

ORDINANCE NO. 82-22

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF AMENDING ARTICLE IV, SECTION 1 OF THE AVON CITY CHARTER CONCERNING "THE COUNCIL" AND DECLARING AN EMERGENCY

WHEREAS, the 2022 Avon Charter Review Commission, in its final report, has recommended to Council that it submit to the electors the question of amending Article IV, Section 1 of the City Charter, entitled "The Council" to clarify and strengthen current language as it relates to Ward District sizes in the City of Avon; and

WHEREAS, pursuant to Article XIII, Section 7(b) of the City Charter, Council must submit to the electors proposed amendments to the City Charter recommended by the Charter Review Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - There shall be submitted to the electors of the City of Avon at the General Election to be held November 8, 2022 at the regular places of voting between the hours of 6:30 A.M. and 7:30 P.M., the question of whether Article IV, Section 1 of the Avon City Charter, entitled "The Council" which currently reads as:

Article IV, Section 1 – The Council.

Section 1. Power, Election and Term.

Except as reserved to the people in this Charter, the legislative power of the Municipality shall be vested in a Council of seven (7) members, four (4) of whom shall be elected by the respective wards, and three (3) of whom shall be elected at large.

The Mayor shall be entitled to a seat in the Council and shall attend all meetings of Council. The Mayor shall have the right to introduce ordinances, resolutions and motions, and shall have the right to participate in the discussion of all matters coming before Council, but the Mayor shall have no vote in Council and shall not preside at Council meetings.

Members of Council for each of the City's wards shall be elected at the regular Municipal election in the year 2013 for a term of four (4) years and every fourth year thereafter to a term of four (4) years. Members of Council at-large shall be elected for a term of two (2) years at the regular Municipal election in the year 2013. At the regular Municipal election in the year 2015, the at-large members of Council shall be elected for a term of four (4) years and every fourth year thereafter for a term of four (4) years.

In addition to any powers, duties or obligations as set forth in this Charter, Council shall have such further powers, duties or obligations as are set forth in the general laws and the

Constitution of the State of Ohio to the extent not in conflict with this Charter, and in the event that there is such a conflict then those granted, allowed or imposed by this Charter shall prevail. (Amended 11-7-95; 11-6-12)

SHOULD BE AMENDED TO READ AS FOLLOWS:

Article IV, Section 1 – The Council.

Section 1. Power, Election and Term.

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In order to maintain substantially equal population in each of the wards on a continuous basis, Council shall consider reapportioning the City's wards after a decennial United States Census.

In addition to any powers, duties or obligations as set forth in this Charter, Council shall have such further powers, duties or obligations as are set forth in the general laws and the Constitution of the State of Ohio to the extent not in conflict with this Charter, and in the event that there is such a conflict then those granted, allowed or imposed by this Charter shall prevail. (Amended 11-7-95; 11-6-12)

Section 2 - The ballots for said election shall, at the top thereof, be entitled "Proposed Avon Charter Amendments" and the question to be submitted on said ballot shall be in a form as set forth in attached Exhibit A.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of Council to submit the Charter Amendments proposed by the Charter Review Commission to the electors of the City of Avon for the November 8, 2022 election; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

William D. Logan, Acting Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director

Exhibit A

PROPOSED AVON CHARTER AMENDMENT

Article IV, Section 1 – The Council.

Section 1. Power, Election and Term.

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Shall Article IV, Section 1 of the Avon City Charter entitled "The Council" be amended?

_____ YES

_____ NO