

RECORD OF ORDINANCES

Ordinance No. 2026-41

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 IV SECTION 4.03 OF THE CHARTER OF THE VILLAGE, ENTITLED “ABSENCE OR VACANCY” AND TO BE RETITLED “INCAPACITY, ABSENCE OR VACANCY, 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 IV Section 4.03 of the Village Charter, entitled “Absence or Vacancy,” and to be retitled “Incapacity, Absence or Vacancy,” 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 IV Section 4.03 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 IV Section 4.03 of the Village Charter, entitled “Absence or Vacancy,” and to be retitled “Incapacity, Absence or Vacancy,” 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 IV Section 4.03 of the Village Charter as set forth on Exhibit A, attached hereto and incorporated herein, to clarify the circumstances where the incapacity or absence of the Mayor, or vacancy in the Office of Mayor, require the Council President or other member of Council to serve as the Acting Mayor and/or to preside over Council meetings.

SECTION 3: That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, then existing Article IV Section 4.03 shall be and the same is hereby repealed and replaced by the new Article IV Section 4.03.

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

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Ordinance No. 2026-41Passed JULY 01, 2026“VILLAGE OF MOGADORE
PROPOSED AMENDMENT TO CHARTER

Shall Article IV Section 4.03 of the Charter of the Village of Mogadore, Ohio be changed and amended to clarify the circumstances where the incapacity or absence of the Mayor, or vacancy in the Office of Mayor, require the Council President or other member of Council to serve as the Acting Mayor and/or to preside over Council meetings.

- 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.

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Michael Raddick 7-1-26
President of Council Date

Rich 7-1-26
Mayor Date

Attest:

[Signature]
Clerk-Treasurer

EXHIBIT A

SECTION 4.03 INCAPACITY, ABSENCE OR VACANCY.

A. ~~Absence, Incapacity or~~ Absence of Mayor.

In the event the Mayor is temporarily unable to perform the duties of the office due to physical incapacity, mental incapacity, or other condition rendering the Mayor unable to discharge the powers and responsibilities of the office, the Mayor shall be deemed temporarily incapacitated for purposes of this Charter. Routine or voluntary absences from the Village, including but not limited to vacations and travel, shall not constitute incapacity under this section. In the event of a dispute as to whether the Mayor is temporarily incapacitated, the Law Director shall render a written opinion as to whether the Mayor is temporarily incapacitated, which shall be conclusive unless and until the same is overridden by a two-thirds (2/3) vote of the Council, which must take place within within five (5) calendar days of the issuance of the Law Director's opinion.

When the Mayor is temporarily incapacitated, ~~absent or inaccessible~~ or is unable for any cause or reason to perform his duties, the President of Council shall become the Acting Mayor and during such period shall have the same powers and perform the same duties, including judicial, as the Mayor, ~~except as provided in this Section, with the following exceptions:~~

Additionally, when the Mayor is otherwise absent for any reason, the President of Council shall preside over all meetings of Council and shall have the same powers and perform the same duties at such meetings as the Mayor, except as provided in this Section.

At any time when the President of Council is serving as the Acting Mayor and/or presiding over a meeting of Council, the following limitations shall apply:

- (1) Said person cannot disapprove legislation of the Council per Section 4.05 of this Charter.
- (2) Said person does not have the power to break a tie vote of the Council. He or she shall also continue as a member of Council with all the powers and duties of such member, including casting a vote as a member of Council on any matter before Council.

B. Vacancy.

In the event the office of the Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor, and shall serve the balance of that term. In the event the President of Council is unable to or declines to serve as Mayor, Council by a vote of a majority of the members of Council shall appoint another of its members as Mayor to serve for the unexpired term or until the beginning of the term of the successor duly elected as provided in this Charter. Upon becoming Mayor, the offices of President of Council and/or member of Council shall become vacant.

~~However, if the Council President or another a member of Council is appointed within the first two (2) years of the four (4) year term of that vacant office, an election shall be held to fill the unexpired term, during the next Municipal election that does not fall within one hundred eighty (180) days of the appointment. Upon becoming Mayor, the offices of President of Council and member of Council shall become vacant.~~

C. Incapacity or Absence of President of Council.

In the event the President of Council shall be absent or inaccessible or for any reason is unable to serve as Acting Mayor due to physical incapacity, mental incapacity, or other condition, or is otherwise unable to perform his duties as Acting Mayor, and an emergency or urgent necessity so requires, the Council, by vote of a majority of the remaining members of Council may designate one of their number Acting Mayor for the purposes and duration only of such emergency or urgent necessity, who thereupon shall have the same powers and perform the same duties, including judicial, as the Mayor, except as provided in this Section. with the following exceptions:

In the event of a dispute as to whether the President of Council is temporarily incapacitated, the Law Director shall render a written opinion as to whether the Mayor is temporarily incapacitated, which shall be conclusive unless and until the same is overridden by a two-thirds (2/3) vote of the Council, which must take place within five (5) calendar days of the issuance of the Law Director's opinion.

Additionally, when the Mayor and Council President are both absent for any reason, the Council, by vote of a majority of the remaining members of Council may designate one of their number to preside over any meetings of Council and that person shall have the same powers and perform the same duties at such meetings as the Mayor, except as provided in this Section.

At any time when such member of Council is serving as the Acting Mayor and/or presiding over a meeting of Council, the following limitations shall apply:

(1) Said person cannot disapprove legislation of the Council per Section 4.05 of this Charter.

(2) Said person does not have the power to break a tie vote of the Council. He or she shall also continue as a member of Council with all the powers and duties of such member, including casting a vote as a member of Council on any matter before Council.