

RECORD OF ORDINANCES

Resolution No.

35-14

Passed April 14, 2014

4/8/14-tlf
(Finance and Property)

Resolution No. 35-14

A resolution expressing North Canton City Council's support for having Stark County's Court of Common Pleas determine, through a declaratory judgment, the validity of a voter initiative, Stark County Municipal Issue 5, which was placed on the November 6, 2012 General Election ballot, and Ordinance 23-14, as they pertain to City Council's Charter-provided authority to fix the compensation of its members and that of the Mayor.

North Canton City Council met in regular session on the 14th day of April, 2014, with the following members present: Mark Cerreta, Doug Foltz, Dan Griffith, Marcia Kiesling, Daniel Peters, Jon Snyder, and Stephanie Werren.

WHEREAS: The citizens of North Canton adopted the municipality's first Charter on November 8, 1960.

WHEREAS: The City's Charter serves as its constitution, by which all other City laws, ordinances, and polices are subservient; and

WHEREAS: The Charter provides that City Council shall have the power to fix the compensation of its members and that of the Mayor; and

WHEREAS: The Supreme Court of Ohio holds that health care benefits shall be deemed as compensation; and

WHEREAS: Issue 5 appears to conflict with the City's Charter; and

WHEREAS: City Council passed Ordinance 23-14, which mirrors Issue 5, so that the spirit and intent of the proposed initiative ordinance could be properly enacted into law; and

WHEREAS: City Council supports a declaratory judgment from the Stark County Court of Common Pleas so that it may determine the legality of Issue 5 and Ordinance 23-14.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That North Canton City Council supports having Stark County's Court of Common Pleas determine through a declaratory judgment the validity of Stark County Municipal Issue 5, which was placed on the November 6, 2012 General Election ballot, and Ordinance 23-14, as they pertain to the Charter's provision that City Council shall have the power to fix the compensation level of its members and that of the Mayor.

Section 2. That this resolution shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed: 4/14/14


MAYOR

SIGNED: 4/14, 2014

ATTEST:


CLERK OF COUNCIL