

RESOLUTION R 2007 – 2

**STATING CITY COUNCIL'S POSITION REGARDING ITS ABILITY TO
SUBMIT CHARTER AMENDMENTS TO THE ELECTORS WITHOUT
PETITIONS OF RESIDENTS**

WHEREAS, City Council has been notified that a recall petition may be circulated alleging, among other things, that certain Council members have violated the City Charter; and

WHEREAS, some residents have alleged that City Council voting on an ordinance to submit a Charter amendment to the electors in the absence of a valid petition is a violation of the City Charter and Ohio Constitution; and

WHEREAS, Council now deems it necessary to publicly state its position on this issue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That prior to introducing two ordinances to submit two separate Charter amendments to the electors, City Council requested a legal opinion from the Law Director and pursuant to the Charter requirements as determined by the Law Director, the City Council followed the Constitution of the State of Ohio, Article XVIII, Section 9.

Section 2. That the Law Director informed Council that under Article XVIII, Section 9 of the Ohio Constitution, it had the independent authority to adopt an ordinance by two-thirds vote to submit a Charter amendment to the electors even without a petition from citizens. This position is supported by the decision of the Ohio Supreme Court stating, "Council had the unquestioned power under Section 9, Article XVIII, of the Constitution of Ohio to enact this legislation by a two-thirds vote without any petition."

Section 3. That Council acted in accordance with this sound legal advice when it voted on two ordinances to submit two Charter amendments to the electors, even though no petitions had been submitted on the issue.

Section 4. That the Law Director has conducted additional legal research affirming that Council acted within the authority of Article XVIII, Section 9 of the Ohio Constitution, as well as the Charter of the City of Mason.

Section 5. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed this 26th day of March, 2007.

Attest:



Clerk of Council


Mayor