

City of South Euclid
2015 Charter Review Commission

July 6, 2015 Minutes

Minutes prepared by Dennis Fiorelli, Chairman

Fiorelli 1-4-16

- A. Attendance Present: Fiorelli, Miller, Icove, Romeo, Gelfand, & Shaughnessy Absent: Gray, Welo & Turner
- B. Discussion of ballot language contained in Ord. 12-15 and Law Director's memo dated June 30, 2015. (Ordinance draft and memo both included in minutes.)
- C. Ballot language drafted by law director and contained in Ord. 12-15 was recommended by majority to Council as follows:
- Proposal 1 in favor 5-1
 - Proposal 2 in favor 6-0
 - Proposal 3 in favor 5-1
 - Proposal 4 in favor 6-0
 - Proposal 5 in favor 6-0
- All six members present affirmed that the five proposals represented the final recommendation as voted on March 30, 2015.
- D. Next steps were discussed and agreed to.
- July 13, Council Second Reading
 - July 27, Council to pass on Third Reading
 - Forward to BOE

MICHAEL P. LOGRASSO
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City of South Euclid
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South Euclid, Ohio 44121
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June 30, 2015

To: City Council & Charter Review Commission
From: Michael Lograsso
Re: Proposed Ballot Language for Charter Review

Members,

Today I have reviewed an email correspondence from Councilman Icove regarding the Charter Review Ballot Language. In that email Mr. Icove presents a “nutshell” (his language) of the law regarding ballot language in the State of Ohio.

While Mr. Icove presents some of the law he has not presented all of it. In addition, Mr. Icove represents that under Article XVI, Section 1 of the Ohio Constitution, “the sole issue is whether the board’s approved ballot language is such as to mislead, deceive, or defraud the voters.” The following language was copied and pasted here directly from Article XVI, Section 1 of the Ohio Constitution:

“The ballot language shall properly identify the substance of the proposal to be voted upon. The ballot need not contain the full text nor a condensed text of the proposal.”

The case Mr. Icove cites, State ex rel. Bailey et al., v. Celebrezze, 67 Ohio St. 2d 516 states in its syllabus the following:

“In order to pass constitutional muster, text of ballot statement must fairly and accurately present question or issue to be decided in order to assure free, intelligent and informed vote by average citizen affected.”

In regards to the ballot language proposed by Councilman Icove for amending Article XI, which deals with amending the city charter, which reads:

“Shall the Charter of the City of South Euclid be amended to comply with the number of signatures required by the Ohio Constitution?”

I offer the following: first, this statement does not accurately present the question to be decided by the voter. In State ex rel. voters First et al. v. Ohio Ballot Board, 133 Ohio St. 3d 257, the Ohio Supreme Court stated that in regards to ballot language, “the issue is whether the language adopted by the Board properly describes the proposed amendment.”

I argue that Councilman Icove’s language does not properly identify and describe the proposed charter amendment. I further argue that the language I proposed is far more open and transparent and clearly tells the voter what the issue before them is.

The way Councilman Icove wrote his language is in such a way that to clearly influences the voter to approve the language. Ask yourself, who would not vote to amend the city charter to comply with the Ohio Constitution? The language fails to identify the issue, which is how to amend the city charter, it fails to state the 10% requirement and it fails to answer the question, 10% of what election? Ballot language should be content neutral and not written in such a way as to try and influence or sway the voter to either affirm or reject it. The Ohio Supreme Court has used the terms “sales pitch” and “electioneering”. Thus, as written the language becomes a persuasive argument in favor of the charter amendment.

ORC 3501.01 “Election procedure-election officials definitions” defines different types of elections in the State of Ohio. A “General Election” is defined to mean: the election held on the first Tuesday after the first Monday in each November.

A “Regular Municipal Election” means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.

Using the language “last regular municipal election” in the charter amendment and in the ballot language gives a fair, honest, clear and complete standard, of which no essential part of the proposed amendment is omitted, by which voters and subsequently, citizens who wish to try and amend the city charter the proper guidance they need to acquire the proper number of signatures.

All of the arguments stated above apply to the charter amendment for Article V regarding the term of the Law Director. The proposed amendment language specifically mentions the term of the Law Director be “concurrent” with that which the Mayor is elected to. It gives a specific starting date as to when this amendment would take effect, the term being concurrent with that of the Mayor and that the appointment is subject to confirmation by city council.

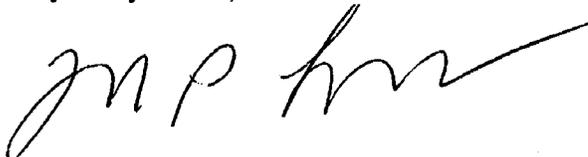
Again, I feel the language I proposed provides the voter with a fair, honest, clear and complete standard, of which no essential part of the proposed amendment is

omitted for their consideration. It is content neutral and neither tries to persuade the voter to affirm or reject the amendment.

In regards to Councilman Icové's statement about the 2005 legislation regarding the charter amendments that year I fail to see any correlation as to what is now before City Council.

Lastly, the Charter Review Commission is free to set their preferred ballot language which then goes to City Council for inclusion in an ordinance, just as it did back in 2005. City Council is free to amend that language as the majority sees fit. The language will then be reviewed and possibly modified by the Cuyahoga County Board of Elections and the State Board as well.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'M P Lograsso', with a long, sweeping horizontal stroke extending to the right.

Michael P. Lograsso

3501.01 Election procedure - election officials definitions.

As used in the sections of the Revised Code relating to elections and political communications:

(A) "General election" means the election held on the first Tuesday after the first Monday in each November.

(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.

(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.

(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in February or May, except as authorized by a municipal or county charter, but may be held on the first Tuesday after the first Monday in March.

(E)

(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections shall be held on the first Tuesday after the first Monday in May of each year except in years in which a presidential primary election is held.



Dennis Fiorelli <dennisfiorelli@gmail.com>

Charter Review Ballot Language

1 message

Edward Icove <ed@icovelegal.com>

Wed, Jun 17, 2015 at 12:32 PM

To: Dennis Fiorelli <dennisfiorelli@gmail.com>, Dasturner@sbcglobal.net, Councilman Marty Gelfand <mgelfand@seuclid.com>, Michael Shaughnessy <mikeshaug@gmail.com>, "Ruth I. Gray" <ruthigray@sbcglobal.net>, Moe Romeo <romeomoe44121@yahoo.com>, gwelo@seuclid.com, David Miller <dbmillersecc@hotmail.com>

Cc: Mike Lograsso <MLograsso@seuclid.com>

Dear Charter Review Members;

I respectfully disagree with the ballot language proposed by Michael for two of four proposals. My suggested language is attached. Under Article XVI, Section 1 of the Ohio Constitution, the sole issue is whether the board's approved ballot language "is such as to mislead, deceive, or defraud the voters." My suggestion that we schedule a meeting in the near future to discuss all the proposed changes. Thanks, Ed

 **Revised Charter Changes 2015.docx**
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ARTICLE V - ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

SECTION 1. GENERAL PROVISIONS.

A Department of Law, a Department of Finance, a Department of Public Safety and a Department of Service are hereby established by this Charter and the Council shall provide by ordinance for the organization thereof. The head of each department shall be a director appointed by the Mayor who shall serve at the pleasure of the Mayor. However, Council shall confirm, or reject the Mayor's appointment of the Director of Law within 30 days of the Council meeting following the notification of appointment. In addition, Council shall confirm or reject the incumbent Director of Law within the January 2, 2013 thru January 31, 2013 time period and every ~~two~~ FOUR years thereafter. Council's failure to act in either of these situations shall result in automatic confirmation.

BALLOT LANGUAGE

"Shall the Charter of the City of South Euclid be amended to make the appointment and term of the Law Director every four years rather than every two years?"

ARTICLE XI - AMENDMENTS TO CHARTER

The Council may, by affirmative vote of at least two-thirds of its members, submit any proposed amendment to the Charter to the electors; or, upon the receipt of a petition, signed by not less than ten percent of the **NUMBER OF ELECTORS WHO CAST A VOTE IN THE LAST GENERAL ELECTION IN THE MUNICIPALITY** ~~registered electors of the City~~, setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the laws of the State of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

BALLOT LANGUAGE

"Shall the Charter of the City of South Euclid be amended to comply with the number on signatures required by the Ohio Constitution?"

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CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: _____
INTRODUCED BY: _____
REQUESTED BY: Icove

July 11, 2005

AN ORDINANCE

PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF SOUTH EUCLID OF CERTAIN CHARTER AMENDMENTS AS PROPOSED BY THE CHARTER REVIEW COMMISSION PURSUANT TO ARTICLE XI-A OF THE CHARTER OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, a Charter Review Commission was elected at the General Election held November 8, 2005 for the purpose of reviewing the present City Charter and the proposing of any revisions thereof; and

WHEREAS, the said Charter Review Commission has determined that certain proposed amendments to the Charter be submitted to the electors for their approval or rejection at the next General Election to be held on November 8, 2005; and

WHEREAS, it is necessary that this Council submit and transmit such proposed amendments to the Board of Elections of Cuyahoga County, Ohio for the placing of said proposed amendments on the ballot.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, County of Cuyahoga, State of Ohio:

Section 1: That the following separate proposals to the Charter of the City of South Euclid, Ohio be submitted to the electors of said City at the General Election to be held on November 8, 2005.

PROPOSAL #1

ARTICLE II – THE COUNCIL

SECTION 2. QUALIFICATIONS.

Each member of the Council shall be a qualified elector of the City, shall have resided continuously therein for not less than three years next preceding his election and shall continue to reside therein during his term in office. In addition, each Councilman elected from a ward shall have resided continuously in the ward from which he is elected for not less than one year next preceding his election. Each ward Councilman shall continue to reside in the ward from which he is elected during his term of office.

No member of Council shall hold any other public office or public employment during his term except as otherwise provided in this Charter and further excepting the offices of Notary Public, membership in the National Guard or Reserve Corps and the office of Precinct Committee Person, NOR PUBLIC EMPLOYMENT INCOMPATIBLE WITH THE OFFICE OF COUNCIL. COUNCIL SHALL DETERMINE WHETHER ANY PUBLIC EMPLOYMENT IS INCAPATIBLE WITH THE

PROPOSAL #2

ARTICLE III – THE MAYOR

SECTION 1. QUALIFICATIONS AND TERM OF OFFICE

The chief executive power shall be vested in a Mayor, who shall be an elector of the City and shall have resided in the City continuously for a period of at least three years immediately preceding his election. He shall be elected for a term of four years, to commence on the first day of January next after his election. Commencing with the term of office January 1, 1976, the Mayor shall be a full-time Mayor and shall not hold any other public office, public employment or private employment or engage in any private business, INCOMPATIBLE WITH THE OFFICE OF MAYOR. COUNCIL SHALL DETERMINE WHETHER ANY EMPLOYMENT IS INCOMPATIBLE WITH THE OFFICE OF MAYOR, AND ITS DECISION SHALL BE FINAL. Article IV (Executive Director) of this Charter is hereby repealed and in all other Articles of this Charter, the word "Mayor" shall be substituted for the words "Executive Director."

As used in this section, the meaning of the terms "public office" and "public employment" shall not include a person elected or appointed to the office of Precinct, Ward or District Committee Member, or any Presidential elector or delegated to a nation political convention.

BALLOT LANGUAGE: (ARTICLE III. SECTION 1):

~~"Shall the Charter of the City of South Euclid be amended to provide that the Mayor can hold employment that is not incompatible with the office of Mayor, which shall be determined by Council, and its decision shall be final."~~

PROPOSAL #3

ARTICLE VI– ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

SECTION 9. CITY PLANNING COMMISSION.

The City Planning Commission shall consist of five (5) qualified electors of the City not holding other office in the Municipality. The Mayor shall appoint FOUR members of the Planning Commission and the term of office shall be for a period of six years. COUNCIL SHALL APPOINT ONE MEMBER OF THE PLANNING COMMISSION FOR A SIX (6) YEAR TERM, THE FIRST OF SUCH TERMS COMMENCING JANUARY 1, 2006. IF COUNCIL FAILS TO FILL SUCH VACANCY WITHIN THIRTY DAYS OF THE DATE OF THE VACANCY, THE MAYOR SHALL MAKE THE APPOINTMENT. The four (4) present citizen members shall continue to serve for their terms of appointment. The fifth qualified elector member shall be appointed for a term of office expiring December 31, 1983 and, thereafter subsequent appointments shall be for six (6) year terms. A vacancy occurring during the term of any member of the City Planning Commission shall be filled for the respective unexpired term in the manner authorized for an original appointment. A chairman of the Commission shall be elected annually by the Commission and the Commission shall appoint its own secretary.

BALLOT LANGUAGE: (ARTICLE VI. SECTION 9)

PROPOSAL #4

ARTICLE VII – NOMINATIONS AND ELECTIONS

SECTION 1. PROCEDURES.

Nominations for elective offices of the City shall be made only by petition, and shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts, which shall be filed with the Board of Elections as one instrument ~~not earlier than ninety days~~ NOT LATER THAN 75 or ~~later than sixty days~~ prior to the date of holding the regular municipal election. Nominating petitions for a candidate for Ward Councilman shall be signed by not less than 150 registered voters from the ward from which election is sought. Nominating petitions for a candidate for a Councilman at Large shall be signed by not less than 300 registered voters of the City. Nominating petitions for a candidate for the Charter Review Commission shall be signed by not less than 300 100 registered voters of the City. Nominating positions for a candidate for Mayor and Municipal Judge shall be signed by not less than 600 registered voters of the City.

No primary election shall be held for the selection of any candidate for any elective office of this City; and no nomination for any such office shall be of any effect unless made as required by this Section 1. The ballot language used in the election of officers of the City shall be without party mark or designation. The names of all candidates for any City office shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio. Except as otherwise provided in this Charter, the laws of Ohio shall govern the nomination and election of the elective officers of this City.

BALLOT LANGUAGE: (ARTICLE VII. SECTION 1)

~~“Shall the Charter of the City of South Euclid be amended to comply with the filing requirements of the laws of Ohio.”~~

BALLOT LANGUAGE: (ARTICLE VII. SECTION 1)

“Shall the Charter of the City of South Euclid be amended so that nominating petitions for a candidate for the Charter Review Commission shall be signed by not less than 100 registered voters of the City.”

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 28, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this ordinance is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. Wherefore, this ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2005.

**City of South Euclid 2015 Charter Amendment Final Proposals
As of March 30, 2015**

# & Proposed by Article/Section	Proposal	Benefits/Reasons
1. Fiorelli Article XI - Amendments to Charter	Adopt the State Constitution standard: The percentage of electors required (10 percent) to sign shall be based upon the total vote cast at the last preceding general municipal election.	Passed by majority on March 30, 2015.
2. Gelfand Throughout	Currently, throughout the charter, pronouns refer to the male gender, e.g., "he", "him." I want to change the language of the charter to reflect gender neutral pronouns, or where possible, to eliminate the pronoun. E.g., replace "he" with "he or she", or replace "he" with "the Mayor."	Passed by majority on March 30, 2015.
3. Gelfand Article 5 Section 12	... The head of each department shall be a director appointed by the Mayor who shall serve at the pleasure of the Mayor. However, the appointment of the Law Director shall be for a term concurrent with that for which the Mayor is elected for the full term beginning January 1, 2016. The newly elected (or re-elected) Mayor shall nominate a Law Director by January 1 of the full term commencing and Council shall confirm or reject the Mayor's appointment no later than January 31 st of the year of appointment. Failure by Council to confirm or reject the appointee by January 31 st of the appointment year shall result in automatic confirmation of the Mayor's appointee	Passed by majority on March 30, 2015.
4. Gray Article XIII Ethics and Standards Section 4. Disclosure of Private Interest in Legislation	Conflict of Interest Statement Public officials and employees shall not engage in activities which might tend to impair his or her independence of judgment, seek unwarranted privileges influenced or have an interest in enterprises which might be influenced by decisions he or she make on behalf of the City. He or She shall act in accordance with any existing or future standards or codes of ethics. No Public officials shall have an unlawful interest in a public contract (See ORC. 2921.42). Beginning on 2 January 2016, all public officials of South Euclid must complete and sign a Conflict of Interest statement by the 2nd council meeting of February. This process will occur each year following implementation. Any and all conflicts that may affect your decisions or conduct (vote, recommendations for hire, bidding contracts, professional services) must be disclosed in writing and presented to council. All signed Conflict of Interest documents will be part of public records.	Amended on March 30, 2015 to include "and employees". Passed by majority on March 30, 2015.
5. Icove Article XI - A. Charter Review Commission.	At the general election in November of 1974, and at the general election in November of each tenth year thereafter, a Charter Review Commission of nine members shall be elected. NO COMMISSION MEMBER CAN BE A PUBLIC OFFICIAL, EXCEPT THAT THE MAYOR AND PRESIDENT OF COUNCIL (OR HIS/HER DESIGNEE) SHALL BE EX OFFICIO COMMISSION MEMBERS.	Amended on March 30, 2015 to: 1. excluded elected officials from eligibility, 2. include mayor and council president as "ex officio members" 3. vacancies are filled by city council.

**City of South Euclid 2015 Charter Amendment Final Proposals
As of March 30, 2015**

# & Proposed by Article/Section	Proposal	Benefits/Reasons
	<p>Candidates for members of the Charter Review Commission shall be nominated and elected in accordance with the provisions of Section 1 of Article VII of the Charter of the City of South Euclid.</p> <p>Members of the Commission shall meet within thirty days after their election, at the call of the Mayor, and select one of their members as Chairman. A vacancy on the Commission shall be filled by appointment by a majority vote of CITY COUNCIL. A member so appointed shall serve as though originally elected to such position.</p>	<p>See attached text submitted by E. Icove.</p> <p>Passed by majority on March 30, 2015.</p>

CITY OF SOUTH EUCLID, OHIO

July 6
CRC Meeting

ORDINANCE NO.: 12-15
INTRODUCED BY: Goodman
REQUESTED BY: Charter Review Commission

June 22, 2015
Second Reading: July 13, 2015

AN ORDINANCE

AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF SOUTH EUCLID OF CERTAIN CHARTER AMENDMENTS AS PROPOSED BY THE CHARTER REVIEW COMMISSION PURSUANT TO ARTICLE XI-A OF THE CHARTER FOR THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

~~WHEREAS~~ WHEREAS, a Charter Review Commission was elected at the General Election held November 4, 2014 for the purpose of reviewing the present City Charter and the proposing of any revisions thereof; and

WHEREAS, the said Charter Review Commission has determined that certain proposed amendments to the Charter be submitted to the electors for their approval or rejection at the next General Election to be held on November 3, 2015; and

WHEREAS, it is necessary that this Council submit and transmit such proposed amendments to the Board of Elections of Cuyahoga County, Ohio for the placing of said proposed amendments on the ballot.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, County of Cuyahoga, State of Ohio:

Section 1: That the following separate proposals to the Charter of the City of South Euclid, Ohio be submitted to the electors of said City at the General Election to be held on November 3, 2015:

PROPOSAL #1

1. Regarding proposed amendment to Article XI:

ARTICLE XI - AMENDMENTS TO CHARTER

The Council may, by affirmative vote of at least two-thirds of its members, submit any proposed amendment to the Charter to the electors; or, upon the receipt of a petition, signed by not less than ten percent of the **total vote cast by the electors at the last preceding regular municipal election** ~~registered electors of the City~~, setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the extent that such submission is not governed by the Constitution and the laws of the State of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

PROPOSED BALLOT LANGUAGE

① "Shall the Charter of the City of South Euclid be amended to require the signatures of a minimum ~~of 10% of the number~~ of electors who cast a vote in the last regular municipal election in order to submit a charter amendment petition to electors of the city?"

~~Handwritten signatures and scribbles at the bottom of the page.~~

PROPOSAL #2

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2. A ~~gender based language throughout the entire charter.~~

PROPOSED BALLOT LANGUAGE

"Shall the Charter of the City of South Euclid be amended throughout the entire Charter to replace gender based language with gender neutral language where appropriate?"

PROPOSAL #3

3. Regarding proposed Amendment to Article V Section 1, General Provisions:

ARTICLE V - ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

SECTION 1. GENERAL PROVISIONS.

A Department of Law, a Department of Finance, a Department of Public Safety and a Department of Service are hereby established by this Charter and the Council shall provide by ordinance for the organization thereof. The head of each department shall be a director appointed by the Mayor who shall serve at the pleasure of the Mayor. However, ~~Council shall confirm, or reject, the Mayor's the~~ appointment of the Director of Law shall be for a term concurrent with that for which the Mayor is elected for the full term beginning January 1, 2016. The newly elected (or re-elected) Mayor shall nominate a Law Director by January 1 of the full term commencing and Council shall confirm or reject the Mayor's appointment no later than January 31st of the year of the appointment. ~~within 30 days of the Council meeting following the notification of appointment. In addition, Council shall confirm or reject the incumbent Director of Law within the January 2, 2013 thru January 31, 2013 time period and every two years thereafter. Council's failure to act in either of these situations Failure of Council to confirm or reject the appointee by January 31st of the appointment year shall result in automatic confirmation of the Mayor's appointee.~~

PROPOSED BALLOT LANGUAGE

3

~~"Shall the Charter of the City of South Euclid be amended to make the appointment and term of the Law Director concurrent with that for which the Mayor is elected for the full term beginning January 1, 2016 subject to the confirmation of City Council by January 31st of the appointment year?"~~

PROPOSAL #4

4. Regarding proposed Amendment to Article XIII Section 4:

ARTICLE XIII - ETHICS AND STANDARDS

SECTION 4. DISCLOSURE OF PRIVATE INTEREST IN LEGISLATION.

A member of Council shall publicly disclose on the official records of Council any direct or financial interest or other personal or private right he may have in any legislation pending before Council prior to its passage, provided, however that said disclosure shall not deprive the member of Council of his right to vote on said legislation nor shall the failure of any member of Council to make said disclosure affect the validity of the legislation.

Beginning January 2016, all public officials and employees of the City of South Euclid must complete and sign a Conflict of Interest statement by the 2nd council meeting of February. This process will occur each year following implementation. Any and all conflicts that may affect the official's decisions or conduct must be disclosed in writing and presented to City Council. All signed Conflict of Interest documents will be part of the records.

PROPOSED BALLOT LANGUAGE

4

~~"Shall the Charter of the City of South Euclid be amended to require all public officials and employees of the City of South Euclid to complete and sign a Conflict of Interest statement by the second council meeting of February 2016?"~~

PROPOSAL #5

5. Regarding proposed Amendment to Article XI A – Charter Review Commission:

ARTICLE XI-A - CHARTER REVIEW COMMISSION

At the general election in November of 1974, and at the general election in November of each tenth year thereafter, a Charter Review Commission of nine members shall be elected. **No Commission Member can be a Public Official, except that the Mayor and President of Council (or his/her designee) shall be Ex Officio Commission Members.**

Candidates for members of the Charter Review Commission shall be nominated and elected in accordance with the provisions of Section 1 of Article VII of the Charter of the City of South Euclid. ~~The fact that a candidate holds an elective or appointive position in the City of South Euclid shall not disqualify him from seeking election to the Commission.~~

Members of the Commission shall meet within thirty days after their election, at the call of the Mayor, and select one of their members as Chairman. A vacancy on the Commission shall be filled by appointment by a majority vote of **City Council** ~~all the remaining members of the Commission.~~ A member so appointed shall serve as though originally elected to such position.

Any proposed amendment of this Charter, agreed upon by a majority of any Charter Review Commission in pursuance of this article, shall be submitted to the electors, for their approval or rejection, on a separate ballot at the next general election. If a majority of the electors voting on the same shall adopt such amendment, the same shall become a part of this Charter. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately. Not less than thirty days prior to the date of such election the Clerk of Council shall mail a copy of each proposed amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held in this City.

Each Charter Review Commission shall cease to function on the day of the next regular November election following election of members to such Commission. Members shall serve without compensation unless otherwise provided by ordinance.

PROPOSED BALLOT LANGUAGE: (ARTICLE XI-A)

③ A ~~Shall the Charter of the City of South Euclid be amended to exclude public officials from being a Commission member, with the exception of the Mayor and President of Council (or his/her designee) who will not be voting members?"~~

PROPOSED BALLOT LANGUAGE: (ARTICLE XI-A)

B "Shall the Charter of the City of South Euclid be amended to have any vacancy on the Charter Review Commission filled by a majority vote of City Council to appoint a member to any vacancy that arises on the Charter Review Commission?"

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees on or after November 28, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2015.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law