

AN EMERGENCY ORDINANCE providing for the submission to the electors of the City of a proposed amendment to the Amended Charter of the City of Lakewood to allow the Council to lease facilities of the Lakewood Hospital for a term of not more than thirty years renewable for a like term.

WHEREAS, pursuant to the Amended Charter of the City and the Constitution of the State of Ohio, the Council has determined to authorize and direct the submission to the electors of the City of Lakewood of the proposed Charter amendment hereinafter set forth, at the general election to be held on Tuesday, November 5, 1985, which election is not less than 60 nor more than 120 days from the date of passage of this ordinance, and

WHEREAS, this Council by two-thirds vote of the members elected thereto determines that this ordinance is an emergency measure which is necessary for the immediate preservation of the public peace, property, health, and safety, and for the further reason that this ordinance must be immediately effective in order to permit the election herein called to be held on the date specified in this ordinance; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That this Council hereby authorizes and directs the submission to the electors of the City of Lakewood at the general election to be held at the usual places of voting in the City on Tuesday, November 5, 1985, of the following proposal to amend the Amended Charter of the City.

That Article XX of the Amended Charter of the City of Lakewood be amended by the addition thereto of Section 4 thereof to read as follows:

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"Section 4. LEASE ALTERNATIVE. Notwithstanding any other provision of this Charter, including without limitation those of this Article XX, the Council of the City by ordinance duly passed by the affirmative vote of at least two-thirds of all members elected to Council, may lease pursuant to a lease approved by the Board of Trustees, real and personal property and transfer the non-capital assets of the municipal hospital established pursuant to Section 1 of this Article XX, all as identified in such ordinance, to a non-sectarian Ohio non-profit corporation organized for charitable purposes. Such power to lease may be exercised by the Council from time to time provided that the term of each such lease shall not exceed 30 years with the right in the lessee to renew for a like period of years. Each lease entered into pursuant to this section shall place the control, operation and management of said hospital in the lessee and shall include such terms and provisions as the Council reasonably believes necessary to provide for the health and welfare of the residents of the City of Lakewood, the protection of the employees of such hospital and may require the lessee under such lease to include in its governing body representatives of the City of Lakewood. Control, operation and management of such hospital

during any period it is not under lease shall be provided pursuant to Section 1 through 3 of this Article XX. During the terms of any lease pursuant to this Section, no provision of this Charter shall be applicable to the lessee."

Section 2. That if the foregoing proposed amendment is approved by a majority of the electors voting thereon at such election, it shall become effective from and after the time of its approval by the electors.

Section 3. That the ballot submitting the question of the adoption of the aforesaid amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT  
CITY OF LAKEWOOD, OHIO**

A majority affirmative vote is necessary for passage.

Shall an amendment to Article XX of the Amended Charter of the City of Lakewood be adopted which grants the Council of the City of Lakewood the power to lease, pursuant to a lease approved by the Board of Trustees, one or more times the Lakewood Hospital for a term in the case of each lease of not more than 30 years renewable for a like term and to transfer non-capital assets of the hospital pursuant to a lease approved by it and suspending Sections 1 through 3 of Article XX of the Amended Charter during such lease term.

Section 4. That the Clerk of Council is hereby authorized and directed to cause the full text of said proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City with the first publication to be made at least fifteen days prior to the Tuesday, November 5, 1985, election as authorized by Section 731.211 of the Ohio Revised Code.

Section 5. That the Clerk of Council be and she is hereby authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 6. That the Board of Elections of Cuyahoga County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law and to otherwise provide for such election in the manner provided by the general laws of the State of Ohio.

Section 7. That there is hereby appropriated from the general fund of the City an amount sufficient to pay the cost of carrying out the authorizations and directions of this ordinance.

Section 8. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance, having been declared to be an emergency measure, shall take effect and be in force immediately after its passage and approval by the Mayor.

Adopted: September 3, 1985

William J. Ahmed  
PRESIDENT

Isabelle A. Carri  
CLERK

Approved: September 5, 1985

Anthony D. D'Amico  
MAYOR