

ORDINANCE NO. 2011-39-L&R

DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF GREENHILLS, OHIO, AT THE NOVEMBER 8, 2011, GENERAL ELECTION, AN AMENDMENT TO SECTION 8.04(C) OF THE CHARTER OF THE VILLAGE OF GREENHILLS AND DECLARING AN EMERGENCY (RECALL PETITIONS)

WHEREAS, Section 9, Article XVIII of the Ohio Constitution provides for the amendment of a municipal charter upon petition of electors; and

WHEREAS, petitions for a charter amendment have been filed with the Village to provide for decreasing the percentage of signatures for a recall petition to fifteen (15%) of the total number of electors voting at the last preceding regular Municipal election; and

WHEREAS, Council for the Village of Greenhills has determined that the petitions are sufficient to submit said charter amendment to the electors at the general election of November 8, 2011.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Greenhills, Ohio, five members elected thereto concurring:

SECTION 1.

That the Board of Elections of Hamilton County is hereby directed to submit the following question to the electors of the Village of Greenhills at the general election on November 8, 2011:

Shall Section 8.04(C) of the Charter of the Village of Greenhills be amended to read as follows:

SECTION 8.04 INITIATIVE, REFERENDUM, RECALL.

C. Recall. The electors of the Municipality shall have the power to remove from office by recall election any elected official of the Municipality. If an elected official shall have served six (6) months of the term, a petition demanding removal may be filed with the Municipal Clerk, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals fifteen (15) percent of the total number of electors voting at the last preceding regular Municipal election.

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Within ten (10) days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the said Clerk shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of the certificate to the person who filed the petition, and make a record of such delivery.

If such official shall not resign within five (5) days after the day on which delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery. At such recall election, this question shall be placed upon the ballot: "Shall (naming the official) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such official shall remain in office. If a majority of the votes cast shall be voted negatively, such official shall be considered as removed, the office shall be declared vacant, and such vacancy shall be filled as provided by this Charter. The official removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

SECTION 2.

That the Clerk of Council is hereby directed to file a certified copy of this ordinance with the Hamilton County Board of Elections.

SECTION 3

That the proposed Charter Amendment shall be placed on the November 8, 2011, general election ballot for consideration by the electors of the Village of Greenhills.

SECTION 4.

That this ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Village of Greenhills and shall be effective immediately upon its passage. The reason for the said declaration of emergency is the necessity to meet the filing deadline imposed by the Ohio Revised Code.

Passed this 6th day of September, 2011

Fred Murrell, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/