

RECORD OF ORDINANCES

Ordinance No. 2026-40

Passed JULY 01, 2026

SPONSOR: FINANCE

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE V OF THE CHARTER OF THE VILLAGE, ENTITLED “FISCAL OFFICER,” AND PROPOSED TO BE RETITLED AS “FISCAL OFFICER; CLERK”, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XVIII of the Charter of the Village of Mogadore (the “Village Charter”), the Charter Review Commission convened in 2026; and

WHEREAS, the Charter Review Commission has recommended an amendment to Article V of the Village Charter, entitled “Clerk-Treasurer,” and proposed to be retitled as “Fiscal Officer; Clerk,” as set forth on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, this Council, after reviewing all pertinent information and the recommendations of the Charter Review Commission, finds it necessary and in the best interest of the Village to submit to the electors the proposal to amend Article V of the Village Charter.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: Pursuant to the recommendation of the Village’s Charter Review Commission, Council hereby proposes that Article V of the Village Charter, entitled “Clerk-Treasurer,” and proposed to be retitled as “Fiscal Officer; Clerk,” be amended as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 2: Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII of the Village Charter, this Council hereby authorizes and directs the submission to the electors of the Village of Mogadore, at the regular election to be held on November 3, 2026 at the usual places of voting in the Village, the amendment to Article V of the Village Charter as set forth on Exhibit A, attached hereto and incorporated herein, to eliminate the appointed office of Clerk-Treasurer and to create the appointed offices of Fiscal Officer to perform the fiscal functions of the Village and Clerk to perform the municipal clerk functions for the Village.

SECTION 3: That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, then existing Article V shall be and the same is hereby repealed and replaced by the new Article V.

SECTION 4: The ballot language for said issue shall read substantially as follows:

## RECORD OF ORDINANCES

Ordinance No. 2026-40Passed JULY 01, 2026“VILLAGE OF MOGADORE  
PROPOSED AMENDMENT TO CHARTER

Shall Article V of the Charter of the Village of Mogadore, Ohio be changed and amended to eliminate the appointed office of Clerk-Treasurer and to create the appointed offices of Fiscal Officer to perform the fiscal functions of the Village and Clerk to perform the municipal clerk functions of the Village.

- Yes  
 No”

SECTION 5: The Clerk-Treasurer is hereby directed to submit a certified copy of this Ordinance to the Summit County Board of Elections not less than 90 days prior to the November 3, 2026 election for submission to the electors of the Village of Mogadore.

SECTION 6: The Board of Elections of Summit County shall cause an appropriate notice to be duly given of the regular election to be held on November 3, 2026 on the foregoing amendment to the Village Charter, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7: The Clerk-Treasurer is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the Village, with the first publication to be made at least fifteen (15) days prior to the election to be held on November 3, 2026 as required by Section 731.211 of the Ohio Revised Code.

SECTION 8: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 9: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediate effectiveness of this Ordinance is required in order to timely comply with the statutory deadlines to place the above question before the electors of the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

RECORD OF ORDINANCES

Ordinance No. 2026-40

Passed JULY 01, 2026

Michael Gaddish 7-1-26  
President of Council Date

Rita K. 7-1-26  
Mayor Date

Attest:

[Signature]  
Clerk-Treasurer

## EXHIBIT A

### ARTICLE V ~~CLERK-TREASURER~~FISCAL OFFICER; CLERK

#### SECTION 5.01 ~~APPOINTMENT OF FISCAL OFFICER~~ELECTION AND TERM.

The ~~Clerk-Treasurer~~ Fiscal Officer shall be appointed by the Mayor, with the affirmative vote of five (5) members of Council.

#### SECTION 5.02 QUALIFICATIONS OF FISCAL OFFICER.

The ~~Clerk-Treasurer~~Fiscal Officer shall have a Bachelor's Degree or the equivalent of four (4) years of experience in accounting or finance.

#### SECTION 5.03 ~~INCAPACITY, ABSENCE OR VACANCY~~OF FISCAL OFFICER.

##### A. ~~Absence.~~

~~When the Clerk-Treasurer~~Fiscal Officer is temporarily unable to perform his or her duties due to physical incapacity, mental incapacity, or other condition or reason~~absent or inaccessible or is unable for any cause or reason to perform said duties,~~ or there is a vacancy in such office, ~~the Mayor~~Council may designate an Assistant ~~to the Fiscal Officer~~Clerk-Treasurer to have the powers and perform the duties of the ~~Clerk-Treasurer~~Fiscal Officer in all respects. The Assistant Fiscal Officer may serve in that capacity while also performing other duties as an employee of the Municipality, or serving as the Clerk. In the event of a dispute as to whether the Fiscal Officer is temporarily incapacitated, the Law Director shall render a conclusive opinion as to whether the Fiscal Officer is temporarily incapacitated.

#### SECTION 5.04 ~~CLERK OF COUNCIL.~~

~~The Clerk-Treasurer shall be the Clerk of the Council, and as such, shall attend all meetings of the Council and shall keep a record of its proceedings in a journal as prescribed in Section 3.06 of this Charter. The Clerk shall keep and have custody of the records of all ordinances, resolutions, rules, regulations, and by-laws adopted by the Council and of its proceedings, and such records shall be available for public inspection.~~

#### SECTION 5.05 ~~FISCAL OFFICER~~DUTIES OF FISCAL OFFICER.

A. The ~~Clerk-Treasurer~~Fiscal Officer shall be the chief financial ~~Fiscal~~Officer of the Municipality and shall be the head of the Department of Finance, ~~when created, t~~ The Clerk-TreasurerFiscal Officer shall be the financial advisor of the Municipality and shall at all times keep the Mayor and the Council informed of the financial condition and needs of the Municipality.

B. To the extent required by the Constitution Of the State of Ohio the ~~Clerk-Treasurer~~Fiscal Officer shall comply with the applicable laws of the State of Ohio and the terms of this Charter relating to certification for and expenditures of public monies. The ~~Clerk-Treasurer~~Fiscal Officer shall prepare

and execute all warrants for the disbursements of monies of the Municipality and shall audit all payrolls, bills and other claims against the Municipality. Unless such payroll, bill or claim is in proper form, correctly computed and duly approved; that the same is due and payable; that a lawful appropriation has been made for the payment thereof; and that the amount required to pay the same is in the Treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances, the ~~Clerk-Treasurer~~Fiscal Officer shall issue no warrant for the payment thereof.

C. The ~~Clerk-Treasurer~~Fiscal Officer shall prepare the annual estimate of receipts and expenditures and all appropriation measures and submit the same to the Mayor for transmittal to the Council.

D. On or before the 31st day of March of each year, the ~~Clerk-Treasurer~~Fiscal Officer shall prepare and submit to the Mayor and Council a report of the financial condition of the Municipality consistent with Government Finance Officer Association recommendations and Generally Accepted Accounting Principals, showing -and- of receipts and expenditures for the preceding calendar year, carryover balances by fund, and long-term assets and liabilities, which report shall be published in accordance with the provisions of Section 3.12 of this Charter.

#### SECTION 5.06 OTHER DUTIES.

AE. The ~~Clerk-Treasurer~~Fiscal Officer and the Mayor shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and other instruments to which the Municipality is a party.

FB. The ~~Clerk-Treasurer~~Fiscal Officer shall authenticate and have custody and charge of such financial records, documents and instruments of the Municipality as may be from time to time required by Council.

GG. The ~~Clerk-Treasurer~~Fiscal Officer shall perform such other duties consistent with the nature of the office that are provided by Charter, municipal ordinance, or as the Mayor or the Council may request or direct.

HD. The ~~Clerk-Treasurer~~Fiscal Officer shall be custodian of all monies of the Municipality and of all evidences of investments of Municipality monies, and shall keep and preserve the same in such manner and at such place or places as shall be determined by the Council.

IE. The ~~Clerk-Treasurer~~Fiscal Officer shall pay out from the Municipality's Treasury only on warrants and shall keep a detailed record of all receipts from taxes and other sources, as well as a detailed record of all disbursements and a record of the expenditures and balances of various appropriated funds.

IF. In general, and without limitation as to particularity, the ~~Clerk-Treasurer~~Fiscal Officer shall discharge the duties and functions of a treasurer the Clerk-Treasurer of a Municipality under Section 733.42 of the Ohio Revised Code except as otherwise provided-modified in this Charter.

#### SECTION 5.05 APPOINTMENT OF CLERK.

The Clerk shall be appointed by the Mayor, with the affirmative vote of a majority of the Council. The Clerk may serve in that capacity while also performing other duties as an employee of the Municipality.

SECTION 5.06 QUALIFICATIONS OF CLERK.

The Clerk shall have a high school diploma or a GED certificate.

SECTION 5.07 INCAPACITY OF CLERK; VACANCY.

When the Clerk is temporarily unable to perform his or her duties due to physical incapacity, mental incapacity, or other condition or reason, or there is a vacancy in such office, the duties shall be performed by the Fiscal Officer. In the event of a dispute as to whether the Clerk is temporarily incapacitated, the Law Director shall render a conclusive opinion as to whether the Clerk is temporarily incapacitated.

SECTION 5.08 DUTIES OF CLERK.

A. The Clerk shall be the Clerk of the Council, and as such, shall attend all meetings of the Council and shall keep a record of its proceedings in a journal as prescribed in Section 3.06 of this Charter. The Clerk shall keep and have custody of the records of all ordinances, resolutions, rules, regulations, and by-laws adopted by the Council and of its proceedings, and such records shall be available for public inspection.

B. In general, and without limitation as to particularity, the Clerk shall discharge the duties and functions of the clerk of a Municipality under Section 733.27 of the Ohio Revised Code except for those duties of the Clerk expressly set forth in this Charter, except as otherwise modified in this Charter.

C. The Clerk shall perform such other duties consistent with nature of the office that are provided by Charter, municipal ordinance, or as the Mayor or the Council may request or direct.

**Upon adoption of the above amendment, all references to Clerk-Treasurer in all other Articles of the Charter shall be construed to mean:**

**“Clerk” when referring to the statutory municipal clerk, clerk of council and other related legislative, journal, records, and notice functions of the Village, and**

**“Fiscal Officer” when referring to the fiscal, treasury, accounting, budgetary, receipt and disbursement, and fund custody functions of the Village.**

**If adopted, Council shall use its authority under Section 3.14 of the Charter to finalize such conforming changes.**