

VILLAGE OF BUCKEYE LAKE, OHIO
ORDINANCE NUMBER 2005-22

AN ORDINANCE AMENDING SECTIONS 3.05, 4.05, 4.06 AND 10.02 OF THE
CHARTER OF THE VILLAGE OF BUCKEYE LAKE, AND DECLARING AN
EMERGENCY.

WHEREAS, Council desires to amend the Village Charter regarding vacancies, reading ordinances and resolutions, vote required for passage, and recall; and

WHEREAS, Council reviewed the proposed amendments to the Charter of the Village of Buckeye Lake and is in agreement with the proposed Revised Charter;

NOW, THEREFORE, be it ordained by the council of the Village of Buckeye Lake, County of Licking, State of Ohio, a Majority of the members concurring:

Section 1: That Article 3, Section 3.05 of the Charter of the Village of Buckeye Lake, entitled "Vacancies" be amended as follows:

SECTION 3.05. Vacancies.

~~Any vacancies in Council shall be filled in the same manner as set forth in Section 3.01(e) and (d) for the initial appointment of the seventh member of Council.~~ A vacancy shall occur in Council upon the occurrence of one or more of the following events:

- a. Absence from four consecutive regular meetings or eight non-consecutive regular and special meetings in a single calendar year;
- b. Death or total disability of the Member;
- c. Removal from office by Council pursuant to Section 3.04 of this Charter;
- d. Successful recall from office pursuant to Section 10.02 of this Charter; or
- e. Failure of the Council member-elect to qualify for the office.

Vacancies in the Council shall be filled, by a majority vote of the remaining members of Council by the appointment of a qualified person to serve the remainder of the unexpired term of office. If Council fails to appoint within thirty days, the mayor shall appoint such qualified person.

Section 2: That Article 4, Section 4.04 of the Charter of the Village of Buckeye Lake, entitled "Reading Ordinances and Resolutions" be amended as follows:

SECTION 4.04. Reading Ordinances and Resolutions.

Each Ordinance and Resolution shall be read on three separate days occurring with at least one week between readings unless the Council suspends this rule by a vote of at least ~~three-fourths~~ two-thirds of the members of Council.

Section 3: That Article 4, Section 4.05 of the Charter of the Village of Buckeye Lake, entitled "Vote Required for Passage" be amended as follows:

SECTION 4.05. Vote Required for Passage.

The vote on the question of passage of each Ordinance, Resolution and motion shall be taken by "yeas" and "nays" and entered on the Journal, and none shall be passed without concurrence of a majority of the members of Council, unless or greater number is specified in this Charter. Each Emergency Ordinance or Resolution and each Ordinance or Resolution vetoed by the Mayor which is subsequently approved by the Council overriding the Mayor's veto shall require the affirmative vote of at least ~~three-fourths~~ two-thirds of the members of Council for its enactment. If an emergency Ordinance or Resolution shall fail to receive the required ~~three-fourths~~ two-thirds affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation, assuming that all other requirements have been met relative to the introduction, reading and passage for non-emergency legislation.

Section 4: That Article 10, Section 10.02 of the Charter of the Village of Buckeye Lake, entitled "Recall" be amended as follows

SECTION 10.02. Recall.

- a) The electors shall have the power to remove from office by recall any elected officials of the Village in the manner provided in this section.

b) If the elected official shall have served six months of his or her term, any elector or electors of the Village may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of a named elected official or officials. No petitions for the recall of an elected official may be circulated until such written notice of intent is served upon the Clerk of Council. Not later than thirty days after service of such notice of intent on the Clerk of Council, such persons may file, with the Clerk of Council, a petition demanding the removal of an elected official. Separate petitions shall be filed for each elected official sought to be removed by recall. The Clerk 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 therefore and attach a copy thereof to said petition. Such 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. Such petition shall be signed by at least that number of electors which equals fifteen percent in number of the registered voters at the time of the last general election.

c) Within ten days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition and make a record of such delivery. Such person shall be allowed a period of ten days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council finds the petition to be sufficient, the Clerk shall, within five days, certify that fact to Council and deliver a copy of the certificate to the person or persons

whose removal is sought, personally, through the United States Mail Service, postage prepaid, or by leaving a copy thereof at his, her or their usual place of residence. The Clerk shall make a record of such delivery.

- d) If the person whose removal is sought does not resign within five days after the day on which the Clerk's certificate has been delivered, Council shall, by Ordinance or Resolution, fix a day for holding a recall election, not less than ~~thirty~~ forty days nor more than ~~forty-five~~ sixty five days after the date of the Clerk's certification of sufficiency to the Council, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper of circulation in the Village. At such recall election, this question shall be placed upon the ballot: "Shall (naming the person whose removal is sought) be allowed to continue as (naming the office)?" with the provision on the ballot for voting affirmatively or negatively. In the event a majority of the vote is negative, such person shall be removed, the office shall be vacant, and such vacancy shall be filled as provided in division (e) of this section. If the person is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one year following such election.

- e) At the next regular meeting of the Council following a final determination that an elected official of the Village has been removed from office by recall, the Council shall replace the member as in the case of a vacancy as provided in Section 3.05 of this Charter for members of Council and Section 5.03 of this Charter for the Mayor. A person who has been removed by recall shall not be either a candidate for or appointed by the Mayor to succeed himself or herself, but such person shall not be barred by recall from becoming a candidate for office in other future

elections.

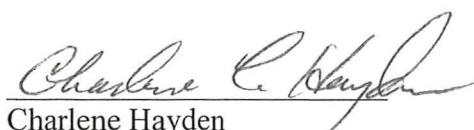
- f) Upon the removal by recall of an elected official, other than the office of Mayor, the Mayor shall forthwith appoint a qualified person to fill the vacancy in an acting capacity until another person is appointed and qualified pursuant to division (e) of this section. The President of Council shall fill a vacancy in the office of Mayor created by removal by recall until he or she or another person is appointed and qualified pursuant to division (e) of this section. Persons appointed in an acting capacity under this division (f) shall have all the powers, duties and functions provided for the office they are holding in an acting capacity.
- g) Time served as Mayor or Member of Council prior to the adoption of this Charter shall apply for purposes of determining if the person whose recall is being sought has served for a period of at least six months as required by subsection (b) hereof.

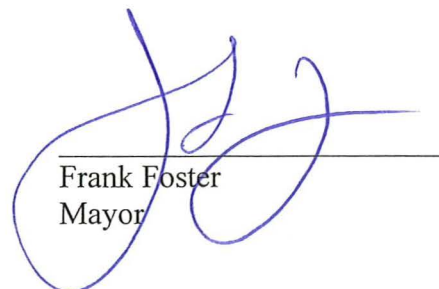
Section 5: The Law Director is hereby authorized to consult with the appropriate Board of Elections and take all actions necessary in order to submit the foregoing revisions to a vote of the electors of the Village at the next General Election to be held on November 8, 2005 at the regular places of voting in the Village.

Section 6: This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that this Ordinance is requested to be immediately effective in order to file a certified copy of this Ordinance and the proposed form of the ballot question with the Licking County Board of Elections not later than August 25, 2005, as provided herein; therefore, this Ordinance shall take effect and be in force immediately upon its passage.

Passed on 8th day of AUGUST 2005.

ATTEST:


Charlene Hayden
President of Council


Frank Foster
Mayor