

ORDINANCE NO. 2019 – 27

AN ORDINANCE TO DIRECT THE SUBMISSION TO THE ELECTORS OF PARMA HEIGHTS, OHIO PROPOSALS TO AMEND ARTICLE III, SECTION 1A; ARTICLE III, SECTION 8 (a); ARTICLE IV, SECTION 12; ARTICLE V, SECTION 6; AND ARTICLE X OF THE CITY CHARTER; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the provisions of Article X of the Charter of the City, this Council is required to submit all City Charter amendments recommended by the City's Charter Review Commission to the electors of the City for a vote thereon; and the next general election greater than sixty (60) days after the recommendation of the Charter Review Commission was rendered and delivered to this Council is November 5, 2019.

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

Section 1. This Council directs the submission to the electors of the City of Parma Heights, Ohio, at the general municipal election to be held at the regular places of voting in said City and the regular hours of voting on Tuesday, November 5, 2019 (the "Election"), separate recommendations of the City's Charter Review Commission to amend Article III, Section 1A; Article III, section 8 (a); Article IV, Section 12; Article V, Section 6; and Article X, which recommended amendments read as follows:

PROPOSAL #1

That Article III, Section 1A be amended to read as follows:

Beginning in March 2011, or within sixty (60) days after the proclamation by the Secretary of State announcing the population of cities of Ohio as determined by the Federal census decennially taken in the closest proximity to March 2011, the then incumbent members of Council shall by ordinance establish four (4) wards for election purposes, each of which shall be as nearly equal in population to each of the others as shall be practicable. Each ward is to be composed of contiguous and compact territory bounded by natural boundaries or street lines. Any changes in ward boundaries must be made and finalized not less than six (6) months prior to the filing deadline with the Board of Elections of Cuyahoga County for candidates for municipal office.

Beginning in 2021 and every ten (10) years thereafter, within sixty (60) days after the proclamation by the Secretary of State announcing the population of cities of Ohio as determined by the Federal census decennially taken, the Council shall divide the City into wards, which shall be as nearly equal in population as is possible each composed of contiguous and compact territory bounded by natural boundaries or street lines.

In the event Council shall not have fixed the division of wards herein prescribed, the Mayor shall cause such division to be made at least thirty (30) days prior to the filing date herein provided.

In the general election scheduled in November 2011 and every four (4) years thereafter, the terms of the office of all members of Council shall consist of not more than three (3) consecutive **full four-year terms in that office** ~~or position~~. Terms shall be considered consecutive unless separated by a period of two (2) or more years.

Only full terms beginning on or after January 2012 shall be considered in determining an individual's eligibility to hold the office of Councilperson.

PROPOSAL # 2

That Article III, Section 8(a) be amended to read as follows:

(a) **Regular Meetings**. At ~~8:00~~ **7:00** p.m. on the second **Monday** of January **immediately** following a regular municipal election, or if such day be a ~~Sunday~~ or holiday, on the day following, the Council shall convene and organize at the Municipal building of the Municipality. Thereafter, the Council shall meet at such times as may be prescribed by its rules, regulations or bylaws, or by ordinance, except that it shall hold regular meetings at least twice during each calendar month, except that during the month of December only one (1) regular meeting need be held and, also, that it may recess during the months of July and August, subject to the call of a meeting by the Mayor. Subject to Article XI, Section 8 of this Charter, all meetings of the Council, whether regular or special, shall be open to the public in accordance with the provisions of this Charter.

(Subsection 8(b) of Article III shall remain unchanged.)

PROPOSAL #3

That Article IV, Section 12 be amended to read as follows:

The Recreation Commission shall consist of five (5) ~~members~~ **electors** who shall serve without compensation. The Mayor shall appoint four (4) members whose appointment shall be with the advice and consent of Council. They shall each serve for a term of four (4) years or until their successors are appointed, excepting that of the four appointed for the term beginning January 1, 1954, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years and one shall be appointed for a term of four years. The fifth member shall be a Councilman appointed by the Mayor with the advice and consent of Council, who shall serve

until the date of the next organizational meeting of Council following his appointment or until his successor shall be appointed. A vacancy occurring during the term of any member of the Recreation Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The powers and duties of the Recreation Commission shall be provided for by ordinance of the Municipality.

PROPOSAL #4

That Article V, Section 6 be amended to read as follows:

The Municipality may, within the amounts and items appropriated by the Council, make purchases and enter into contracts in behalf of the Municipality involving expenditures for the whole of any authorized project, asset or service not in excess of ~~twenty five thousand dollars (\$25,000.00)~~ **fifty thousand dollars (\$50,000)** without competitive bidding, except as may otherwise be provided by ordinance of the Council. No purchase or contract involving an expenditure of more than ~~twenty five thousand dollars (\$25,000.00)~~ **fifty thousand dollars (\$50,000)** shall be made except with the lowest responsive and responsible bidder, or with the lowest and best bidder, as determined by Council after public advertising and receipt of bids in the manner set forth by ordinance; provided, however, that the Council may authorize contracts without advertising for bids for personal services, for the acquisition of real estate, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of public utilities (including those Municipally operated), and the Council may authorize a purchase or a contract involving an expenditure of more than ~~twenty five thousand dollars (\$25,000.00)~~ **fifty thousand dollars (\$50,000)** without advertising for bids if it determines and declares by an affirmative vote of not less than five (5) members that an emergency exists and sets forth the nature of the emergency in its resolution or ordinance.

PROPOSAL #5

That Article X be amended to read as follows:

On January 2, 1959 and each ten years thereafter, the Mayor shall, with the advice and consent of Council, appoint a Commission of nine (9) qualified electors of the Municipality to be known as the Charter Review Commission. Such Commission shall review and recommend to the Council of the Municipality any alterations, revisions, and amendments to this Charter as in its judgment seem desirable. The Council shall submit to the electors any such proposed alterations, revisions, or amendments to this Charter, in the manner recommended by the Charter Review Commission. Each said Charter Review Commission shall cease to function on the day of the next regular municipal election following its appointment. The members

appointed to said Commission shall not hold any other public office and shall serve without compensation. The meetings of the Charter Review Commission shall be open to the public in accordance with the provisions of this Charter. **After the 2019 appointment of the Charter Review Commission, the Mayor shall, in the same manner detailed above, appoint such a commission every five (5) years for the same purpose.**

Section 2. If the proposals submitted pursuant to Section 1 of this Ordinance receive the affirmative vote of a majority of the electors voting thereon, then the existing sections to which the proposals relate shall be, and the same are amended, as proposed, effective as of the date on which such amendments become effective.

Section 3. The Board of Elections of Cuyahoga County is directed to provide for the voting upon the proposed Charter amendments in this Ordinance and the ballots for the Election shall, at the top of the ballot, be entitled "Proposed Charter Amendments City of Parma Heights, Ohio", and the questions to be submitted on said Election ballot are recommended to be substantially in the following words:

PROPOSED CHARTER AMENDMENTS
CITY OF PARMA HEIGHTS, OHIO

A Majority of the Affirmative votes for each Proposal is necessary for the passage of that particular amendment.

"Shall Article III, Section 1A of the Charter of the City of Parma Heights be amended to provide that the number of terms of each member of the City Council shall not exceed three (3) consecutive full four (4)-year terms in that office?"

YES
 NO

"Shall Article III, Section 8(a) of the Charter of the City of Parma Heights be amended to provide that at 7:00 p.m. on the second Monday of January immediately following a regular municipal election, or if such day be a holiday, on the day following, the City Council shall convene and organize at the Municipal building of the Municipality?"

YES
 NO

"Shall Article IV, Section 12 of the Charter of the City of Parma Heights be amended to provide that the Recreation Commission shall consist of five (5) electors of the City?"

YES
 NO

"Shall Article V, Section 6 of the Charter of the City of Parma Heights be amended to provide that the Municipality may, within the amounts and items appropriated by City Council, make purchases and enter into contracts in behalf of the Municipality involving expenditures for the whole of any authorized project, asset or service not in excess of fifty thousand dollars (\$50,000) without competitive bidding, except as may otherwise be provided by ordinance of the Council?"

YES
 NO

"Shall Article X of the Charter of the City of Parma Heights be amended to provide that the Charter Review Commission shall be appointed and meet every five (5) years?"

YES
 NO

Section 4. The Clerk of this Council is authorized and directed to deliver a certified copy of this Ordinance to the Board of Elections of Cuyahoga County prior to the Board's close of business on September 6, 2019.

Section 5. The Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the Election to be held on November 5, 2019 on the foregoing amendments to the Charter of this City.

Section 6. The Director of Law is authorized and directed to respond to any request from the Board of Election that the City furnish additional or alternative wording of the ballot issues to those set forth in Section 3 of this Ordinance.

Section 7. The Clerk of Council is authorized and directed to publish the full text of the proposed Charter amendments once a week for not less than two consecutive weeks in a newspaper published in this municipal corporation, with the first publication being at least fifteen (15) days prior to November 5, 2019.

Section 8. There is appropriated from the General Fund of this City an amount sufficient to apply to the costs of carrying out the authorizations and directions of this Ordinance.

Section 9. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 10. This Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public health, peace and safety of this municipality and for the further reason that said Ordinance must become effective at the earliest possible time in order to permit the necessary arrangements to be made so as to submit to the electors the question of said Charter amendments at the November 5, 2019 election, meet the deadline of the submission of this Ordinance to the County Board of Elections by September 6, 2019, and to thereby carry out the requirement of Article X of the Charter; wherefore, it shall be in full force and effect immediately after its passage by Council and approval by the Mayor.

PASSED: 8-26-2019

Alan Dill
PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan

8-26-2019
APPROVED

8-26-2019
FILED WITH THE MAYOR

[Signature]
MAYOR