ORDINANCE NO. 2024-03
VILLAGE OF BUCKEYE LAKE, OHIO

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF THE QUESTION OF THE RECALL OF MAYOR JERYNE PETERSON TO THE ELECTORS OF THE VILLAGE, AND THE DECLARATION OF AN EMERGENCY.

WHEREAS, on November 13, 2023, a notice of intent to circulate recall petitions for the recall of Mayor Jeryne Peterson was delivered to the Clerk of Council; and

WHEREAS, on December 11, 2023, petitions demanding the recall of Mayor Jeryne Peterson were filed with the Clerk of Council; and

WHEREAS, upon verification of signatures by the Board of Elections, it was determined there was an insufficient number of valid signatures, said notice of insufficiency being provided on December 20, 2023 with an opportunity to correct the insufficiency, pursuant to Charter 10.02(c); and

WHEREAS, on January 2, 2024, additional petitions were filed and forwarded to the Board of Elections for verification and on January 5, 2024, the Board of Elections returned the petitions indicating a sufficient number of valid signatures; and

WHEREAS, on January 5, 2024, the Clerk of Council certified that pursuant to Charter 10.02(b) the petitions were filed within 30 days of the notice of intent to circulate petitions; that pursuant to Charter 10.02(b) each petition part contains the name and office of the person whose removal is sought; and that pursuant to Charter 10.02(b) and upon verification by the Board of Elections the petitions contained elector signatures totaling at least 15% of the number of registered voters at the time of the last general election; and

WHEREAS, on January 5, 2024, the Clerk of Council provided notice of the sufficiency of the petitions to Council and to Mayor Jeryne Peterson, pursuant to Charter10.02(c); and

WHEREAS, pursuant to Charter 10.02(d), Mayor Jeryne Peterson has five days to resign or the recall shall proceed to an election, and Council must set a recall election date no less than 40 days after January 5, 2024 and no more than 65 days after January 5, 2024; and

WHEREAS, Council recognizes the burden this places on the Board of Elections so close to a primary election and this burden is heighted if Council waits until its January 22, 2024 meeting to set a date for the election, and respecting the request of the Board of Elections that the recall election occur in February so the recall election does not delay or distract from its preparations for the March 2024 primary election; and

WHEREAS, Council now desires to set a date for recall election, only to be enacted if Mayor Jeryne Peterson does not resign, said election having to occur between February 14, 2024 and March 10, 2024;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Village of Buckeye Lake, at least two-thirds (2/3) of its members concurring to dispense with the requirements of Charter Section 4.04 requiring three readings on three separate days with at least one week between the readings

Section 1: Pursuant to Charter 10.02(d), Council hereby determines and sets the date for the recall election as February 27, 2024.

Section 2. The form of the ballot to be given at the election on the question of recall of Mayor Jeryne Peterson shall be substantially as follows, as directed by Charter 10.02(d):

"Shall Jeryne Peterson be allowed to continue as Mayor?"

Yes _____

No _____

Section 3. The Clerk of Council is hereby directed and authorized to cause notice of this recall election to be published on the same day of each week, for two consecutive weeks, in a newspaper of circulation in the Village.

Section 4. The Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance immediately after its passage and to deliver it to the Board of Elections of Licking and Fairfield Counties, Ohio for the purpose of having the question set forth in Section 2, above, placed on the ballot in order to submit the question of the recall of Mayor Jeryne Peterson to the electors of the Village of Buckeye Lake, Ohio, at the election to be held as set herein. The Clerk shall deliver the certified copies to the Boards of Election on January 12, 2024, if Mayor Peterson has not resigned by that date.

Section 5. This Ordinance shall only be effective if Mayor Jeryne Peterson does not resign.

Section 6. This Ordinance setting a date for the recall election is required pursuant to Charter 10.02(d) and therefore not subject to Mayor's Veto. Furthermore, this Ordinance shall not require the Mayor's approval to be valid, the Mayor being the subject of the recall election.

Section 7. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 8: For the reasons in the preamble, this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare of the citizens of Buckeye Lake, Ohio. Therefore, this Ordinance shall become effective immediately upon its passage by Council.

ADOPTED this 8th day of January, 2024

Attest: Samantha Torres
Council Clerk, Samantha Torres

Linda Goodmeen
Council President, Linda Goodmeen

APPROVED:
Approved as to form on this day, January 8, 2024.

Bradley S. Nicodemus, Esq.
Solicitor, Village of Buckeye Lake