

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-05

Passed February 20, 2001  
YEAR

**AN ORDINANCE PROVIDING FOR A SPECIAL ELECTION TO BE HELD ON MAY 8, 2001, ON AMENDMENT TO THE CHARTER FOR THE MUNICIPALITY OF POWELL AMENDING SECTION 11.03 OF THE CHARTER ENTITLED PERSONNEL BOARD OF REVIEW AND DECLARING AN EMERGENCY**

**WHEREAS**, Council has determined that it is desirable to amend **Section 11.03** of the **Charter** providing for creation of and, composition of, and other matters relating to a Personnel Board of Review upon the Municipality having obtained city status and,

**WHEREAS**, Council is authorized pursuant to the provisions of the **Constitution** of the State of Ohio and **Section 12.01** of its Charter to submit such amendments to the electors at the next regular municipal election if one shall occur not less than sixty (60) days nor more than one hundred twenty (120) days after its passage or, otherwise, it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, TWO-THIRDS OF ALL MEMBERS ELECTED CONCURRING AS FOLLOWS:**

**Section 1:** The question of the amendment for the **Charter** of the Municipality of Powell amending **Section 11.03** entitled **Personnel Board of Review** shall be submitted to a vote of the qualified electors of the Municipality of Powell at a special election to be held on May 8, 2001 at the regular places of voting in the Municipality as established by the Board of Elections of Delaware County. The proposed Charter Amendment is attached hereto and incorporated herein by reference. The amendment proposes changes to **Charter Section 11.03** dealing with the creation of, composition of, and other matters associated with a Personnel Board of Review which shall become effective upon the Municipality having attained city status. Unless otherwise specifically modified herein, all of the other existing provisions of the **Charter** of the Municipality as previously amended shall remain in full force and effect.

**Section 2:** The ballots for the election shall be entitled "Proposed Charter Amendments, Village of Powell" and the question to be submitted on the ballot shall be: "SHALL THE AMENDMENT TO THE CHARTER FOR THE MUNICIPALITY OF POWELL AMENDING SECTION 11.03 OF ITS CHARTER, PERSONNEL BOARD OF REVIEW BE ADOPTED?"

At or near said wording, in boxes, with appropriate place for marking, shall appear the words "Yes" and "No," and each voter shall indicate a vote by making a cross mark with a black lead pencil in the space so provided or, each voter shall indicate a choice pursuant to automated voting procedures implemented by the Board of Elections. The ballot shall contain a statement indicating that a full text of the proposed Charter Amendments are posted at this polling place.

**Section 3:** That the Municipality Manager and Clerk are directed to make the necessary arrangements with the appropriate election authorities for giving notice, conducting the election, and placing the question on the ballot and shall give public notice of the time and place of holding the election by publication pursuant to the provisions of **Charter Section 5.08**.

**Section 4:** The Clerk of Council is directed to mail a copy of the proposed **Charter Amendment** to each elector whose name appears upon the poll or registration books of the last regular or municipal election held in the Municipality not less than thirty (30) days prior to such election. The Clerk is further directed to deliver a certified copy of this **Ordinance** to the Board of Elections of Delaware County, Ohio.

**Section 5:** If such proposed **Charter Amendment** is approved by a majority of the electors voting thereon, it shall become an amendment to the **Charter** of the Municipality of Powell as of May 8, 2001, and shall take effect upon the Municipality having attained city status.

**Section 6:** Council hereby finds and determines that an emergency exists affecting the health, safety, and welfare of the residents of the Municipality of Powell necessitating immediate implementation of this **Ordinance**, said emergency consisting of the necessity to certify the proposed **Charter Amendment** to the Board of Elections prior to February 22, 2001.

**Section 7:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this **Ordinance** were adopted in an open meeting of the Council and that all deliberations of this Council and any of the decision making bodies of the Municipality of Powell, Delaware County, Ohio.

**Section 8:** This **Ordinance** shall take affect at the earliest possible date permitted by law.

VOTE ON RULE SUSPENSION: Y 6 N 0

VOTE ON ORDINANCE 2001-04: Y 6 N 0

Mark F. Klein 2/20/2001  
Date

Dawn Nauman 2/20/2001  
Date  
Clerk of Council

Mark F. Klein  
Mayor