

ORDINANCE 2018-75

AN ORDINANCE PROVIDING AN AMENDMENT TO THE CHARTER OF THE CITY OF KENT, OHIO, TO BE SUBMITTED AT THE NEXT GENERAL ELECTION ON NOVEMBER 6, 2018, WHICH AMENDMENT WILL AMEND ARTICLE V, SECTION 5.15 TITLED "RECALL PETITION AND ELECTION," AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, County of Portage, and State of Ohio that:

SECTION 1. The question of the proposed amendment to the Charter of the City of Kent, Ohio being to amend Article V, Section 5.15, titled "Recall Petition and Election" in the form set forth in the ballot text appearing in Section 2 of this ordinance, is hereby directed to be submitted to the vote of the qualified electors of the City of Kent, Ohio at the next general election to be held on November 6, 2018, at the regular places of voting in the City of Kent, during hours provided by law.

SECTION 2. The ballots for said election shall, at the top thereof, be entitled "City of Kent Proposed Charter Amendment," and the question to be separately submitted on said ballots shall be as follows:

Charter Issue No. _____ Shall the amendment to the Charter of the City of Kent amending Article V, Section 5.15, titled "Recall Petition and Election," be adopted so that, as amended, the Article shall provide as follows:

Article V (The Council and Mayor), Section 5.15.-Recall Petition and Election

5.15 RECALL PETITION AND ELECTION.

The electors shall have the power to remove from office by recall election any elected officer of the City. If an elected officer shall have served for six months of a term, a petition demanding such officer's removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing. In the case of an at large councilperson or Mayor, such petition shall be signed by at least that number of electors which equals 25% of the total number of votes cast in the City for President of the United States at the last preceding regular municipal election in the City of Kent in which the President was elected. In the case of a ward council person the required number of electors shall equal 25% of the total number of votes cast in that ward for President of the United States at the last regular municipal election in which the President was elected. A recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought, and a verified statement, in not more than two hundred (200) words, of the alleged grounds for which the removal is sought. Within ten days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of this certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five days after the day on which such delivery shall have been made, the

Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than seventy-five days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

SECTION 3. The Clerk of Council is hereby directed to certify a copy of this Ordinance to the Board of Elections of Portage County, Ohio, immediately upon the passage of this Ordinance.

SECTION 4. If the amendment is enacted by the electorate, the Director of Law is hereby authorized and directed to amend the Charter.

SECTION 5. The Board of Elections of Portage County, Ohio, shall cause an appropriate notice to be duly given of the election to be held on November 6, 2018, on the foregoing amendment to the Kent Charter and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: July 18, 2018
Date

J T F
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: July 18, 2018
Date

ATTEST: Tara Grimm
Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

TARA GRIMM, MMC
CLERK OF COUNCIL