

AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CITY CHARTER TO AMEND SECTION 12 OF CHAPTER II AND SECTION 20 OF CHAPTER IV AND DECLARING AN EMERGENCY.

WHEREAS, Chapter XIII, Section 72 of the Municipal Charter requires the City Charter to be reviewed by a Charter Review Commission every five years; and

WHEREAS, a Charter Review Commission was appointed in 2023; and

WHEREAS, the Charter Review Commission, by vote of not less than a majority of its members, determined that it would be appropriate to amend Section 12 of Chapter II of the City Charter and Section 20 of Chapter IV.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL  
OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That there shall be submitted to the electors of the City of Avon Lake at the general municipal election to be held November 7, 2023, the question of the amendment to the City Charter of the City of Avon Lake as set forth in Sections 2 and 3 below.

Section No. 2: That Chapter II, Section 12 of the Avon Lake City Charter, which presently reads as follows:

**SECTION 12. SALARIES AND PAY OF OFFICERS AND EMPLOYEES.**

Council shall have the power to establish all offices and positions not otherwise provided for by this Charter which are necessary from time to time for the efficient conduct of the affairs of the Municipality. Council shall by ordinance fix all salaries and rates of compensation; but the salary or rate of compensation of an elected or appointed official, officer or employee who has been elected or employed for a definitely fixed period of time, shall not be increased or decreased during the term of office or appointment. All salaries and wage rates of employees of the Board of Municipal Utilities shall be approved by said Board before they are fixed by Council; and, unless and until changes in salaries and wages are so approved and modified by action of Council they shall remain as last fixed.

is hereby amended to read as follows (new language underlined) (~~deleted language struck through~~):

## SECTION 12. SALARIES AND PAY OF OFFICERS AND EMPLOYEES.

Council shall have the power to establish all offices and positions not otherwise provided for by this Charter which are necessary from time to time for the efficient conduct of the affairs of the Municipality. Council shall by ordinance fix all salaries and rates of compensation; but the salary or rate of compensation of an elected or appointed official, officer or employee who has been elected or employed for a definitely fixed period of time, with the exception of the Mayor, shall not be increased or decreased during the term of office or appointment. All salaries and wage rates of employees of the Board of Municipal Utilities shall be approved by said Board before they are fixed by Council; and, unless and until changes in salaries and wages are so approved and modified by action of Council they shall remain as last fixed.

Section No. 3: That Chapter IV, Section 20 of the Avon Lake City Charter, which presently reads as follows:

## SECTION 20. SALARY.

The Council of the Municipality shall have the power to fix the salary of the Mayor.

Not less than one hundred twenty (120) days immediately preceding the date of the next municipal election for Mayor, the compensation for Mayor may be modified for the next term, and shall not thereafter be changed with respect to such term.

is hereby amended to read as follows (new language underlined) (~~deleted language struck through~~):

~~The Council of the Municipality shall have the power to fix the salary of the Mayor.~~

The Council of the Municipality shall, no later than December 31 of the first year following a general election of a Mayor, fix the salary of the Mayor. Not less than one hundred twenty (120) days immediately preceding the date of the next municipal election for Mayor, the compensation for Mayor may be modified for the next term. The Council may maintain or increase the salary, in which case such change shall take effect immediately and shall not thereafter be changed during the term of the Mayor. In the event that the Council shall decrease the salary, the change shall take effect starting at the next term of the Mayor.

If the Council fails to take action by the aforementioned required date, the compensation of the Mayor shall be fixed at three percent higher than the base salary of the highest paid exempt employee of the Municipality appointed by the Mayor and confirmed by the Council calculated from the preceding twelve months. Such modification shall occur automatically without further action by the Council, and shall not thereafter be changed with respect to such term during the term of the Mayor.

Section No. 4: Notice of the proposed City Charter Amendment shall be given by newspaper advertising as provided by law.

Section No. 5: That the Clerk of Council is directed to certify a copy of this Ordinance to the Board of Elections of Lorain County. She is further directed to take all other action required by law relative to the submission of said Amendment at said election.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of certifying the proposed City Charter amendment to the Board of Elections so it will be received by said Board within the required time prior to the next general election. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 6/12/2023

2<sup>nd</sup> reading: 6/26/2023

3<sup>rd</sup> reading:

PASSED: 7/10/2023

/s/ Martin E. O'Donnell

President of Council

POSTED: 7/14/2023

APPROVED: 7/11/2023

ATTEST: /s/ Valerie E. Rosmarin

Clerk of Council

/s/ Gregory J. Zilka

Mayor