



Legislation Details (With Text)

File #: O-064-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 2/9/2023 **In control:** City Council
On agenda: 2/21/2023 **Final action:** 2/21/2023
Title: Repealing Ordinance 04-23; and declaring an emergency.
Sponsors: Katie Moline, John Hobbs III
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
2/21/2023	1	City Council	Suspension	Pass
2/21/2023	1	City Council	Emergency	Pass
2/21/2023	1	City Council	Passage	Pass

Council Members Moline and Hobbs

Repealing Ordinance 04-23; and declaring an emergency.

SUMMARY & BACKGROUND:

Ordinance 4-23 proposed amending Section 209 of the Toledo City Charter and authorized submission of the amendment to voters as a ballot issue at the May 2, 2023 municipal primary election.

However, placing the proposed Charter amendment on the May 2, 2023 primary ballot will most likely result in election costs to the City that would otherwise not be incurred for the May primary. Repealing and later considering enactment of a new ordinance placing the issue on the general municipal election in November would reduce additional special election costs due solely to the charter amendment and would likely result in more electors having their voice heard on this issue.

This Ordinance repeals Ord. 4-23 in order to avoid special election charges for the May 2, 2023 election that may be incurred by the City due solely as a result of placing a Charter amendment on the ballot at a municipal primary/special election.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Ordinance 4-23, which reads as follows, is hereby repealed in its entirety.

SECTION 1. That the amendment to the Charter of the City of Toledo, as hereinafter set forth, be submitted to the electors of the City of Toledo at the special election to be held on May 2, 2023.

SECTION 2. That the Charter of the City of Toledo, Section 209 which presently reads as follows:

Section 209. Replacing improvements.

The Council may provide in whole or in part the cost of replacing any improvement existing in a street at the time of the adoption of this Charter, by levying special assessments as herein provided for; but any assessment for the improvement to be replaced shall be limited to a sum not in excess of fifty percent of the cost of such replacement.

No allowance shall be made for any replacement and no part of the cost of the making of a street improvement shall be paid by the City, unless such street to be improved shall have been previously graded to an established grade, curbing set and the roadway of said street improvement shall have been previously paved with vitrified blocks or such other material as is provided for the paving of streets in the City.

shall be amended to read as follows:

Section 209. Replacing improvements.

The Council may provide in whole or in part the cost of replacing any improvement existing in a street, by levying special assessments as herein provided for; but any assessment for the improvement to be replaced shall be limited to a sum not in excess of fifty percent of the cost of such replacement.

SECTION 3. That the foregoing amendment to the Charter of the City of Toledo shall take effect immediately upon approval by the electors of the amendment and in accordance with provisions in the amendment. The Clerk of Council is hereby ordered and directed to provide a copy hereof to the Ohio Secretary of State within thirty (30) days after such vote of approval by the electors.

SECTION 4. The Clerk of Council is hereby ordered and directed to certify to the Board of Elections of Lucas County, Ohio, the enactment of this Ordinance for the submission of the aforesaid amendment at an election to be held at the time hereinabove mentioned, and the Clerk is directed to request the Board of Elections to provide for the submission of the question of adopting the amendment of the Charter of the City of Toledo at the said election. The Clerk of Council is further ordered and directed to cause the publication of the full text of the proposed charter amendment once a week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City of Toledo, with the first publication being at least fifteen (15) days prior to the election at which the amendment is to be submitted to the electors.

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

SECTION 6. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to permit the question of the aforesaid Charter amendment to be submitted at the election mentioned above; wherefore this Ordinance shall be in force and effect immediately upon its

passage.

SECTION 2. That this Ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to not have the charter amendment issue be submitted to the Board of Elections and to save the taxpayers special election costs.

Vote on emergency clause: yeas 12, nays 0.

Passed: February 21, 2023, as an emergency measure:
yeas 12, nays 0.

Attest:
Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved: February 22, 2023
Wade Kapszukiewicz
Mayor