

Proposed: 7/15/2019

ORDINANCE NO. 71-2019 (SMS), *First Reading*

By Council Member

An Ordinance to submit to the electors of the City of Cleveland Heights an initiative petition proposing amendments to the Charter of the City of Cleveland Heights; and declaring an emergency.

WHEREAS, pursuant to Articles VIII and XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, this Council has received an initiative petition from electors in the City of Cleveland Heights proposing amendments to the Charter of the City of Cleveland Heights, attached hereto and incorporated herein as “Exhibit A”; and

WHEREAS, pursuant to Articles VIII and XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, the Clerk of Council, with assistance of the Cuyahoga County Board of Elections, has certified that a sufficient number of electors in the City have signed the petition; and

WHEREAS, pursuant to Article XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, this Council shall by ordinance submit to the electors, through the Cuyahoga County Board of Elections, the proposed amendments to the Charter of the City of Cleveland Heights; and

WHEREAS, pursuant to Article XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, this Council shall submit the proposed amendments to the electors at the next regular primary or general election that occurs not less than sixty (60) nor more than one hundred twenty (120) days from the passage of such ordinance, which regular primary or general election will be held on Tuesday, November 5, 2019; and

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council directs that there shall be submitted to a vote of the electors of the City of Cleveland Heights, at the general election to be held at the usual places of voting in said City on Tuesday, November 5, 2019, the question of the amendment of various sections of the Charter of the City of Cleveland Heights, attached hereto and incorporated herein as “Exhibit A.”

SECTION 2. The Cuyahoga County Board of Elections is hereby directed to submit the following question to the electors of the City of Cleveland Heights at the general election on Tuesday, November 5, 2019 in substantially this form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is needed for passage.

ORDINANCE NO. (ASC)

“Shall Articles 3, 5, 7, 9, 11, and 12 of the Charter of the City of Cleveland Heights be amended as follows:

[INSERT FULL TEXT OF EXHIBIT A, ATTACHED PROPOSED CHARTER AMENDMENT, INCLUDING ALL STRUCK THROUGH TEXT, AS FORMATTED IN PETITION]

___ Yes ___ No”

SECTION 3. The Clerk of Council is hereby instructed to file forthwith a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not less than sixty (60) nor more than one hundred twenty (120) days prior to November 5, 2019, for the Board’s processing in the manner provided by the general laws of the State of Ohio.

SECTION 4. The Clerk of Council is hereby directed to provide notice of the proposed amendments pursuant to Article VIII-5 of the Charter of the City of Cleveland Heights, by either: (1) printing or mailing to each registered elector an official publicity pamphlet, or (2) publicizing official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City, at least once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to November 5, 2019. Such publicity pamphlet or publication shall contain a full text of the proposed Charter amendments, with the respective ballot title(s), together with any explanation or argument for or against such measure which may have been filed with the Clerk of Council.

SECTION 5. Pursuant to Article XIII of the Charter of the City of Cleveland Heights, if the majority of electors voting thereon vote in favor of adopting the proposed amendments to the Charter of the City of Cleveland Heights, it shall become a part of the Charter at the time fixed in the amendments, and if no time is fixed therein, then such amendments shall become a part of the Charter upon its approval by the electors; provided, however, that in the event that two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

SECTION 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the timely need to meet Board of Elections deadlines. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

ORDINANCE NO. (ASC)

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED: