

ORDINANCE NO. 2009-99

DIRECTING THE WARREN COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE CITY OF MASON, OHIO, AT THE NOVEMBER 3, 2009, GENERAL ELECTION, A CHARTER AMENDMENT TO SECTION 3.02(A) REGARDING TERM LIMITS

WHEREAS, Council has determined that it is in the best interest of the City of Mason for the Mason Charter provisions regarding term limits to conform with the Ohio Constitutional provisions for term limits regarding members of the General Assembly; and

WHEREAS, Council has determined that it is in the best interest of the City of Mason to place on the ballot an issue regarding a Charter Amendment of Section 3.02(A) regarding Term Limits; and

WHEREAS, Council wishes to place this issue on the ballot for consideration of the electors of the City of Mason at the November 3, 2009, general election; and

WHEREAS, Council has the prerogative to place a matter on the Charter Amendment on the ballot by a two-thirds majority vote of the members of Council, with or without petition.

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

Section 1. That Section 3.02(A) Term Limits of the Charter of the City of Mason, be revised as follows:

See Exhibit A, attached hereto and incorporated herein by reference.

Section 2. That this matter shall be placed on the November 3, 2009, general election ballot for consideration by the electors of the City of Mason.

Section 3. That this Ordinance is found to be the submission of a question to the electorate, and pursuant to Section 4.08 of the Charter of the City of Mason, shall be effective immediately upon its passage.

Passed this 17th day of August, 2009.

Attest:


Clerk of Council


Mayor

CERTIFICATE

The undersigned, Clerk of Council of the City of Mason, hereby certifies this to be a true and exact copy of Ordinance 2009-99, adopted by the Council of the City of Mason on August 17, 2007.

Clerk of Council

SECTION 3.02A TERM LIMITS.

It is the intention of this Charter provision to conform to the Ohio Constitutional provisions regarding fulfilling unexpired terms for members of the General Assembly.

No person shall hold the office of member of Council for a period longer than two consecutive four year terms of the Council unless a period of at least two years has intervened without such person serving on the Council; that the provisions of this amendment shall apply commencing January 1, 2010, and that consecutive terms of service on the Council to which members were elected prior to December 1, 2009, shall be counted in determining eligibility for the office of member of Council under this section.

In determining the eligibility of an individual to hold the office of member of Council in accordance with this article, (a) time spent in the office of member of Council in fulfillment of a term to which another person was first elected shall not be considered, provided that a period of at least two years has passed between the time, if any, that the individual previously held that office, and the time the individual is elected or appointed to fulfill the unexpired term; and (b) A person who is elected to the office of member of Council in a regularly scheduled general election and resigns prior to the completion of the term for which he or she was elected, shall be considered to have served the full term in that office.

Each provision of this amendment shall be deemed severable from the others, and a finding that a provision is invalid shall not affect the other provisions.