDAINED 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 6th day of November, 2018, 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 synopsisized 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:

**ARTICLE III
THE COUNCIL**

SECTION 3.01 COUNCIL - NUMBER AND TERMS.

All the legislative powers of the City, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) voting members, five (5) of whom shall be elected from wards, and two (2) at large. The Mayor shall be considered a member of Council pursuant to Section 4.05 B of the Charter.

Council members-Elect shall assume office on the 1st day of December next following their election. The regular term of Councilmember shall be four (4) years.

SECTION 3.02 WARDS - DISTRICTING COMMISSION.

- A. Wards. The City shall, by this Charter, be divided into five (5) wards, and one (1) Councilmember shall be elected from each ward, and two (2) Councilmembers elected from the City at large.
- B. Districting Commission. The Council shall appoint five (5) qualified voters, one from each ward of the City, determined from the registration from the last general election, who shall comprise the Districting Commission. The voters chosen shall not be employed by the City in any other capacity ~~excepting therefrom members of the Twinsburg Development Foundation.~~
- C. Report/Specifications. By the tenth (10th) day of January at least every five (5) years from the date of the report of the last preceding Districting Commission, or as often as necessary to comply with the statutes of the State of Ohio, said Commission shall file with the Clerk of Council a report containing a recommended plan for adjustment of the Council ward boundaries to comply with these specifications:
 - 1. Each ward shall be formed of compact, contiguous territory.
 - 2. Each ward shall contain as nearly as possible the same number of qualified voters, determined from the registration for the last statewide general election, but wards shall not differ in size by more than ten percent (10%) of the voters in the smallest ward created.

This report shall include a map and description of the wards recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Councilmember, but shall be subject to amendment or deletion in whole or in part by a majority vote of

Councilmembers so long as the above specifications are complied with. The Council may, by ordinance, provide for the creation of a Districting Commission to convene and report at such earlier dates as it deems advisable.

- D. Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances. It must include both the map and description of the recommended wards.
- E. Failure to enact ordinances. The Council shall adopt the ordinance as recommended or amended at least one hundred eighty (180) days before the next regular municipal election. If the Council fails to do so by such date, all Councilmembers to be elected at such election shall be elected at large and shall serve as Councilmembers-at-Large until their terms of office expire. After such an election at large, the Districting Commission shall convene and adjust the ward boundaries in accordance with the specifications, requirements and procedure earlier provided in this section, except that the ordinance shall be enacted at least one hundred eighty (180) days before the next regular municipal election following such election at large.
- F. Effect of enactment. The new Council wards and boundaries, as of the date of enactment, shall supersede previous Council wards and boundaries, for all purposes of the next election. The new wards and boundaries shall supersede previous wards and boundaries for all other purposes as of the date on which all Councilmembers elected at that regular election take office.

SECTION 3.03 COUNCIL QUALIFICATIONS.

In addition to the qualifications contained in Section 8.04, a Councilmember elected to represent a ward, shall have been for at least one (1) year immediately prior to the date of the Councilmember's election, and during the Councilmember's term of office shall continue to be a resident of the ward from which the Councilmember was elected or a resident of the territory annexed thereto or a resident of the territory affected by redistricting. Whenever ward boundaries become amended, the same shall take effect at the earliest period allowed by law, however, no Councilmember shall be displaced thereby and such Councilmember shall continue to serve the original ward district from which the Councilmember was elected until the expiration of the Councilmember's term in office.

Any sitting Councilmember, who has two (2) or more years left on their current term, shall be prohibited from running for a different Council seat without first resigning his/her current seat on Council. Such resignation shall take place prior to the Councilmember filing petitions with the Board of Elections for the new Council seat.

SECTION 3.04 ELECTION OF PRESIDENT OF COUNCIL.

Council, at its first regular meeting in December of each calendar year, shall elect one of its members as President of Council for a term of one year upon concurrence of a majority of members elected or appointed to Council.

At the same meeting, Council shall elect a Vice President of Council for a term of one year upon the concurrence of a majority of the members elected or appointed.

SECTION 3.05 REMOVAL.

(EDITOR'S NOTE: Section 3.05 was repealed by Charter amendments passed November 4, 1980, which created Section 9.04 providing uniform standards for removal of all City officers.)

SECTION 3.06 VACANCIES.

Any vacancy in the Office of Councilmember, except as otherwise provided in this Charter, shall be filled by appointment by a majority vote of the remaining members of Council. If any such vacancy in the Office of Councilmember is not filled within thirty (30) days, the Mayor shall fill such vacancy by appointment of a person qualified under the provisions of Section 3.03 of the Charter.

The appointee shall hold office for the unexpired term of the member in whose office the vacancy occurred or until a successor to such vacant office is elected and qualified as required by this Charter. No person who resigns or is removed from the Office of Councilmember shall be reappointed for the balance of the term of office from which the member resigns or is removed.

A successor to the vacated council seat shall be elected by the electors of the Municipality in the event the vacancy occurs in the Office of Councilmember at Large, or by the electors of the ward in the event the vacancy occurs in the Office of Ward Councilmember, at the next regular Municipal election for such seat provided that:

1. Such election occurs more than two (2) years prior to the expiration of the term of the office vacated; and
2. Such vacancy occurs more than sixty (60) days prior to such election.

SECTION 3.07 MEETINGS OF COUNCIL.

All meetings of Council shall be open to the public and in accordance with Section 121.22 Revised Code of the State of Ohio.

- A. Regular Meetings. At the first regular meeting of Council in December of each calendar year, the Council shall convene and organize at the Council Chambers of the City. Thereafter, the Council shall meet at such times as may be prescribed by its rules, regulations or by ordinance except that it shall hold regular meetings on the second and fourth Tuesday of each month providing that when a regular meeting date falls on a holiday or holiday eve Council or, due to other extenuating circumstances, may, by motion, reschedule such meeting date. Meetings shall commence as close as possible to published starting time. After the first meeting in July, the Council shall not be required to hold another meeting until the last scheduled meeting in August. (Amended November 6, 2001)
- B. Special Meetings. Special meetings of the Council may be called

in accordance with and as provided for by the rules, regulations or bylaws adopted by the Council. In absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon written request of the Mayor, or three (3) members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered thereat. Notice in writing of each such special meeting called at the request of the Mayor, or the three (3) members of Council, shall be given to each member of Council and the Mayor, by serving on each of them personally or by electronic mail at their e-mail address(s) provided to the Clerk for City Council business, leaving a copy thereof at his usual place of residence, not less than twelve (12) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing. ~~(Amended November 7, 2000)~~

SECTION 3.08 QUORUM.

Four (4) members of Council shall constitute a quorum to do business but a lesser number may adjourn.

SECTION 3.09 RULES AND JOURNAL OF COUNCIL.

- A. Rules/Journal. Council shall adopt its own rules, regulations and bylaws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution or motion shall be by roll call, and the vote of each Councilmember shall be entered upon the journal. Council shall elect its own committees and committees shall elect their own chairpersons. No committee shall consist of more than three (3) Councilmembers.
- B. Clerk of Council. The Council shall appoint the Clerk of Council. The Clerk shall attend all regular and special meetings of the Council and keep a record of its proceedings and all rules, bylaws, resolutions, ordinances and motions passed or adopted, which shall be subject to the inspection of all persons interested. The Clerk shall authenticate all records, documents and instruments of the City of which authentication is proper and for that purpose, shall have and use a seal, which shall be the seal of the City. Failure to affix the seal shall not affect the validity of any instrument. (Amended November 2, 1976)

SECTION 3.10 ORDINANCES AND RESOLUTIONS.

All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form, and on the passage of each ordinance or resolution, the vote shall be taken by yeas and nays, entered upon the journal, but this shall not apply to the ordering of an election.

No bylaw, ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right, or specifically authorizing involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of

property, shall be passed unless it has been fully and distinctly read on three (3) different days, ~~unless five (5) members of Council vote to suspend this rule. and with respect to any such bylaw, ordinance or resolution, there shall be no authority to dispense with this rule except by a vote of five (5) members of Council taken by yeas and nays on each bylaw, ordinance or resolution and entered upon the journal.~~

Whenever Council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, Section 9.02 of Article IX of this Charter shall apply only to the first ordinance or other measure required to be passed, and not to any subsequent ordinance and other measures relating thereto. Ordinances or other measures providing for the appropriation of the current expenses of the Municipality or for street improvements petitioned for by the owners of a majority of the foot front of the property benefited and to be especially assessed for the cost thereof, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety in the Municipality, shall go into immediate effect. Such emergency ordinances or measures must receive a vote of five (5) members of Council, and the reason for such emergency shall be set forth in one section of the ordinance or preamble. All other ordinances or other measures, except those subject to referendum, shall go into effect upon passage, or at such other time as may be provided therein.

No action of the Council in authorizing the surrender of any of its powers or in granting any franchise, or in contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether municipally owned or not, shall be taken as an emergency measure.

Except as otherwise provided in this Charter, the adoption, rejection, amendment, authentication and recording, time of taking effect and the signing of every ordinance, resolution, bylaw or measure shall be in the manner provided by the laws of the State of Ohio as the same apply to cities.

SECTION 3.11 POWERS.

All the legislative power of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council may by ordinance make provision differing from the general law with respect to:

- a. The time and place of regular meetings of the Council, subject to the provisions of Section 3.07 of this Charter.
- b. The method of calling special meetings of the Council.
- c. The method of giving public notice of the enactment of its ordinances and adoption of its resolutions, and of any other of its acts or proceedings which it deems proper to publish.
- d. The procedure for making public improvements and the levying of assessments, including the procedure for combining two or more public improvements in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly.

- e. The making, advertising and awarding of contracts, except as provided in Section 6.03 of this Charter.
- f. Such other general regulations as the Council may deem necessary, including regulations as to the custody and use by the Clerk of Council of an official seal which shall be the seal of the City.

SECTION 3.12 NON-ELIGIBILITY TO HOLD OFFICE.

No elected official shall become a full-time employee or appointed full-time official within one (1) year after leaving office.

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

PROPOSED CHARTER AMENDMENT

Shall Article III of the Charter of the City of Twinsburg be amended to require sitting members of Council to first resign their Council seat prior to running for any other Council position and the additional amendments as recommended by the Charter Review Commission?

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 hereby is ordered to give notice of such pending and proposed amendments through publishing or mailing according to law.

SECTION VI: The Clerk is hereby directed to certify a copy of this Ordinance to the Board of Elections of Summit County. That this Ordinance is hereby 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 6, 2018, General Election, and that such authority be deemed granted to the Board upon receipt of a certified copy of this Ordinance 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 Ordinance were taken in open 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 Ordinance 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 _____, 2018

Approved by the Mayor _____, 2018

Ted Yates, 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 _____, 2018.

Shannon Collins
Clerk of Council
City of Twinsburg