

ORDINANCE NO. 21-123

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SANDUSKY PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF SANDUSKY AS SET FORTH IN A PETITION SUBMITTED TO THIS CITY COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, Section 82 of the Charter of the City of Sandusky provides in relevant part that upon receipt by the City Commission of a petition or petitions signed by at least ten per cent of the electors of the City setting forth a proposed amendment to the Charter, the City Commission shall submit the proposed amendment to the electors of the City; and

WHEREAS, a “Charter Amendment Petition” proposing numerous amendments to the Charter has been submitted to this City Commission, a copy of which is attached hereto, marked “Appendix A” for identification and fully incorporated herein; and

WHEREAS, this City Commission has caused said Charter Amendment Petition to be examined and the Board of Election of Erie County is in the process of verifying the signatures contained therein to, and, contingent on the certification of the Board of Elections of Erie County with respect thereto determining that the same contains the requisite number of signatures, and, therefore, the aforesaid Section 82 of the Charter imposes a mandatory obligation upon this City Commission to submit such amendments to the electors of the City; and

WHEREAS, an emergency exists in that in order to provide for the usual daily operation of a municipal department, it is necessary that this ordinance be immediately effective so that the Clerk of this City Commission can certify this ordinance to the election authorities immediately in order for the question to appear on the ballot at an election to be held on November 2, 2021, and by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The proposed amendments to the Charter of the City of Sandusky, as set forth in “Appendix A” which is attached hereto and made a part hereof as if fully rewritten herein, shall be submitted to a vote of the qualified electors of the City of Sandusky at an election to be held on Tuesday, the 2nd day of November, 2021, at the regular places and times for voting in the City, so long as the Board of Election of Erie County certifies that the requisite number of signatures as required by the Charter of the City of Sandusky and the Ohio Constitution were submitted.

Section 2. It is the desire of the City Commission that the ballots for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall the Charter of the City be amended to provide that: the City Commission shall consist of seven (7) citizens, four (4) of whom shall be elected in individual wards, and three (3) who shall be elected at large; the four (4) ward City Commissioners shall be elected at the municipal election to be held in 2023 and in alternate municipal elections thereafter; the three (3) at large City Commissioners shall be elected at the municipal election to be held in 2025 and in alternate municipal elections thereafter; the Commissioners shall redivide the City into four (4) wards for the purpose of the November 2023 election and immediately after each decennial census, subject to the requirements of the Charter and upon the basis of the population; each ward shall be nearly equal in population and composed of contiguous and compact territory; each City Commissioner in a ward seat for at least one (1) year immediately prior to his or her election shall have been, and during his or her term of office shall continue to be, a resident of the ward they are elected to and shall have the qualification of an elector therein; a vacancy in a ward seat shall be filled with an otherwise qualified resident elector of that ward; candidates for the ward City Commission seats may be nominated by petition signed in the aggregate for each candidate of the City representing not less than 1% of the total vote cast at the last preceding municipal election by qualified electors in that particular ward in which the candidate seeks election but not less than 25 qualified electors; a petition for recall of a City Commissioner is to be signed by 15% of the total number of persons voting at the last preceding municipal election for that seat; and only any elector qualified to vote for that seat in a general election shall also be qualified to vote for that seat in a recall election?

	YES
	NO

Section 3. If the foregoing amendments receive the affirmative vote of a majority of the electors voting thereon, then such amendments shall thereupon take effect at the time provided for thereby, provided, further, that in order to allow for an orderly transition and the continued governance and administration of the City until the City Commissioners representing wards are elected and assume office, the existing provisions of the Charter as to the City Commission, the President of the City Commission, the City Manager and the Commissioners and officers of this City, as the case may be, shall, to the extent necessary and not in irreconcilable conflict with such amendments, remain operative during such transition.

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Section 4. The Clerk of the City Commission is hereby authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Erie County on or before August 4, 2021.

Section 5. The Board of Elections of Erie County shall cause an appropriate notice to be duly given of the election to be held on November 2, 2021, on the foregoing amendments to the Charter of the City and otherwise provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6. The Clerk of this City Commission is hereby authorized and directed to mail a copy of the proposed Charter amendments to each elector at least thirty days prior to the election to be held on November 2, 2021, as provided in Section 82 of the Charter, in Article XVIII, Section 9 of the Constitution of the State of Ohio, and in Section 731.211 of the Ohio Revised Code.

Section 7. There is hereby appropriated from the General Fund a sufficient sum of money to pay expenses related to the aforesaid election.

Section 8. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 9. That, for the reasons set forth in the last preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage and due authentication by the President and the Clerk of the City Commission.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST:



KELLY L. KRESSER
INTERIM CLERK OF THE CITY COMMISSION

Passed: August 4, 2021

Petition for Submission of Proposed Amendment to Charter

Constitution of Ohio, Art. XVIII, Sections 9 and 14, R.C. 731.25 - 41, 352316

To be signed by ten percent of the electors, based upon the total vote cast at the last preceding general municipal election.

(NOTE The below notice must be printed in red.)

NOTICE - Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.

To the Council, the legislative authority of the _____ City _____ of _____
(City or Village)
Sandusky _____, Ohio.

We, the undersigned, qualified electors of the _____ City _____ of _____
(City or Village)
Sandusky _____, Ohio respectfully petition the legislative authority to forthwith provide by

Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said city or village to-wit:

“Be it ordained by the people of the City of Sandusky, Ohio.”

AN AMENDMENT TO THE CHARTER OF THE CITY OF SANDUSKY TO CHANGE THE CURRENT SEVEN (7) AT LARGE COMMISSION SEATS TO FOUR (4) WARD(S) SEATS AND THREE (3) AT LARGE SEATS AND THE PERCENT OF VOTES NEEDED FOR THE RECALL OF A CITY COMMISSION FROM TEN PERCENT (10%) TO FIFTEEN PERCENT (15%)

S 2 FORM OF GOVERNMENT.

The form of government provided in this Charter shall be known as the "Commission-Manager Plan," and shall consist of a commission of 7 citizens, *4 who shall be elected by wards and 3 who shall be elected at large* ~~who shall be elected at large~~ in manner hereinafter provided. The City Commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations, appoint a chief administrative officer to be known as the "City Manager," and exercise all powers hereinafter provided.

S 3 CITY COMMISSION. CREATION AND POWERS.

There is hereby created, commencing ~~January 1, 1980.~~ *January 1, 2024,* a City Commission to consist of 7 electors of the City ~~elected at large.~~ *four (4) electors of the city elected by wards and three (3) electors of the city elected at large,* each of whom shall be elected for a term of 4 years beginning January 1, after their elections, as hereinafter set forth. ~~The four ward~~ *of the* City Commissioners shall be elected at the Municipal election to be held in ~~1979~~ 2023 and in alternate Municipal elections thereafter; ~~the~~ *three at large* City Commissioners shall be elected at the Municipal election to be held in ~~1981~~ 2025 and in alternate Municipal elections thereafter.

For the purposes of the November, 2023 election and immediately after each decennial proclamation by the secretary of state as to the population of the City, as determined by the decennial federal census, the Commissioners shall redivide the City into four (4) wards

subject to the requirements of this Charter and, in particular §§ 87, upon the basis of its population, which shall be as nearly equal in population as possible and composed of contiguous and compact territory, bounded by natural boundaries or Street lines.

No person shall be qualified to be elected to the City Commission or to be appointed to fill an unexpired term of more than two (2) years of another person's election or appointment to the City Commission if serving the term being sought in an election or the balance of the term to which the appointment is being made would result in the person serving on the City Commission more than twelve (12) years of the sixteen (16) year period ending the end of the term to which the person is seeking election or to which the person would be appointed. For purposes of determining whether a person is qualified to be elected, the filling of an unexpired City Commission Member term of less than 2 years shall not constitute a term, and the period of less than two (2) years shall not be used for purposes of calculating whether a City Commission Member has exceeded twelve (12) years of service in a sixteen (16) year period. This limitation shall be effective for all terms that commence or appointments that are effective on or after November 8, 2016.

All of the powers of the City, except such as are vested in the Board of Education and except as otherwise provided by this Charter or by the Constitution of the State, are hereby vested in the City Commission; and except as otherwise prescribed by this Charter or by the Constitution of the State, the City Commission may by ordinance or resolution prescribe the manner in which any power of the City shall be exercised. In the absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the State applicable to municipalities.

S 4 QUALIFICATIONS.

Each member of the City Commission, for at least 3 years immediately prior to his or her election shall have been, and during his or her term of office shall continue to be, a resident of the City of Sandusky, Ohio, and shall have the qualifications of an elector therein. *Each City Commissioner in a ward seat, for at least 1 year immediately prior to his or her election shall have been, and during his or her term of office shall continue to be, a resident of the ward they are elected to and shall have the qualifications of an elector therein.*

~~He or she~~ *Each member of the City Commission* shall not hold any other public office except in the State militia, except as otherwise provided in this Charter, and shall not be interested in the profits or emoluments of any contract, job, work, or service for the Municipality. Any Commissioner who shall cease to possess any of the qualification herein required shall forthwith forfeit his or her office, and any such contract in which any member is or may become interested may be declared void by the City Commission.

A candidate may cause notice of his or her candidacy to be published and may circulate or procure the circulation of a petition for his or her nomination. Nothing in this section shall preclude a write-in candidacy. He or she shall not promise any money, office, employment, or other thing of value to secure a nomination or election; but may expend money to finance his or her campaign for election to the extent permitted by law. A violation of these provisions, or any of them, shall disqualify him or her from holding the office, if elected;

and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office.

§ 5 VACANCIES.

The first vacancy in the City Commission which occurs following any regular municipal election shall be filled by the candidate for City Commissioner at that election who had the highest number of votes but was not elected, provided he or she is then still qualified to serve and is willing to serve. When such a vacancy occurs, the Clerk of the City Commission within 7 days shall notify such candidate of the vacancy and he or she shall have 30 days from the time the vacancy occurs to assume office. Notice by first class mail addressed to the candidate at the address shown on his or her nominating petition shall be sufficient compliance by the Clerk.

When a vacancy in the City Commission occurs and is not filled by the method specified in the preceding paragraph, the vacancy shall be filled by the remaining members by a majority vote. In the event that the vacancy is not filled in 60 days from the time it occurs, then it shall be filled by the Civil Service Commission, and its Clerk shall cause his certificate of its action to be entered on the journal of the City Commission. *A vacancy in a ward seat shall be filled with an otherwise qualified resident elector of that ward.*

If, by reason of resignations, deaths, failure to elect, or other circumstance, so many vacancies exist or occur at the same time in said City Commission that the number of City Commissioners is less than a majority of the full membership, then the Civil Service Commission shall make such number of appointments as may be necessary to constitute a City Commission of qualified members constituting a majority of the full membership, which majority shall then proceed to fill the remaining vacancies as hereinbefore provided. The Clerk of the Civil Service Commission shall cause his certificate of its action to be entered on the journal of the City Commission.

In any case where the Civil Service Commission neglects or fails to make an appointment for 10 days, the appointment shall be made by the senior judge of the Common Pleas Court of Erie County, Ohio.

In any case where a vacancy occurs, if the term of the office filled or to be filled does not expire for 2 or more years after the next municipal election following such vacancy, and such vacancy occurs not less than 105 days prior to the next municipal election, an additional City Commissioner shall then be elected; and, of those City Commissioners elected at such election, the one having the lowest vote shall then succeed to and serve the unexpired term. In the event of more than one vacancy to be so filled by election the same provision shall apply.

§ 46 PETITION FOR PLACE ON BALLOT.

Candidates for election to the office of City Commissioner, *at large* may be nominated by petition signed in the aggregate for each candidate by qualified electors of the City representing not less than 1% of the total vote cast at the last preceding Municipal election, but not to be less than the signatures of 100 qualified electors.

Candidates for election to the office of City Commissioner by wards may be nominated by petition signed in the aggregate for each candidate of the City representing not less than 1% of the total vote cast at the last preceding Municipal election by qualified electors in that particular ward in which the candidate seeks election. But not to be less than the signatures of 25 qualified electors, such petition shall state the name and place of the resident of each person whose name is presented for a place upon the ballot, that he or she is a candidate for the office for commission of ward number _____ (ward number)

The requirement of the general election laws of the State shall apply and control with respect to such nominating petition, including the determination of qualified electors of the City, except that the requirements of this Charter shall control with respect to the number of signatures required as set forth above, the qualifications for such office as set forth in Section 4 of this Charter, and the declaration required to be contained in the statement of candidacy as set forth in Section 47 of this Charter. The name of any elector of the City shall be printed upon the ballot if there is filed with the election authorities a nominating petition for such elector meeting the foregoing requirements.

S 66 RECALL PETITIONS.

Any or all members of the City Commission may be removed from office by the electors by the following procedure:

A petition for the recall of the City Commissioner or City Commissioners designated, signed by at least ~~10%~~ 15% of the total number of persons voting at the last preceding municipal election, and containing a statement of not more than 200 words of the grounds of the recall, shall be filed with the Finance Director and he or she shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least ~~10%~~ 15% of the number of persons voting *for that seat* at the last preceding municipal election *for that seat* and he or she shall forthwith notify the City Commissioner or City Commissioners sought to be removed, and he or they within 5 days after such notice, may file with such Finance Director a defensive statement in not exceeding 200 words. The Finance Director shall at once upon the expiration of said 5 days cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each of them he or she shall attach a printed or typewritten copy of such defensive statement, if one is furnished him or her within the time provided. He or she shall cause one copy of such petition to be placed on file in his or her office, and provide facilities for their signing the same, and he or she shall also cause one copy to be placed in each of the several fire engine houses of the City, where the same shall be in the custody of the captain of the house, or his or her designee, who shall provide facilities for their signing the same. The Finance Director shall immediately cause notice to be published in some newspaper of general circulation in the City of the placing of such copies of such petition.

Such copies of such petition shall remain on file in the several places designated for the period of 30 days, during which time any of them may be signed by any elector of the City in person; but not by agent or attorney. Each signer of any of such copies shall sign his or her name in ink, and shall place thereafter his or her residence by street and number.

S 67 NOTICE.

At the expiration of said period of 30 days the City Treasurer shall assemble all of said copies in his office as one instrument, and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least 15% of the number of persons voting at the last preceding municipal election, *for that seat*. If such signatures do amount to such percent, he shall at once serve notice of that fact upon the City Commissioner or City Commissioners designated in the petition, and also deliver to the election authorities a copy of the original petition with his certificate as to the percentage of registered voters who signed the same, and a certificate as to the date of his last mentioned notice to the City Commissioner or City Commissioners designated in the petition.

S 68 RECALL ELECTION.

If the City Commissioner or City Commissioners or any of them, designated in the petition, file with the Clerk of the City Commission within 5 days after the last mentioned notice from the City Treasurer his or their written resignation, the Clerk of the City Commission shall at once notify the election authorities of that fact and such resignation shall be irrevocable, and the City Commission shall proceed to fill the vacancy. In the absence of any such resignation the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than 30 nor more than 60 days after the expiration of the period of 5 days last mentioned, and at the same time as any other general or special election held within such period; but if no such election be held within such period the election authorities shall call a special recall election to be held within the period aforesaid. *Only any elector qualified to vote for that seat in a general election shall also be qualified to vote for that seat in a recall election.*

S 71 COUNTING THE VOTES.

Candidates shall not be nominated to succeed any particular City Commissioner, but if only one City Commissioner is removed at such election, the candidate at such election receiving the highest number of votes *for that seat* shall be declared elected to fill the vacancy; and if more than one City Commissioner is removed at such election, such candidates *for those seats* equal in number to the number of City Commissioners removed shall be declared elected to fill the vacancies, *if such candidate is otherwise qualified pursuant to this Charter*; and among the successful candidates, those receiving the greater number of votes shall be declared elected for the longer terms. Cases of ties and all other matters not herein specifically provided for, shall be determined by the rules governing elections generally.