ORDINANCE NO. 2010-26
INTRODUCED BY: Mayor Rinker and Council as a Whole

AN ORDINANCE PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 5 OF THE CHARTER OF MAYFIELD VILLAGE PERTAINING TO MEASURES SUBJECT TO REFERENDUM

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 VII, Section 5.

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

SECTION 1. Article VII, Section 5 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 VII, SECTION 5 BE AMENDED TO CLARIFY WHAT ORDINANCES ARE SUBJECT TO A REFERENDUM VOTE?

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 VII:
SECTION 5. MEASURES SUBJECT TO REFERENDUM.

In matters relating to public improvements, w~~W~~hen the Council,~~, by law or under provisions of general ordinances.~~ is required to pass more than one ordinance ~~or resolution necessary to make and pay for any public improvements, the referendum provision shall apply~~ only ~~to~~ the ~~first~~ initial ordinance authorizing the improvements is subject to referendum. All subsequent ordinances related to the initial ordinance shall not be subject to referendum. ~~or resolution required to be passed and not to any subsequent ordinances or resolutions relating thereto.~~

Ordinances ~~and resolutions~~ providing for the annual tax levy, ~~or for~~ improvements petitioned for by the majority of property owners ~~of a majority of the feet front or a majority of the owners in interest of the property benefited and~~ to be specially assessed therefor, and appropriation ordinances ~~limited to the subject of appropriations~~, shall not be subject to referendum.~~; but all other ordinances and resolutions, including emergency ordinances shall be subject to referendum.~~

~~Ordinances or resolutions submitted to the Council by initiative petition and passed by the Council either with or without change, but not required to be submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances or resolutions.~~

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