

NOTICE OF PROCEEDINGS
CHARLES D. BEARD COMMUNITY ROOM
631 PERRY STREET – DEFLANCE, OH 43512

CHARTER REVIEW MEETING
~~~~~WEDNESDAY JULY 15th, 2009~~~~~
OPENING COMMENTS – 6:30 p.m.

- I. Call to Order**
- II. Approval of June 15th, minutes**
- III. Revisit 5.04**

Section 5.04

REMOVAL FROM OFFICE AND RECALL

The electors shall have the power to remove from office by a recall election any officer of the City holding an elective position. If an elected officer shall have served six (6) months of his or her term, a petition demanding his or her removal may be filed with the Clerk of Council. He or she shall note thereon the name and address of the person filing the petition a date of such filing and deliver to such person a receipt therefor and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal.

Such petition shall be signed by at least that number of electors which equals twenty-five (25) percent of the number of electors voting at the last regular Municipal election for the office of the Mayor. The petition for recall of a Councilman elected from a ward shall be signed by at least that number of electors of the Councilman's ward equal to twenty-five (25) percent in number of the electors of such ward who voted at the last preceding Municipal election for the office of ward Councilman. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements thereof. If the Clerk shall find that the petition is defective, he or she shall deliver a copy of his or her certificate to the person who filed the petition and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, he or she shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days or more than seventy-five (75) days after the date of such delivery. Such recall election shall be held in all wards of the City in the case of the Mayor or a Councilman-at-Large; and in the case of a ward Councilman, such election shall be held only in the ward from which he or she was elected or appointed. The Clerk of Council shall certify the ordinance providing for such election to the appropriate election authorities upon receipt from the petitioners of a bond, cash, certified check, or cashier's check in an amount equal to the costs of such election as estimated by the Clerk of Council. Such security shall be retained and used by the City to pay the costs of the recall election if a majority of the votes cast shall be against the recall of such officer, otherwise to be returned to the petitioners upon the certification of the results of the election. At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with the provision on the ballot for voting affirmatively or negatively. In the event a majority of the vote is negative, such officer shall be considered as removed, his or her office shall be deemed vacant and such vacancy shall be filled as provided in this Charter. The officer removed at such recall election shall not be eligible

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for appointment to the vacancy created thereby or to any other City position during the term for which he or she was elected?

If an official against whom a petition is filed is continued in office by the vote at the election, no further recall petitions may be filed against him or her for a period of two (2) years.

◇ **THE CLERK'S POSITION ON PETITION FOR RECALL**

◇ **PUBLICATION OF THE RECALL**

IV. Sections to discuss 1.11, 2.04, 7.02, 7.05 (refer to 6-15-09 minutes)

V. RECOMMENDATION FOR CITY COUNCIL FOR CHARTER AMENDMENT.

VI. ADJOURNMENT

Charter Review Clerk
Lisa Elders