

**ORDINANCE NO. 022-16**

**AN ORDINANCE PROVIDING FOR AN ELECTION ON THE QUESTION OF AN AMENDMENT TO THE CITY OF NAPOLEON, OHIO CHARTER ARTICLE II (COUNCIL), ARTICLE V (BOARDS AND COMMISSIONS), AND IX (INITIATIVE, REFERENDUM AND RECALL); AND DIRECTING THE BOARD OF ELECTIONS OF HENRY COUNTY, OHIO TO CONDUCT SUCH ELECTION ON THE NOVEMBER 8, 2016 BALLOT**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO WITH TWO THIRDS (2/3) OR MORE OF ITS CURRENT MEMBERS CONCURRING THERETO:**

Section 1. That, the question of the amendments to the Charter of the City of Napoleon, Ohio (hereinafter called "the City") shall be submitted to a vote of the qualified electors of the City at a special election held on the day of the general election to be held on Tuesday, November 8, 2016 at the regular places of voting in the City. The Charter amendments, to wit: Article II (Council); Article V (Boards and Commissions); and Article IX (Initiative, Referendum and Recall), shall read as set forth in the attached Exhibit A: "City of Napoleon, Ohio Charter Review Commission's Recommendation of Proposed Charter Amendments Year 2016" submitted by the Charter Review Commission to City Council on or before June 6, 2016, a true and complete copy of which is on file in the office of the City Finance Director.

Section 2. That, the Board of Elections of Henry County, Ohio is directed to conduct such election at a special election held on the day of the general election to be held on November 8, 2016.

Section 3. That, the City Finance Director shall file a true and complete copy of this Ordinance with the Board of Elections of Henry County, Ohio at least seventy-five (75) days before the date of said election.

Section 4. That, the City Finance Director is directed to publish the full text of the proposed charter amendments once a week for not less than two (2) consecutive weeks in the Northwest Signal, with the first publication being at least fifteen (15) days prior to the election, in accordance with Section 9 of Article XVIII of the Ohio Constitution and Section 731.211 of the Ohio Revised Code.

Section 5. That, the City Finance Director is directed to make the necessary arrangements with the appropriate election authorities for giving notice, conducting the election and placing the question on the ballot, including the preparation of proper ballot language, to include all amendments as found in Section 1 of this Ordinance as three (3) separate questions for the voters.

Section 6. That, to pay the cost of any printing, mailing copies of the proposed amendments and of any publishing notice cost, there is appropriated from the General Fund the sum of ten thousand dollars (\$10,000.00), or so much thereof as may be needed.

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

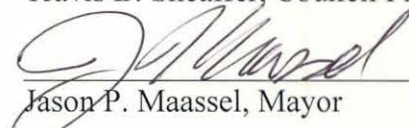
Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 9. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: 7-5-16

  
Travis B. Sheaffer, Council President

Approved: 7-5-16

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 022-16 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 20<sup>th</sup> day of July, 2016; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

  
Gregory J. Heath, Clerk/Finance Director



**City of Napoleon, Ohio Charter Review Commission's  
Recommendation of Proposed Charter Amendments Year 2016  
Exhibit A: Ord. 022-16**

**Section 2.08 Vacancies**

If a vacancy occurs on Council and within thirty (30) days thereafter, those Central Committee members living in the City, from the same political party as the vacated member at the time of his or her election or appointment to Council, may recommend to Council a person to fill the vacancy for the unexpired term. If a person is so recommended, he or she shall not become a Council member unless approved by Council. If no person is so recommended by such Central Committee members or if a person so recommended is not approved by Council, Council may select another replacement within fifteen (15) days. If Council fails to select another replacement within fifteen (15) days, the Mayor shall select a replacement. If the person to be replaced ~~was ran as~~ an independent ~~or third-party candidate~~ at the time of his or her election or appointment, the replacement shall be selected by Council; but, if Council fails to select a replacement within thirty (30) days after the vacancy occurs, the Mayor shall select a replacement. If a vacancy date cannot be determined with a reasonable degree of certainty, then the vacancy date shall be as concluded by approved motion of Council.

**Section 5.07 Charter Review Commission**

(A) **Establishment of Commission.** No later than the year 2008, and at least every eight (8) years thereafter, there shall be a Charter Review Commission consisting of seven (7) members, each of whom shall be a resident and qualified elector of the City: five (5) of whom shall be appointed by Council and two (2) of whom shall be appointed by the Mayor. Two (2), but not more than two (2) of the Council appointments may be Council members.

(B) **Duties.** The Charter Review Commission shall review the City's Charter to determine whether any amendments, additions, deletions or other changes are necessary or would be advisable or beneficial, and, within the time designated by Council and as otherwise provided by Council, shall bring any and all proposed amendments, additions, deletions or other changes to the attention of Council. ~~in the form of a recommendation to amend the City's Charter. The Council may accept, reject or modify the Charter Review Commission's recommendations.~~

**Section 9.03 Removal From Office and Recall**

(A) **Power to Recall.** The electors of the City shall have the right and power to remove from office by a recall election any officer of the City holding an elective office, but only after that officer has served six (6) months of his or her term. A petition demanding the removal of an elected officer may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver a receipt to that person.

The separate parts of the petition shall be bound together and filed as one (1) document. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for removal. The petition shall be signed by at least that number of electors which equals twenty-five percent (25%) of the number of electors voting at the last general municipal election. Within ten (10) days after filing the petition, the Clerk of Council shall determine whether or not it meets the requirements



hereof. If the Clerk of Council finds the petition insufficient, he or she promptly shall certify the particulars in which the petition is insufficient, deliver a copy of his or her certificate to the person who filed the petition, and make a record of such delivery. The person who filed the petition shall be allowed a one (1) time period of twenty (20) days after the day on which the delivery of the certificate was made to him or her to make the petition sufficient. If the Clerk of Council finds the petition sufficient, he or she promptly shall certify it to Council, deliver a copy of the petition and his or her certificate to the officer whose removal is sought, and make a record of such delivery if the officer does not resign.

(B) **Failure to Resign.** If the officer does not resign within five (5) days after the day on which such delivery is made, Council, by ordinance or resolution, shall fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery. The Clerk of Council shall certify the ordinance or resolution providing for such election to the appropriate election authorities upon receipt from the person filing the petition of a bond, cash, certified check or cashier's check in an amount equal to the cost of such election as reasonably estimated by the Clerk of Council, such security to be retained and used by the City to pay the costs of the recall election if a majority of the votes cast are against the recall of the officer, otherwise to be returned to the person filing the petition upon certification of the results of the election.

(C) **Ballot Wording and Eligibility of Appointment.** At the recall election, this question shall be placed upon the ballot substantially in the following form or as otherwise permitted by the board of elections: "Shall (naming the officer) be allowed to continue as (naming the office)?", with provisions on the ballot for voting affirmatively or negatively. In the event a majority of the vote is negative, the officer shall be considered as removed, his or her office shall be considered vacant, and the vacancy shall be filled as provided by this Charter, or if this Charter is silent, as Council may decide. The person removed at the recall election shall not be eligible for appointment to the vacancy thereby created.

(D) **No Additional Recall.** If an officer against whom a recall petition is filed is continued in office by the vote at the recall election, no other recall petition shall be filed against him or her for a period of two (2) years.

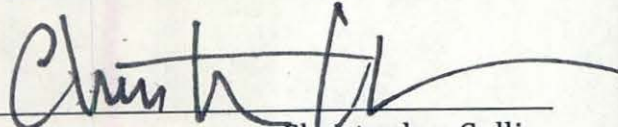
(E) **Removal by Council.** Council may remove the Mayor or a Council member for gross misconduct, malfeasance, misfeasance, or nonfeasance in office; or for conviction while in office of a crime involving moral turpitude or for any felony conviction; or if adjudicated legally incompetent; or for a violation of his or her oath of office; or for persistent failure to abide by the Rules of Council. However, such removal shall not take place without the concurrence (affirmative vote) of five (5) members of Council, and also not until the accused Mayor or Council member has been notified in writing of the charge against him or her at least ten (10) days in advance of a public hearing upon such charge, and at which time he or she (or his or her counsel should the Mayor or Council member choose to retain counsel) shall be given an opportunity to be heard and present evidence at a public hearing called by Council. An accused member of Council shall not vote on the question of his or her removal. Upon the removal of such officer, the vacancy thereby created in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.



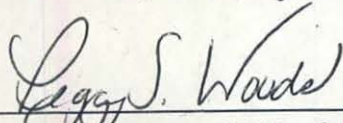
# PROOF OF PUBLICATION

State of Ohio, Henry County, ss.

Christopher Cullis, being dully sworn,  
Deposes and says that he is the Publisher  
of the Northwest Signal, a daily newspaper  
published in Napoleon, in said Henry County,  
Ohio, and of general circulation herein; that  
the annexed advertisement and notice was  
printed and published in said newspaper for  
1 days/weeks, the first insertion being  
on the 20<sup>th</sup> day of July 2016 and  
for 0 consecutive days/weeks thereafter.

X   
Christopher Cullis

Subscribed to in my presence and sworn before  
me this 21 day of July 2016.

X   
Peggy S. Woods, Notary Public  
My Commission expires: September 4, 2016

Notary Fees.....\$1.50  
Printer's Fees.....\$280.80

SUMMARY OF ORDINANCE NO(S). 019-16, 020-16, 022-16, 024-16

RESOLUTION NO(S). 017-16, 021-16, 023-16

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY  
CHARTER; CHAPTER 121 OF THE CODIFIED ORDINANCES  
OF THE CITY OF NAPOLEON, OHIO; CITY COUNCIL RULE 6.5;  
AND APPLICABLE PROVISIONS OF O.R.C. CHAPTER 731)

## NOTICE

A copy of the complete text of the above named Ordinance(s)  
and Resolution(s) are on file in the office of the City Finance  
Director and may be viewed or obtained during business hours  
of 7:30 AM to 4:00 PM, Monday through Friday, at the office of  
the Finance Director, the location being 255 West Riverview  
Avenue, Napoleon, Ohio. A copy of all or part of the above  
named Ordinances and Resolutions, or any item mentioned  
in this notice, may be obtained from the City Finance Director  
upon the payment of a reasonable fee therefore.

### Ordinance No. 019-16

AN ORDINANCE TO APPROVE CURRENT APRIL, 2016  
REPLACEMENT PAGES TO THE NAPOLEON CODIFIED  
ORDINANCES

In this legislation, the City of Napoleon approved replacement  
pages to the Napoleon Codified Ordinances through April, 2016.

### Ordinance No. 020-16

AN ORDINANCE AMENDING THE CITY OF NAPOLEON, OHIO  
ENGINEERING DEPARTMENT RULES AND REGULATIONS,  
TO WIT: RULE 4.1.3; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized an amendment  
to the Engineering Department Rules and Regulations, Rule 4.1.3.  
A complete copy of said Rules can be obtained from the City as  
stated in the above Notice.

### Ordinance No. 022-16

AN ORDINANCE PROVIDING FOR AN ELECTION ON THE  
QUESTION OF AN AMENDMENT TO THE CITY OF NAPOLEON,  
OHIO CHARTER ARTICLE II (COUNCIL), ARTICLE V (BOARDS  
AND COMMISSIONS), AND IX (INITIATIVE, REFERENDUM  
AND RECALL); AND DIRECTING THE BOARD OF ELECTIONS  
OF HENRY COUNTY, OHIO TO CONDUCT SUCH ELECTION  
ON THE NOVEMBER 8, 2016 BALLOT

In this legislation, the City of Napoleon authorized three separate  
proposed amendments to the City Charter to be placed on the  
November 8, 2016 General Election ballot. A complete copy of the  
three proposed changes to the City Charter can be obtained from  
the City as stated in the above Notice.

### Ordinance No. 024-16

AN ORDINANCE VACATING A PORTION OF A CERTAIN ALLEY  
AND ROADWAY LOCATED SOUTH OF THE SOUTHERLY  
RIGHT-OF-WAY OF FRONT STREET AND ADJACENT TO THE  
WESTERLY LINE OF LOT 137 OF PHILLIPS & STAFFORDS  
THIRD ADDITION, AND ALSO BEING ROADWAYS WITHIN  
THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 13,  
TOWN 5, RANGE 6 EAST OF NAPOLEON, HENRY COUNTY,  
OHIO, AS SHOWN ON EXHIBIT "A"

In this legislation, the City of Napoleon vacated an alley and  
roadway at the request of the property owner.