

ORDINANCE NO 2024-47

INTRODUCED BY COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF OAKWOOD THE QUESTION OF AMENDING AND SUPPLEMENTING THE VILLAGE CHARTER TO PROVIDE FOR THE REPLACEMENT OF THE MAYOR IN THE EVENT OF HIS OR HER DEATH, RESIGNATION, RECALL OR REMOVAL.**

WHEREAS, Council has considered the present procedure for the replacement of the Mayor in the event of his or her death, resignation, recall or removal and finds that said procedure should be altered to provide a more direct means of submitting that matter to the voters; and

WHEREAS, the office of Mayor in the Village of Oakwood is an elected position and it is in the best interest of the citizens of Oakwood to maintain their right to elect individuals to the office of Mayor; and

WHEREAS, Council desires to place before the electorate of the Village a Charter amendment providing a more direct means of submitting to the voters the replacement of the Mayor in the event of his or her death, resignation, recall or removal; and

WHEREAS, Section 12.01 of the Village Charter provides that the Council may, by affirmative vote of at least two-thirds of its members, submit any proposed amendment to the Charter to the electors;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1. There shall be submitted to the electors of the Village of Oakwood, Ohio, at the general election to be held on November 5, 2024, the question of an amendment to the Charter of the Village of Oakwood and to provide therefor by amending Section 8.03 of the Village Charter which currently reads as follows:

**Sec. 8.03. Vacancy.**

During such period when the Mayor is absent from the Municipality, or is otherwise not accessible, or is temporarily unable for any cause to perform his or her duties, the order of succession as Acting Mayor shall be as follows: President of Council and President Pro Tem of Council. In case of death, resignation, recall or removal of the Mayor, the President of Council shall become Mayor and his or her office as member of Council shall thereby become vacant. He or she shall serve for the remainder of the unexpired term, or until the beginning of the term of a successor duly elected for the unexpired term at the next regular municipal election if (a) such election shall occur two (2) years or more prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than ninety

(90) days prior to such election.

To be amended to read as follows:

**Sec. 8.03. Vacancy.**

During such period when the Mayor is absent from the Municipality, or is otherwise not accessible, or is temporarily unable for any cause to perform his or her duties, the order of succession as Acting Mayor shall be as follows: President of Council and President Pro Tem of Council. In case of death, resignation, recall or removal of the Mayor, the President of Council shall become Mayor until elected or replaced as provided hereinafter. Upon the death, resignation, recall or removal of the Mayor, there shall be conducted a special election in which the candidate receiving the highest number of votes shall be elected to serve the remainder of the Mayor's term. Said election shall take place within 60 days of said vacancy in the office of Mayor unless a general or primary election is scheduled within 90 days of said vacancy in which case said election shall take place at the next general or primary election. A candidate for the office of Mayor under this Section is ineligible if he or she holds a different elective office of the Village at the time of filing his or her nominating petition for said office and his or her office as member of Council shall thereby become vacant.

SECTION 2. The Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County and cause notice of the foregoing proposed Charter amendment to be given in accordance with general law.

SECTION 3. To pay the cost of publishing said notice, there be and hereby is appropriated from the General Fund such sums of money as may be required.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same provides for an orderly and prompt transition in the event of the death, resignation, recall or removal of the Mayor so as to ensure the performance of critical operations of the Village and the daily operation of municipal departments, therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by

PASSED: 8.30.24

Tanya Joseph  
Tanya Joseph, Clerk of Council

Erica J. Nikolic  
Erica Nikolic, Council President

Present to the Mayor: 9.3.24

Approved: 9.3.24  
Gottschalk  
Mayor Gary V. Gottschalk

**POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2024-47 was duly and regularly passed by this Council at the meeting held on the 30<sup>th</sup> day of August, 2024.

Tanya Joseph  
Tanya Joseph, Clerk of Council

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2024-47 was duly posted on the 3<sup>rd</sup> day of September, 2024, and will remain posted in accordance with the Oakwood Village Charter.

Tanya Joseph  
Tanya Joseph, Clerk of Council