

ORDINANCE NO: 05-66
SPONSOR: MAYOR BOLLAS
INTRODUCED: JUNE 15, 2005 (AMENDED JULY 20, 2005)

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF THE QUESTION "SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER" TO A VOTE OF THE QUALIFIED ELECTORS OF THE VILLAGE OF NEW FRANKLIN AND PROVIDING FOR THE ELECTION OF CHARTER COMMISSION MEMBERS AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2005, AND DECLARING AN EMERGENCY.

WHEREAS, the method of adopting a home rule charter is prescribed by the Constitution of the State of Ohio, Article XVIII, Section 8; and

WHEREAS, a municipal home rule charter would constitute the constitution for the Village of New Franklin, establish its governmental organization and control the exercise of those powers of local self-government granted to it by the Ohio Constitution and the General Assembly; and

WHEREAS, a municipal home rule charter would provide a local, tailor-made framework of government unhampered by the rigidity of statutory mandates, and would be more responsive to local needs and wants and capabilities than the statutory form of government; and

WHEREAS, a municipal home rule charter would allow the citizens of New Franklin to provide for the distribution of municipal powers and duties as they see fit, rather than relying upon the General Assembly, as required under the statutory form of government; and

WHEREAS, a municipal home rule charter may be drafted to strengthen the democratic processes and promote more efficient government than is available under the statutory form; and

WHEREAS, over two hundred and nine (209) municipalities in Ohio have already adopted municipal home rule charters, including the Summit County municipalities of Akron, Barberton, Cuyahoga Falls, Fairlawn, Green, Hudson, Macedonia, Mogadore, Munroe Falls, Northfield, Norton, Richfield, Silver Lake, Stow, and Twinsburg; and

WHEREAS, Council must pass an Ordinance which states the time for the holding of the election which shall be not less than sixty nor more than one hundred and twenty days after the passage of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

The question "Shall a Commission be chosen to frame a charter?" shall be submitted to a vote of the qualified electors of the Village of New Franklin at the regular municipal election to be held on the eighth (8th) day of November, 2005, at the regular places and hours of voting in New Franklin as established by the Summit County Board of Elections. The question shall be submitted in the following form:

"Shall a Commission be chosen to frame a charter?"

To the left or right of such wording, or as otherwise prescribed by the Summit County Board of Elections or Secretary of State, shall appear, in boxes with appropriate places for marking, the words "Yes" and "No", and each voter shall indicate his or her vote by placing an appropriate mark in one of the places provided.

SECTION TWO:

The ballot submitted to the qualified electors of the Village of New Franklin shall also provide for the election of fifteen (15) members of the Charter Commission from the Village at large. The ballot for the election of commission members shall bear no party designation. It shall have printed thereon the name of all electors who have been nominated in accordance with Section Four of this Ordinance. The ballot shall have directions to aid the qualified electors, such as "Vote for no more than fifteen" and other directions as the Summit County Board of Elections deems appropriate and necessary.

SECTION THREE:

If a majority of qualified electors voting on the question "Shall a Commission be chosen to frame a charter?" vote in the affirmative, the fifteen candidates receiving the largest number of votes shall constitute the Charter Commission to frame a charter.

SECTION FOUR:

All nominations for members of the Charter Commission shall be made by nomination petitions as prescribed by the Summit County Board of Elections and/or the Ohio Secretary of State. Each individual shall submit nomination petitions signed by not less than fifty (50) persons eligible to vote at regular municipal elections, pursuant to Ohio Revised Code Section 3513.25 and any other provisions of general law. Nomination petitions shall be filed with the Summit County Board of Elections ~~within the time frame prescribed by general law.~~ NO LATER THEN FIFTY DAYS PRIOR TO THE NOVEMBER 8, 2005 ELECTION. Nomination petitions shall be on the form for single candidates only.

SECTION FIVE:

The ballots to be printed for the election of persons for the Charter Commission shall be printed and rotated to meet the rotational requirements of Ohio Revised Code Section 3505.03 and any other provisions of general law.

SECTION SIX:

The ballots shall be printed so as to give each qualified elector a clear opportunity to designate his/her choice of candidates. Provisions shall be made on the ballot to allow the qualified elector to write in the name or names of any person or persons not printed on the ballot for whom he/she desires to vote.

SECTION SEVEN:

The Clerk/Treasurer is hereby directed to certify a copy of this Ordinance forthwith to the Summit County Board of Elections; and, to give public notice of the time and place of holding the election, by publication at least ten days prior to the date of the election in one or more newspapers of general circulation in the Village of New Franklin.

SECTION EIGHT:

The Village of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

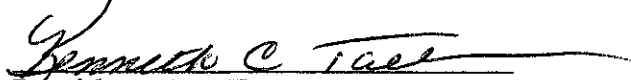
SECTION NINE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be

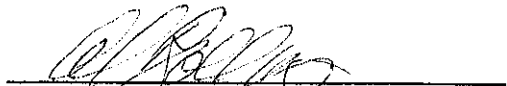
in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: July 20, 2005


Susan M. Cooke, Clerk/Treasurer


President, Pro-Tem

APPROVED: July 20, 2005


Al Bollas, Mayor

ENACTED EFFECTIVE: July 20, 2005

ROLL CALL:

Mr. Adamson, yes.

Mrs. Jones, yes.

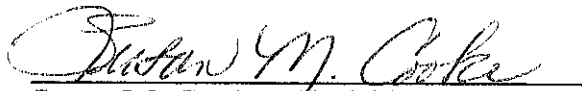
Mr. Lee, yes.

Mr. Mobley, yes.

Mr. Stock, yes.

Mr. Tallman, yes.

Akron Legal News publications on August 1, 2005 and August 8, 2005.


Susan M. Cooke, Clerk/Treasurer