ORDINANCE NO. 2010-25
INTRODUCED BY: Mayor Rinker and Council as a Whole

AN ORDINANCE PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 7 OF THE CHARTER OF MAYFIELD VILLAGE CLARIFYING WHEN THE PRESIDENT OF COUNCIL SHALL BECOME THE ACTING MAYOR

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 IV, Section 7.

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

SECTION 1. Article IV, Section 7 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 (15) 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 IV, SECTION 7 BE AMENDED TO CLARIFY THAT THE PRESIDENT OF COUNCIL SHALL BECOME THE ACTING MAYOR WHEN THE MAYOR IS UNABLE TO PERFORM THE DUTIES OF MAYOR?

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 IV:

SECTION 7. ~~ABSENCE.~~ INABILITY TO PERFORM DUTIES.

Formatted: Font: Bold

When the Mayor ~~is absent from the Municipality, or~~ for any reason is unable to perform the duties of 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 the President of Council shall not thereby cease to be the President of Council. When both the Mayor and the President of Council ~~are absent from the Municipality, or for any reason both~~ are unable to perform the duties as Mayor, the President Pro Tem of the Council shall become the acting Mayor, and while so acting shall have and exercise all of the powers of the Mayor, but the President Pro Tem shall not thereby cease to be the President Pro Tem of the Council. A majority of the members elected to Council shall determine when the ~~absence or~~ inability to perform duties of the officials named herein requires the implementation of the provisions of this section. ~~(Amended 11-4-86.)~~