



## Legislation Text

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**File #:** O-344-23, **Version:** 1

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Council Members Moline and Hobbs

**Providing for the submission to the electors of the City of Toledo at the general election on November 7, 2023, an amendment to the Charter of the City of Toledo Section 209; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

In 2022, the Charter Revision Committee submitted to City Council proposed amendments to the Charter of the City of Toledo that were combined to become Issue 21 for the special election dated November 8, 2022. The electors of Toledo did not approve the issue and its proposed amendments.

This ordinance proposes changing Section 209 of the Toledo City Charter. This change to the Toledo Charter is supported by citizens of Toledo as a separate issue. Therefore, this ordinance guarantees that this issue can be voted on by the Toledo electorate as a single issue at the November 7, 2023 general election.

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

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 an election to be held on November 7, 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.

Vote on emergency clause: yeas 11, nays 0.

Passed: July 18, 2023, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

July 18, 2023  
Wade Kapszukiewicz  
Mayor