

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 14-28 AC CMS

AN ORDINANCE PROPOSING TO AMEND SECTION X OF THE CHARTER OF THE CITY OF OBERLIN RELATING TO EMERGENCY ORDINANCES AND RESOLUTIONS AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the Charter of the City of Oberlin and the Constitution of the State of Ohio, the Council of the City of Oberlin has determined to authorize and direct the submission of a proposed charter amendment to the electors of the City of Oberlin, as set forth hereinafter.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the amendments to Section X of the Charter of the City of Oberlin, Ohio, as are set forth in the attachment hereto, which is marked "**Exhibit A**" and incorporated herein by reference, are, subject to approval by the electors of the City of Oberlin, hereby approved and adopted

SECTION 2: That said proposed amendment to Section X of the Charter of the City of Oberlin, Ohio, shall be submitted to the electors of the City of Oberlin for acceptance or rejection at an election to be held on the first Tuesday after the first Monday in November, 2014, to wit: November 4, 2014; and if approved by majority vote shall become effective immediately thereafter.

SECTION 3. That the ballot language for said proposed amendments to the Charter of the City of Oberlin, Ohio, shall read as follows, or as required to be modified by the Ohio Secretary of State:

### PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall Section X of the Charter of the City of Oberlin be amended, as proposed by Ordinance No. 14- 28 AC CMS, to clarify that the affirmative vote of five (5) or more members of Council shall be necessary to elevate any ordinance or resolution to an emergency and to provide that any ordinance or resolution that has been elevated to an emergency shall be effective immediately upon final reading if passed by the affirmative vote of five (5) or more members of Council, or in thirty (30) days if passed by the affirmative vote of four (4) members of Council?

SHALL THE PROPOSED AMENDMENT TO SECTION X OF THE CHARTER OF THE CITY OF OBERLIN, OHIO, BE ADOPTED?

YES \_\_\_\_\_

NO \_\_\_\_\_

SECTION 4. The Clerk of Council of the City of Oberlin shall cause this ordinance to be certified to the Board of Elections of Lorain County, Ohio, no later than September 4, 2014, and shall further cause the full text of said proposed Charter Amendment to be published in a newspaper of general circulation in the City of Oberlin, Ohio, at least once a week for three consecutive weeks during the month of October 2014.

ORDINANCE No. 14-28 AC CMS

EXHIBIT A

SECTION X EMERGENCY ORDINANCES AND RESOLUTIONS

An emergency ordinance or resolution is an ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, or providing for the usual daily operation of a municipal department, and shall take effect immediately upon passage by Council. Ordinances or resolutions providing for the appropriation of money, or annual tax levy, or for improvements petitioned for by owners of a majority of the front footage of the property benefited and to be specially assessed thereon, may be passed on emergency. ~~Emergency~~ Ordinances and resolutions may be elevated to emergency status only by an affirmative vote of five (5) or more members of Council. The reasons for declaring such ordinance or resolution to be an emergency measure shall be set forth in the preamble or in one section of the ordinance or resolution. Any ordinance or resolution that shall have been elevated to emergency status shall be passed upon final reading by the affirmative vote of five (5) or more members of Council and shall take effect immediately upon passage or by the affirmative vote of four (4) members of Council in which event such ordinance or resolution shall become effective thirty (30) days after its passage. No ordinance or resolution granting, renewing, or extending a franchise or other special privilege, regulating a rate to be charged for its services by any privately, or municipally, owned public utility, nor any ordinance or resolution changing the boundaries of the Municipality or the surrender or joint exercise of its powers, may be passed on emergency.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were conducted 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, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare of the citizens of the City of Oberlin, Ohio, to wit: to comply with all applicable time limits in placing a charter amendment on the ballot, and shall take effect immediately upon passage.

PASSED: 1st Reading: June 2, 2014

2nd Reading: June 16, 2014 (A)

3rd Reading: July 7, 2014 (A) (EFFECTIVE IN 30 DAYS)

ATTEST:

  
\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

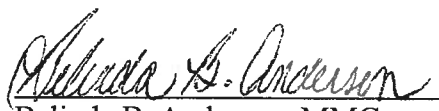
  
\_\_\_\_\_  
H. SCOTT BROADWELL  
PRESIDENT OF COUNCIL

POSTED: 07/08/2014

EFFECTIVE DATE: 08/06/2014

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 14-28 AC CMS as passed by the Oberlin City Council.

**Seal**

  
\_\_\_\_\_  
Belinda B. Anderson, MMC  
Clerk of Council, City of Oberlin, Ohio