

ORDINANCE NO. 11-17

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE AMENDMENTS TO SECTIONS 3-3, 3-4, AND 5-4 OF THE CHARTER OF THE CITY OF TROTWOOD, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 7, 2017.

WHEREAS, Council has determined that certain Charter amendments to Sections 3-3, 3- 4, and 5-4 of the Charter should be submitted to the electors of the City; and

WHEREAS, Article XVIII, Section 9 of the Ohio Constitution and Section 10-5 of the Trotwood Charter provide that amendments to the Charter may be submitted to the electors of the municipality by two-thirds (2/3) vote of the members of Council.

NOW, THEREFORE, BE IT ORDAINED BY TWO THIRDS OF ALL MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: The question of the amendments to Sections 3-3, 3-4, and 5-4 of the Charter of the City shall be submitted to a vote of the electors of the municipality at the general election to be held on Tuesday, the 7th day of November, 2017, at the regular places of voting in the City between the hours of 6:30 a.m. and 7:30 p.m. to determine whether the Charter shall be amended with the additions and deletions from the Charter as indicated in the draft Charter revisions document attached to this Ordinance as Exhibit “A”.

SECTION II: The ballot language shall read as follows:

“Shall the Charter of the Municipality of Trotwood, Ohio be amended by:

1. revising Section 3-3 to provide that Council members may not hold any other elected public office or be an employee of the City during the Council member term;
2. revising Section 3-4(B) to update for what acts Council members may be punished or expelled for and providing that Council members have the right to be notified of the charge and be given a hearing;
3. revising Section 3-4(C) to update when a nominating petition must be filed from seventy-five days to ninety days;
4. revising section 5-4 to provide that interference by a Council member with the appointment or removal of an officer or employee could result in sanctions up to forfeiture of office, as provided in Section 3-4(B).

Section III: A majority vote shall be necessary for adoption of this question. If adopted, this amendment will be effective on certification of the election results.

Section IV: Notice of the time and place of holding such election shall be given as required by law. The full text of the proposed amendment shall be published one (1) time per week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City of Trotwood, with the first publication being not less than fifteen (15) days prior to the election at which the amendment is to be submitted to the electors.

Section V: The Clerk of Council shall certify this Ordinance to the Montgomery County Board of Elections by 4:00 p.m. on August 9, 2017.

Section VI: Passage of this Ordinance shall require the affirmative vote of five (5) members of this Council as required by Article XVIII, Section 9 of the Ohio Constitution and Section 10-5 of the Charter.

Section VII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED THIS _____ DAY OF _____, 2017.

ATTEST:

APPROVED:

DAVID YOUNG
DEPUTY CLERK OF COUNCIL

MARY A MCDONALD
MAYOR

BETTYE GALES
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, _____, Clerk of the City of Trotwood, Ohio, do, hereby
certify that the foregoing is a true and correct copy of Ordinance No. 11-17 adopted
by the Trotwood City Council at a regular scheduled meeting held on the
_____ day of _____ 2017 and that I am duly authorized to execute this certificate.

IN TESTIMONY WHEREOF, witness my hand and official seal on this _____ day of
_____, 2017.

David Young
Deputy Clerk of Council