ORDINANCE NO. 2010-23
INTRODUCED BY: Mayor Rinker and Council as a Whole

AN ORDINANCE PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 8 OF THE CHARTER OF MAYFIELD VILLAGE PERTAINING TO THE PROCEDURE IN THE EVENT OF VACANCIES IN COUNCIL

WHEREAS, Article IX of the Village Charter currently requires that the Charter Review Commission convene every five years to review the Charter; and

WHEREAS, the Charter Review Commission is required to have a review session with the Mayor and Council and to recommend to the voters any amendments to the Charter as in its judgment are desirable; and

WHEREAS, the Charter Review Commission has recommended to the voters the following proposed amendment to Article III, Section 8.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO THAT:

SECTION 1. Article III, Section 8 of the Charter of the Village of Mayfield is amended to read as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. This ordinance upon adoption by Council shall be referred to the Clerk of the Cuyahoga County Board of Elections not later than sixty (60) days before the November 2, 2010 election. Upon this proposed amendment being approved by the majority of the electors voting thereon, it shall become part of the Charter of Mayfield Village, Ohio.

SECTION 3. Pursuant to the mandates of the Charter, a copy of the full text of this proposed amendment shall be delivered to the residents of the Village not less than thirty (30) days before the election and, pursuant to law, a legal notice will be published once a week for two consecutive weeks at least fifteen days prior to the election.

SECTION 4. The language appearing on the ballot on November 2, 2010 shall be as follows:

PROPOSED CHARTER AMENDMENT
(MAJORITY AFFIRMATIVE VOTE REQUIRED)

SHALL MAYFIELD VILLAGE CHARTER ARTICLE III, SECTION 8 BE AMENDED TO DETERMINE THE PROCESS FOR FILLING VACANCIES IN COUNCIL?

SECTION 5. This ordinance shall take effect and be in full force from and after the earliest period allowed by law and upon signature by the Mayor.

SECTION 6. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

WILLIAM BUCKHOLTZ
Council President

First Reading: June 21, 2010

Second Reading: July 19, 2010

Third Reading: August 16, 2010

PASSED: August 16, 2010

BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:

JOSEPH W. DIEMERT, JR., DIRECTOR OF LAW

ATTEST: Mary E. Betsa
MARY E. BETSA, Clerk of Council

EXHIBIT A

ARTICLE III: SECTION 8. VACANCIES IN COUNCIL.

Whenever the office of a member of Council shall become vacant, the vacancy shall be filled for the remainder of the terms by ~~the person who polled the next highest number of votes at the last regular municipal election for that seat on Council, providing that such vacancy occurred within one year of the prior election for such position. If that person is unqualified to serve or refuses to accept the position then the vacancy shall be filled by the person who polled the next highest number of votes at the last regular Municipal election for that seat on Council. This procedure shall continue through the list of candidates who sought election for that seat on Council at the last regular Municipal election until a qualified person accepts the vacant position. If, however, the list of candidates is exhausted and no qualified person accepts the vacant Council seat, or if there were no other candidates for that Council seat at the last regular Municipal election, then the vacancy shall be filled by~~ a majority vote of all of the remaining members of the Council; and if the vacancy shall not be so filled by Council within thirty (30) days, the Mayor shall fill it by appointment. ~~Each member of Council to fill a vacancy as provided herein shall hold office for the balance of the unexpired term or until the beginning of the term of a successor elected for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term at the next regular Municipal election if (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term and (b) the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.~~ In filling any vacancy, the Council and Mayor shall consider the candidates for the vacated seat at the preceding election for same, but are not obligated to appoint any such candidate to the vacant seat.

(Amended 11-7-00.)