

# CITY OF CLAYTON, OHIO

## RESOLUTION NO. R - 07 - 25 - 54

### A RESOLUTION APPROVING AMENDMENTS TO CLAYTON CHARTER SECTIONS 3.03 (WARDS AND BOUNDARIES) AND 9.01 (NOMINATIONS AND ELECTIONS)

**WHEREAS**, the Clayton Charter at Section 12.16 – *Amendment of Charter* – provides, “Amendments to this Charter may be submitted to the electors of the City at any election by two-thirds vote of the City Council or by initiative petition or as otherwise provided under Ohio law.”; and

**WHEREAS**, City staff is presenting to Council the below Charter amendments regarding ward boundaries and nominations per the following rationale:

*Rationale: City staff is recommending amendments to Section 3.03(C) and Section 9.01(C) of the Charter to address a potential issue which could result in a present Ward Council Member or a citizen who wishes to run for a Ward Council Member seat to be prevented from doing so when redistricting of a Ward occurs such that said present or prospective Ward Council Member becomes a citizen of a different Ward.*

*Section 3.03 (A) of the Charter provides that not later than the first day of July, 2003, and every ten years thereafter, Council shall, by ordinance, divide or redivide the City into three wards for the purpose of electing three ward Council members at the next regular municipal election.*

*Section 3.03(C) of the Charter provides that “redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of Ward Council Members; however, at such succeeding elections Ward Council members shall be elected from the wards as reapportioned or reestablished under this Section.”*

*But, Section 9.01(C) of the Charter provides, “Only those persons who reside within a City ward and have continuously resided within said ward or in areas annexed to the City ward by merger or otherwise for twelve months prior to the filing of their nominating petitions shall be eligible to hold elective office representing that ward.”*

*Reading the above Charter sections together, it appears a situation could arise in which a citizen would be prevented from running for a Ward Council Seat if a redistricting occurs in July such that the citizen is moved from one ward to another ward. In November, if that citizen wanted to run for a Ward Council Seat, the language of Section 9.01(C) of the Charter would appear to prevent that person from running because they have not resided in their new ward for at least 12 months.*

*City staff is recommending the below amendments to the Charter to address this situation such that if a ward citizen is moved to another ward in July due to redistricting, then they still have the ability to run for a Ward Council Seat in their new ward at the next election.*

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the following amendments to the Clayton City Charter are hereby approved for submission to the voters of the City of Clayton *as a single ballot issue* at the November 4, 2025 General Election:

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**ARTICLE III COUNCIL**

**3.03 Wards and Boundaries**

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(C) All wards shall be bounded, as far as practical, by county lines, streets, alleys, avenues, public grounds, canals, watercourses, municipal boundary lines, center lines of platted streets or railroads, or lot lines of platted subdivisions. Redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of Ward Council members; however, at succeeding elections Ward Council members shall be elected from the wards as reapportioned or reestablished under this Section **in accordance with Charter Section 9.01(C).**

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**ARTICLE IX NOMINATIONS AND ELECTIONS**

**9.01 Nominations**

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(C) Only those persons who reside within a City ward and have continuously resided within said ward or in areas annexed to the City ward by merger or otherwise for twelve months prior to the filing of their nominating petition shall be eligible to hold elective office representing that ward. **However, if a person's residency in a ward is changed in accordance with a Charter Section 3.03 ward redivision, then the person shall be eligible to hold elective office representing their new ward provided the person had continuously resided within their prior ward or in areas annexed to their prior City ward by merger or otherwise for twelve months prior to the filing of their nominating petition.**

...

2. *That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution, no later than August 6, 2025, to the Montgomery County Board of Elections for placement on the November 4, 2025 Ballot.*
3. That this Resolution shall take effect from and after the date of its passage.

ADOPTED BY COUNCIL ON JULY 17, 2025.

AUTHENTICATION:

  
Mayor (Presiding Officer of Council)

  
Clerk of Council

APPROVED AS TO FORM:

  
Law Director

#### CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Eaton Register Herald

Date of publication

July 23, 2025

  
CLERK