

ORDINANCE NO. 04-60 AC CMS

AN ORDINANCE PROPOSING TO AMEND SECTIONS XIX B., XIX C., XIX D., AND XIX E. OF THE CHARTER OF THE CITY OF OBERLIN RELATING TO CITY BOARD AND COMMISSION TERMS AND THE POWERS OF THE CITY ZONING BOARD OF APPEALS AND PLANNING COMMISSION AND DECLARING AN EMERGENCY

WHEREAS, The Council of the City of Oberlin, pursuant to Section XXVIII of the Charter of the City of Oberlin, previously appointed a Charter Review Committee to review the Charter of the City and make recommendations to Council; and,

WHEREAS, the Charter Review Committee has completed its task of reviewing the Charter and has made its recommendations to Council; and,

WHEREAS, Council has determined that it is in the best interests of the City of Oberlin to propose those recommended Charter amendments to the electors of the City of Oberlin for approval.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the amendments to Sections XIX B., XIX C., XIX D., and XIX E. of the Charter of the City of Oberlin, Ohio, as are set forth in the attachment hereto, which is marked "Exhibit A" and incorporated herein by reference, are, subject to approval by the electors of the City of Oberlin, hereby approved and adopted.

SECTION 2. That said proposed amendments to Sections XIX B., XIX C., XIX D., and XIX E. of the Charter of the City of Oberlin, Ohio, shall be submitted to the electors of the City of Oberlin for acceptance or rejection at an election to be held on the first Tuesday after the first Monday in November, 2004, to wit: November 2, 2004; and if approved by majority vote shall become effective immediately thereafter.

SECTION 3. That the ballot language for said proposed amendments to Sections XIX B., XIX C., XIX D., and XIX E. of the Charter of the City of Oberlin, Ohio, shall read as follows, or as required to be modified by the Ohio Secretary of State:

PROPOSED CHARTER AMENDMENTS

A majority affirmative vote is necessary for passage.

Shall Sections XIX B., XIX C., XIX D., and XIX E. of the Charter of the City of Oberlin be amended, as proposed by Ordinance No. 04-60 AC CMS, such amendments, among other things, setting the terms of members of City Boards and Commissions at three (3) years, limiting members of City Boards and Commissions to no more than three (3) consecutive terms, and authorizing the Zoning Board of Appeals and Municipal Planning Commission to have such additional powers as may be approved by City Council?

SHALL THE PROPOSED AMENDMENTS TO SECTIONS
XIX B., XIX C., XIX D., AND XIX E. OF THE CHARTER
OF THE CITY OF OBERLIN, OHIO, BE ADOPTED?

YES _____
NO _____

SECTION 4. The Clerk of Council of the City of Oberlin shall cause this ordinance to be certified to the Board of Elections of Lorain County, Ohio, no later than August 19, 2004, and shall further cause the full text of said proposed Charter Amendments to be published in a newspaper of general circulation in the City of Oberlin, Ohio, at least once a week for two consecutive weeks during the month of October, 2004, with the first publication to be at least fifteen (15) days prior to the election.

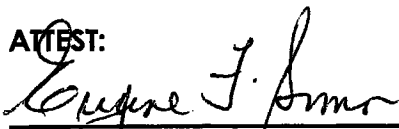
SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

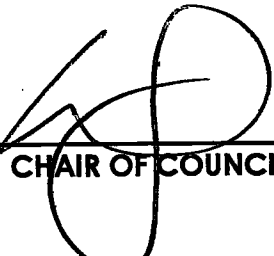
SECTION 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare of the citizens of the City of Oberlin, Ohio, to wit:

"to comply with all applicable time limits in placing a charter amendment on the ballot," and shall take effect immediately upon passage.

PASSED: 1st Reading - August 16, 2004 (Suspension of Rules)(E)
2nd Reading -
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: August 17, 2004

EFFECTIVE DATE: August 17, 2004

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CHARTER AMENDMENTS.4
EXHIBIT A

SECTION XIX. BOARDS AND COMMISSIONS.

...

B. All boards and commissions shall consist of five (5) members with concurrent terms of three (3) years, except the members first appointed to five (5) year terms. No member shall be appointed to more than three (3) consecutive terms. Any vacancy during the unexpired term of an appointed member shall be filled by Council for the remainder of the term. All members appointed to boards and commissions shall be residents and registered and qualified electors of the Municipality at the time of their appointment. Change of residence to outside the corporate limits of the Municipality shall automatically end the term of any board or commission member. Boards and commissions shall establish their own organization, procedure, rules and regulations subject to Council approval, and shall serve without compensation and incur no expenses, except as provided by Council. Agendas, minutes and annual reports are to be submitted to the Clerk of Council.

C. Zoning Board of Appeals. Council shall appoint a Zoning Board of Appeals. The Zoning Board of Appeals shall have such powers and duties as are or may be conferred upon it by the general laws of the State of Ohio, and such powers as may be conferred upon it by Council, including but not limited to appeals from refusal of building permits, and shall have the authority to permit exceptions to or variations from the zoning code.

D. Public Utilities Commission. Council shall appoint a Public Utilities Commission. The Public Utilities Commission shall serve as an advisory body to the Council on any and all questions concerning the financing, maintenance, operation and improvement of the public utilities serving the Municipality, both privately and municipally owned.

E. City Planning Commission. Council shall appoint a City Planning Commission. The City Planning Commission shall have such powers and duties as are or may be conferred upon it by the general laws of the State of Ohio, and such powers as may be conferred upon it by Council, including but not limited to the plan, design, location, removal, relocation, widening, extension, and vacation of streets, parkways, playgrounds and other public places; the approval of plats for subdivision of land; and the zoning of the Municipality for any lawful purpose. The Commission should constantly endeavor to formulate plans for the future physical development of the Municipality.