



**City of Gahanna**  
**Signature**  
**Resolution**

200 South Hamilton Road  
Gahanna, Ohio 43230

**File Number:** RES-0016-2011

**Date Passed:** 7/18/2011

TO PROVIDE FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENT TO THE  
GAHANNA CITY CHARTER PERTAINING TO THE COUNCIL

WHEREAS, the Gahanna Charter Review Commission has made recommendation to City Council that a change be made to Section 4.08, Vacancies, of Article IV, The Council, of the Gahanna City Charter; and

WHEREAS, the Gahanna Charter Review Commission has made recommendation to City Council that a change be made to Section 4.14, Effective Date of Resolutions & Ordinances, of Article IV, The Council, of the Gahanna City Charter; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GAHANNA,  
STATE OF OHIO:

Section 1. That the question of an amendment to the Charter of the City of Gahanna, which is deemed to be in the best interest of the citizens of Gahanna be submitted to the electors of the City of Gahanna at the next regular general election so that, as amended, the same shall read as follows on EXHIBIT A, attached hereto and made a part hereof as if fully written herein.

Section 2. That the Clerk shall make available to the Board of Elections sufficient copies of this text so as to have one copy per precinct in all voting places within the City of Gahanna.

Section 3. That this amendment be digested on the voting machine with the following language:

Shall Section 4.08, Vacancies, and Section 4.14, Effective Date of Resolutions and Ordinances, of Article IV, The Council, be amended to clarify when a vacancy in the office of City Council shall be filled and to coincide Sections 4.14 and 4.15 of the Charter.

For \_\_\_\_\_ Against \_\_\_\_\_

Section 4. That public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election in a newspaper published and of general circulation in the City.

Section 5. That the Clerk of Council is hereby directed to publish the full text of the proposed Charter amendment as set forth in EXHIBIT A, attached hereto and made a part hereof as if fully rewritten herein, once a week for not less than two consecutive weeks in a newspaper of general circulation within the municipality, with the first publication being at least fifteen (15) days prior to the election, all in accordance with Section 9 of Article XVIII, Ohio Constitution, and Section 731.211(b), Ohio Revised Code, and that she is directed to verify a copy of this resolution to the Board of Elections within the time period prescribed by Section 8 of Article XVIII, Ohio Constitution.

Section 6. That the Board of Elections is hereby authorized to place the digest shown in Section 3 above, within the voting machine at a special election to be held on the date of the general election, Tuesday, November 8, 2011.

Section 7. That language to the effect that a majority affirmative vote is necessary for passage be digested on the voting machine.

Section 8. That the City Attorney is hereby authorized to do any and all things necessary to ensure that the issues are placed on the ballot in conformance with the Constitution and the laws of the State of Ohio and the Charter of the City of Gahanna.

Section 9. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

This Resolution was Adopted, this 18th day of July, 2011.



David L. Samuel  
President of Council

ATTESTED to and PRESENTED to the Mayor;  
this 19th day of July, 2011.



Isobel L. Sherwood, MMC  
Clerk of Council

APPROVED by the Mayor, this  
19th day of July 2011.



Rebecca W. Stinchcomb  
Mayor

Approved as to form:



Thomas L. Weber  
City Attorney

**PROPOSED ARTICLE IV, THE COUNCIL**

**Section 4.08 Vacancies**

**Section 4.14 Effective Date of Resolutions & Ordinances**

Present Charter	Proposed Charter	Reasoning
<p>ARTICLE IV THE COUNCIL</p>	<p>ARTICLE IV THE COUNCIL</p>	<p>ARTICLE IV THE COUNCIL</p>
<p>SECTION 4.08 VACANCIES.</p>	<p>SECTION 4.08 VACANCIES.</p>	<p>SECTION 4.08 VACANCIES.</p>
<p>Vacancies in Council shall be filled for the unexpired term by an appointment made by a majority vote of all remaining members of Council. Such appointment shall be made within thirty (30) days after the next regular meeting following receipt of official notification of such vacancy. If Council fails to fill the vacancy within said thirty (30) day period, the Mayor shall make the appointment. Persons appointed to fill vacancies must meet the qualification requirements of Section 4.03.</p>	<p>Vacancies in Council shall be filled for the unexpired term by an appointment made by a majority vote of all remaining members of Council. Such appointment shall be made within thirty (30) days after the next regular meeting following receipt of official notification of such vacancy. If Council fails to fill the vacancy within said thirty (30) day period, the Mayor shall make the appointment. Persons appointed to fill vacancies must meet the qualification requirements of Section 4.03.</p>	<p>This change clarifies that vacancies in the position of Council Member are only to be filled at the next municipal election as opposed to the next general election for state and federal officials.</p>
<p>If the vacancy occurs in a position to be filled at the next election following occurrence of the vacancy, the appointed member of Council shall serve until the beginning of the terms of the persons elected in that election.</p>	<p>If the vacancy occurs in a position to be filled at the next <b>REGULAR MUNICIPAL</b> election following occurrence of the vacancy, the appointed member of Council shall serve until the beginning of the terms of the persons elected in that election.</p>	<p>SECTION 4.14 EFFECTIVE DATE OF RESOLUTIONS AND ORDINANCES.</p>
<p>If the vacancy occurs in a position not to be filled at the next general election and more than ninety (90) days before the next general election, that position will be placed on the ballot at the next general election for the election of a successor. The appointed member of Council shall serve until, and the elected successor shall take office, immediately following certification by the Board of Elections for the balance of the unexpired term. (Amended Nov. 3, 1981.)</p>	<p>If the vacancy occurs in a position not to be filled at the next <b>REGULAR MUNICIPAL general</b> election and more than ninety (90) days before the next <b>REGULAR MUNICIPAL general</b> election, that position will be placed on the ballot at the next <b>REGULAR MUNICIPAL general</b> election for the election of a successor. The appointed member of Council shall serve until, and the elected successor shall take office, immediately following certification by the Board of Elections for the balance of the unexpired term. (Amended Nov. 3, 1981.)</p>	<p>Emergency legislation is referred to in Section 4.14 and Section 4.15 of the Charter. This change makes the wording the same in both sections of the charter.</p>
<p>SECTION 4.14 EFFECTIVE DATE OF RESOLUTIONS AND ORDINANCES.</p>	<p>SECTION 4.14 EFFECTIVE DATE OF RESOLUTIONS AND ORDINANCES.</p>	
<p>Each ordinance providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefor, any emergency ordinance, necessary for the immediate preservation of public peace, health, safety or welfare, and each resolution shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or</p>	<p>Each ordinance providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefor, any emergency ordinance, necessary for the</p>	

<p>upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.</p> <p>No other ordinance shall become effective until thirty (30) days after its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be. (Amended Nov. 6, 1973.)</p> <p><b>SECTION 4.15                    EMERGENCY ORDINANCES.</b></p> <p>An emergency ordinance is an ordinance for the immediate preservation of the public peace, property, health, safety, or welfare in which the emergency is set forth and defined in a preamble thereto.</p> <p>Each emergency ordinance shall require the affirmative vote of at least six (6) members of Council if all members are present, or the affirmative vote of at least five (5) members if one or more members are absent.</p> <p>No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise shall be enacted as an emergency ordinance. (Amended Nov. 6, 1973.)</p>	<p>immediate preservation of public peace, <b>PROPERTY</b>, health, safety or welfare, and each resolution shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.</p> <p>No other ordinance shall become effective until thirty (30) days after its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be. (Amended Nov. 6, 1973.)</p>	
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