

ORDINANCE NO. 115-2021 (AS)

By Council Member Seren

An Ordinance to submit to the Electors of the City of Cleveland Heights an election to fill a vacancy on City Council for an unexpired term ending December 31, 2023; and declaring an emergency.

WHEREAS, pursuant to Article XVIII, Sections 3 and 7, of the Ohio Constitution, the City of Cleveland Heights has the authority to adopt, and has adopted, a Charter and Ordinances governing the organization and operations of the City and its Council, which includes provisions related to regular municipal elections; and

WHEREAS, Article II of the City's Charter provides that the City shall have all powers of local self-government now or hereafter granted to municipalities by the Constitution and laws of the State of Ohio, and that all such powers shall be exercised in the manner prescribed by the Charter or by Council legislation; and

WHEREAS, pursuant to Section III-1 of the Cleveland Heights Charter, City Council is comprised of seven members, elected at large in the City for staggered four-year terms; and

WHEREAS, at its regular meeting on August 16, 2021, City Council, by motion, accepted the resignation of Council Member Mary Dunbar, effective immediately; and

WHEREAS, Ms. Dunbar's resignation created a vacancy in the office of Council Member for an unexpired term ending December 31, 2023; and

WHEREAS, Section III-4 of the Cleveland Heights Charter provides that Council shall fill vacancies in the office of Council Member by appointment and that "[s]uch appointee shall hold office through December 31 following the next regular municipal election taking place more than sixty days after such vacancy occurs"; and

WHEREAS, the date of Ms. Dunbar's resignation, August 16, 2021, is more than sixty (60) days before the regular municipal election that will occur on November 2, 2021; and

WHEREAS, Section III-4 of the Cleveland Heights Charter further provides that "[t]he term of the person chosen at such election to succeed such appointee for any unexpired term shall begin the first day of January next following his election and [the person] shall serve the remainder of such unexpired term"; and

WHEREAS, pursuant to this Ordinance and Section III-4 of the City Charter, Cleveland Heights City Council submits to the Cuyahoga County Board of Elections notice that there shall be on the ballot at the regular municipal election to occur on November 2, 2021, a special election

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to fill a vacancy in the office of Council Member for an unexpired term ending December 31, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Cuyahoga County, Ohio, that:

SECTION 1. Pursuant to Section III-4 of the Charter of the City of Cleveland Heights, this Council hereby authorizes and directs the submission to the electors of the City of Cleveland Heights at the regular municipal election to be held on **Tuesday, November 2, 2021**, a special general election to fill a vacancy in the office of Council Member for an unexpired term ending December 31, 2023.

SECTION 2. The Board of Elections of Cuyahoga County shall cause appropriate notice to be duly given of the special general election to be held on November 2, 2021, to fill a vacancy in the office of Council Member for an unexpired term ending December 31, 2023, and otherwise provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 3. This Council finds and determines that Article VII, Section 3 of the Cleveland Heights Charter provides petition-filing deadlines and signature requirements that apply to regular municipal elections but not to special elections and could render impossible an election under Article III, Section 4 of the Charter, such that the following specific petition-filing deadlines and signature requirements are legally and practically necessary, will advance the public welfare, and shall apply to this special election to fill a Council vacancy. For the foregoing reasons and pursuant to this Council's authority under the Charter, all candidates for election to the unexpired term of the office of Council Member ending December 31, 2023, shall file nominating petitions with the Cuyahoga County Board of Elections, being the election authorities prescribed by general law, **not later than 4:00 p.m. on Tuesday, September 7, 2021**. Each nominating petition shall be in the form described in Article VII, Section 3 of the City Charter and **shall be signed by at least fifty (50) qualified electors** of the City of Cleveland Heights. Such petition shall not be signed by any electors prior to the date upon which this Ordinance is adopted and effective, and no elector shall sign nominating petitions for more than one candidate. No nominating petition shall be filed or accepted for filing if it appears on its face to contain signatures aggregating in number more than three times the minimum aggregate number of signatures required by this section. Write-in candidacy is not permitted for this office. No person may file with the Cuyahoga County Board of Elections a protest against any such nominating petition.

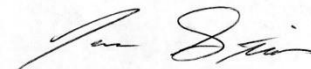
SECTION 4. The Clerk is hereby authorized and directed to immediately forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County, and to post or cause the posting of this Ordinance and related information about the special election, petition requirements and deadlines, etc., on the City's website and/or the City's social media outlets and/or and other similar outlets, to increase public awareness of the special general election.

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SECTION 5. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of the Council and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Chapter 107 of the Cleveland Heights Codified Ordinances and Section 121.22 of the Revised Code.

SECTION 6. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. 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 need for this Ordinance to be immediately effective so that it can be timely filed with the Board of Elections in order to submit to the electors on November 2, 2021, a special election to fill a vacancy in the office of council member for an unexpired term. Wherefore, provided it receives the affirmative vote of five (5) or more of the 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.



JASON S. STEIN
President of the Council



AMY HIMMELEIN
Clerk of Council

PASSED: August 25, 2021