

ORDINANCE NO. 92-01

AN ORDINANCE AMENDING §1 OF ORDINANCE NO. 55-01 AND SECTION 169.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO (COMPOSITION; APPOINTMENT; REMOVAL OF MEMBERS OF TREE COMMISSION TO ALLOW FOR ANY COUNCIL MEMBER TO SERVE AND TO ALLOW FOR REMOVAL FOR ANY OTHER CAUSE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, §1 of Ordinance No. 55-01, passed 06-04-01, and §169.02 (Composition; Appointment; Removal) of the Codified Ordinances of the City of Napoleon is hereby amended and enacted as follows:

"The Tree Commission shall be composed of six members, each of whom shall be a resident and qualified elector of the City. Five members shall be appointed by the Mayor, subject to the approval of Council. The sixth member shall be appointed by the President of Council and shall be an ex-officio voting member whom also serves as a member of Council's Municipal Properties, Buildings, Land Use and Economic Development Committee *COUNCIL*. No member of the Commission shall receive, or be entitled to receive, any compensation therefor, except as may otherwise be provided by Council. No ex-officio member of the Commission shall receive, or be entitled to receive, any additional compensation therefor.

The five members appointed by the Mayor shall be appointed as follows: one for two years, two for three years, and two for four years. Unless the member otherwise vacates *OR IS VACATED FROM* the office, members shall serve until their successors are duly appointed and approved by Council. Successors to those members appointed by the Mayor thereafter shall be appointed for terms of four years. The sixth member (Council person) shall serve ~~so long as the person is on Council and appropriate Committee thereof, unless~~ *UNTIL* removed *OR REPLACED* by the Council President. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as original appointments are made.

A term shall be defined as a full term in years as provided in this section. Any member of the City Tree Commission that is found to have three unexcused absences during the calendar year may be removed by the respective appointing authority without right to review. Authorized absences are predicated upon the permission of the chairperson reflected in the minutes. Further, the respective appointing authority may at any time remove any member from the Commission for misconduct, neglect of duty or malfeasance in office, *OR OTHER CAUSE*, without right of review. *MEMBERS REMOVED BY AN APPOINTING AUTHORITY REQUIRES APPROVAL BY A MAJORITY VOTE OF THOSE CURRENT MEMBERS OF COUNCIL.*"

Section 2. That §1 of Ordinance No. 55-01 and §169.02 of the Codified Ordinances, as existed prior to the enactment of this Ordinance are repealed.

Section 3. That, those persons currently serving on said Commission shall be permitted to continue to serve until there term expires or the person vacates or is otherwise vacated from the seat.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

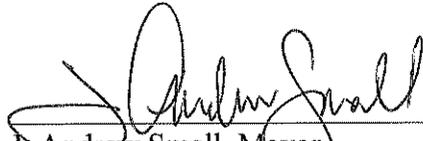
Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: 8/06/01

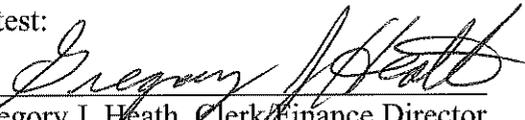

Michael J. DeWit, Council President

Approved: 6 AUGUST 01


J. Andrew Small, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:


Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 92-01 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director