

ORDINANCE NO.: 19-0-08
SPONSOR: MAYOR ADAMSON
INTRODUCED: JUNE 5, 2019

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NEW FRANKLIN A PROPOSAL TO AMEND SECTIONS 7.04, 7.07, 8.02, AND 9.03 OF THE CHARTER, AND DECLARING THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

WHEREAS, the Charter Review Commission has reviewed the Charter of the City of New Franklin; and,

WHEREAS, the Charter Review Commission recommends amending Sections 7.04, 7.07, 8.02, and 9.03 of the Charter in various aspects; and

WHEREAS, Council desires to provide for submission of the proposed amendments to the electors of the municipality at the upcoming general election on November 5, 2019.

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

SECTION ONE:

That the proposal of the Charter Review Commission to amend and revise Sections 7.04, 7.07, 8.02, and 9.03 of the Charter shall be submitted to a vote of the qualified electors of the City of New Franklin at the general election to be held on November 5, 2019.

SECTION TWO:

That in the event the foregoing amendments to the City Charter are approved by a majority of the electors voting thereon, such amendments shall become a part of the Charter of the City of New Franklin and shall become effective as provided therein; and the present sections or part sections of the Charter shall thereby be deemed repealed as they are affected.

SECTION THREE:

The ballot language for said issues shall read substantially as follows:

City of New Franklin
Proposed Amendments to Charter

Shall Section 7.04 be amended to add governmental organizations to those from whom input is to be solicited and assistance/cooperation extended by the Parks and Recreation Board in their proceedings; shall Section 7.07 be amended to remove the language regarding a minimum number of charter amendments to be submitted to the

electors from a Charter Review Commission; shall Section 8.02 be amended to correct the procedure for alterations and modifications to contracts so that the Mayor can approve such changes upon certification of available funds by the Finance Director; shall Section 9.03 be amended to clarify when primary elections are required, as follows:

7.04 Parks and Recreation Board

The Parks and Recreation Board shall advise with respect to the acquisition, development, maintenance, and operation of the parks and recreational facilities of the Municipality. The Board shall solicit input from, provide assistance to and cooperate with civic, historical, **governmental** and youth athletic organizations in providing these services and facilities.

~~Council~~ **The Finance Director** shall be required to provide an estimate of moneys to be appropriated for parks and recreation to the Board no later than November 15th of the year prior to the year for which moneys are to be appropriated. It shall be the duty of the Parks and Recreation Board to recommend an annual plan to Council for the most effective and beneficial use of the moneys so appropriated.

7.07 Charter Review Commission

The Council shall submit the amendments ~~with a minimum of 4 amendments per election when possible, as prioritized by the Charter Review Commission~~ to the electors at the next regular Municipal or Ohio General election, and succeeding elections as necessary.

Article 8.02 Finance Department

(E) Contracts

When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contract, they shall be made only upon the ~~order~~ **approval by the Mayor and certification of available funding** by the Director of Finance. No such order shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the ~~Director of Finance~~ **Mayor** on behalf of the Municipality.

Modifications or alterations in contracts shall not require advertising and competitive bidding.

Article 9.03 Nominations

~~There shall be no primary election for a municipal office unless the number of persons filing nominating petitions exceeds one (1) more than two (2) times the number of offices available for nomination. For the office of Mayor, there shall be no primary election unless (4) or more persons file nominating petitions.~~

~~For the office of Councilmember At Large, if there are three (3) offices available, there shall be no Primary Election unless eight (8) or more persons file a nominating petition. For the office of a Ward Council member, there shall be no primary election for such ward unless four (4) or more persons file a nominating petition for such ward. For purposes of this provision affecting the necessity for a primary election, the term "nominating petition" shall include only these petition and nomination papers which the Summit County Board of Elections shall have reviewed, examined, and certified as to their sufficiency and validity.~~

There shall be no primary election for Mayor, Ward Councilperson, or Councilmember At Large (if only one office is available) unless four (4) or more persons file nominating petitions for the respective position. There shall be no primary election for Councilmember At Large (if there are three offices available) unless eight (8) or more persons file nominating petitions. For purposes of this provision affecting the necessity for a primary election, the term "nominating petition" shall include only those petitions and nominating papers which the Summit County Board of Elections shall have reviewed, examined and certified as to their sufficiency and validity.

___ FOR
___ AGAINST

SECTION FOUR:

The City of New Franklin Clerk of Council shall send a certified copy of this ordinance to the Summit County Board of Elections on or before August 7, 2019.

SECTION FIVE:

The Clerk is authorized and instructed to give notice of the proposed amendments in accordance with Ohio Revised Code Section 731.211.

SECTION SIX:

The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 SEVEN:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of New Franklin and for the reason that it is immediately necessary to certify the Resolution to the Summit County Board of Elections in order to meet the deadline for said election. 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: June 5, 2019

Kelly Repler
Kelly Repler, Clerk

David Stock
David Stock, President
19-0-08

APPROVED: June 5, 2019

Paul F. Adamson
Paul F. Adamson, Mayor

ENACTED EFFECTIVE: June 5, 2019

ON ROLL CALL: Cotts Yes Jones Yes
Harget Absent Fetterman Yes
Stock Yes Hawk Yes
Norris Yes

Publications on June 14, 2019 and June 21, 2019

Kelly Kepler
Kelly Kepler, Clerk