



CLEVELAND HEIGHTS

Wednesday, August 25, 2021 Minutes

SPECIAL CITY COUNCIL MEETING

6:15 – 6:23 p.m.

President Stein presiding

Roll Call: Present: Cobb, Hart, Russell, Stein, Seren, Ungar

Staff present: Hanna, Niermann O’Neil

ADMINISTRATIVE SERVICES COMMITTEE

***MOTION** to amend agenda to accept substitute legislation Ordinance No. 115-2021 as the official version of the legislation before council.

Moved by Vice President Seren, Seconded by President Stein

Roll Call: Ayes: Seren, Hart, Russell, Stein, Ungar, Cobb

Motion Passed

ORDINANCE NO. 115-2021 (AS). An Ordinance to submit to the Electors of the City of Cleveland Heights an election to fill a vacancy on City Council for an unexpired term ending December 31, 2023, and declaring an emergency.

Introduced by Vice President Seren, Seconded by President Stein

Roll Call: Ayes: Hart, Russell, Stein, Ungar, Cobb, Seren

Nays: None

Legislation Passed

Vice President Seren explained that there is a vacancy on Council and the timing of this vacancy created some confusion as to the method this vacancy would be filled. After thorough research and discussion, the Law Department concluded that the appropriate way to fill this vacancy would be to hold a special election. This legislation calls for a special election to be held at the same time as the regular municipal election on November 2, 2021 providing for a period of time for candidates to collect petition signatures in order to get on the ballot. Fifty signatures were needed to get on the ballot

and the timeline for collecting these signatures will be now until September 7th and 4pm when they will need to be submitted to the Board of Elections.

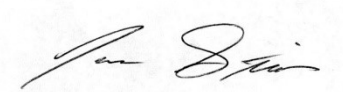
Law Director William Hanna said the situation that Vice President Seren described was complicated by the conflict in the language in Article III-4 of the Charter, which states the council vacancy filling process, and Article VII-3, which sets out a number of criteria for regular municipal elections, including petition filing deadlines which have already passed for this regular municipal election coming up in November. In order to fulfill the City's duty to cause a replacement council person to be elected in November, or to provide that opportunity, this legislation is required. Since there were not any petition filing deadlines in our Charter that would work for this situation, we utilized the City's Home Rule authority in order to provide as much time as possible for candidates to obtain the required signatures and submit their petitions. September 7th at 4:00 pm is the latest date/time that the Board of Elections can accept petitions.

Because Section 3 of Article VII is applicable to regular municipal elections with four-year terms, it does not apply to this situation. For the same reason, the signature requirements are modified by looking to State law to fill in a silent area of our Charter. Per O.R.C. 3513.251, for a municipal corporation having a population of five thousand or more, fifty signatures are required for a municipal officer election. This is referenced in Section 3 of the Ordinance. We were able to incorporate some of the requirements found in Article VII-3 such as not being signed by an elector prior to the date upon which the ordinance is adopted and effective, no elector shall sign nominating petitions for more than one candidate, and if the nominating petition appears on its face to contain signatures aggregating a number more than three times the minimum aggregate of fifty, it won't be accepted. Also, no write-ins will be accepted because of State laws. The only additional change in terms of the form of legislation from the Resolution to the Ordinance is some additional direction to the Clerk of Council to cause publicity for this election, which is now being sent to the Board and to the Electors through the City's website, social media, etc. to make sure the word is out there.

President Stein thanked Garry Kanter for his email to council.

NEXT MEETING OF COUNCIL: MONDAY, AUGUST 30, 2021

Respectfully submitted,



Jason S. Stein
President of Council



Amy Himmelein
Clerk of Council