

(Council President Ruple)

CITY OF KIRTLAND

ORDINANCE NUMBER 22-O-3

**AN ORDINANCE FIXING THE DAY FOR HOLDING THE
RECALL ELECTION OF KELLY WOLFE AS WARD 1
COUNCILPERSON, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Kirtland's Charter, Article V, Section 3 outlines a procedure for the electors to petition for the recall of a councilperson; and

WHEREAS, on December 20, 2021, this Council received a Petition for the Recall of Kelly Wolfe from her position as Ward 1 Councilperson containing 294 signatures; and

WHEREAS, the Charter requires a petition to be signed by at least 25% of the electors voting in that ward in the last preceding general election; and

WHEREAS, 427 electors from Ward 1 voted in the November 2021 election; and

WHEREAS, pursuant to the Charter, 107 valid signatures are required; and

WHEREAS, on December 28, 2021, the Clerk of Council found that the Petition was sufficient and certified 270 valid signatures on said Petition to both this Council and Councilwoman Wolfe; and

WHEREAS, the Clerk of Council delivered said certification to Councilwoman Wolfe on December 28, 2021 by sending said document via email, by hand delivering a copy to her mailbox at City Hall, and by mailing a copy to her home address; and

WHEREAS, Councilwoman Wolfe had until January 3, 2022, five (5) days from the date of delivery, to resign her position as Ward 1 Councilperson; and

WHEREAS, Councilwoman Wolfe has not resigned within that five-day period; and

WHEREAS, pursuant to Article V, Section 3 of the Charter of the City of Kirtland; this Council is mandated to fix a day for holding a recall election not less than sixty (60) nor more than seventy-five (75) days after the date of such delivery.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: This Council hereby authorizes and directs a submission to the electors of Ward 1 in the City of Kirtland, Ohio, at a special election to be held on or about Tuesday, March

8, 2022 from 6:30 am until 7:30 pm and to be held at the usual place of voting in the City of Kirtland, the following question:

**Proposed Recall
Kirtland City Council
(Ward 1)**

A majority affirmative vote is necessary for retention of office.

“Shall Kelly Wolfe be allowed to continue as Ward 1 Councilperson?”

- Yes
- No

SECTION II: The Clerk of Council be, and hereby is, authorized and directed to certify a copy of this Ordinance to the Lake County Board of Elections for a special election.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to fix a day for the recall of Councilwoman Wolfe within a short timeframe and in accordance with the charter’s mandates. Therefore, this ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2022.

ATTEST:

Approved by the Mayor on this _____
day of _____, 2022.

Clerk of Council
Wolfe Setting Election Recall Date

Mayor Kevin F. Potter