

Reynoldsburg

OHIO • 1839

MINUTES MEETING REYNOLDSBURG CHARTER REVIEW COMMISSION May 18, 2022

Doug Joseph called the meeting to order at 7:01 PM

PRESENT: Joseph, Darling, Foster, Johnson

ABSENT: Lenihan

Also in attendance were Attorney Shook, Keith Benner, Councilmember Baker, and Clerk Prasher

Approval of Agenda

The agenda was approved as submitted.

Minutes Approval

1. Charter Review Commission – Meeting – April 20, 2022

Chair Joseph advised that on page 3 of the minutes under Item #11, it lists Chair Joseph as submitting that item to the Commission. He indicated that Item #11 was submitted by Brett Luzader.

The April 20, 2022 minutes were approved as amended.

RESULT: ACCEPTED

Discussion of Proposed Revisions

CITY ATTORNEY SUMMARY REVIEW OF SUGGESTION CHARTER CHANGES

A copy of the initial list of recommended changes as compiled by the City Attorney was included in the packet.

BALLOT LANGUAGE FOR SAFETY SERVICE DIRECTOR,
RESOLUTION/ORDINANCE, VOTE FOR COUNCIL PRESIDENT, COMBINING
PLANNING COMMISSION AND BOARD OF BUILDING AND ZONING APPEALS,
AND NON-PARTISAN ELECTIONS

The Commission resumed reviewing the suggested changes to the Charter from where they left off during the April, 2022 meeting.

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Item #13 Section 3.07(d) Council Meetings

Chair Joseph discussed whether these meetings could be called at any time by the President of Council or Board/Commission Chair or whether they should be limited to just special and/or emergency meetings. He did not support permitting random, open virtual meetings as that would lose the interactive, personal, and participatory nature of in-person meetings. Just allowing virtual meetings seems to leave the opportunity too open ended. Chair Joseph asked if the intent of the recommendation was to allow for hybrid or only en masse meetings. He would only support whole group virtual meetings for special or emergency meetings, otherwise he would vote no.

Vice Chair Johnson indicated that she did like the option to hold virtual meetings, considering her situation during the April Commission meeting. She questioned if perimeters could be added.

Attorney Shook commented that the option to hold virtual meetings was beneficial and important, but he did understand the importance of discretion. He added that he felt it unlikely that Council Presidents and Board/Commission Chair would use the option frivolously.

Mr. Foster added he supported the option of providing for virtual meeting in some capacity.

Ms. Darling stated that an option for virtual meetings was absolutely necessary.

Chair Joseph moved to ask the City Attorney to develop ballot language to allow for virtual meetings as special or emergency measures. Second by Vice Chair Johnson. Motion carried.

Item #14 Section 10.01 Initiative and Referendum

Attorney Shook recommended this change to subsection (b) to read: "The initiative process shall not be used to propose or enact any legislation of any type that provides any person, partnership, association, corporation, organization, or other non-public entity, or any combination thereof, with a financial benefit or a grant of power over sphere of economic or commercial activity."

Chair Joseph commented that this suggestion was meant to prevent outside companies or individuals from establishing laws or policies for their personal benefit. This recommendation was a good idea.

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Chair Joseph moved to ask the City Attorney to develop ballot language to change subsection (b). Second by Mr. Foster. Motion carried.

The Commission returned to the original list to review items and decide if each item should be forwarded to Council. Attorney Shook drafted language for each item the Commission wanted to possibly move forward to Council. The Commission reviewed the language for each item below with the following recommendations.

Item #1 Section 6.06 Department of Public Safety

Chair Joseph stated that the portion of this item recommending that the Public Safety Director remain, but allow for the Police Chief to be the executive head of the Department of Public Safety if a Public Safety Director position is not filled was supported by the Commission.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be placed on the November ballot. Second by Ms. Darling. Motion carried.

Item #2 Section 4.01 Form of Action by Council

Chair Joseph asked if both portions of this recommendation were included in the new language.

Attorney Shook indicated that he was able to effectively combine both separating ordinances and resolutions and approvals of bids and contract approvals as a single-read resolution.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be placed on the November ballot. Second by Mr. Foster. Motion carried.

Item #4 Section 3.04 President of Council

Chair Joseph indicated that he felt the community would be in favor of giving the President of Council a vote, but not while serving as Acting Mayor.

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Mr. Benner questioned the specific language of "may vote on any matter before the Council." He asked if the language should state "shall."

Chair Joseph responded that any member of Council can recuse themselves from voting and the same option should exist for the President. No member of Council can be compelled to vote.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be place on the November ballot. Second by Vice Chair Johnson. Motion carried.

Item #5 Section 7.01 Planning Commission and Section 7.02 Board of Building and Zoning Appeals

Chair Joseph suggested that the name of the new group be the Planning and Zoning Board.

Attorney Shook indicated if the name of the new group were to change from the Planning Commission that would require a greater number of changes to the Code.

Chair Joseph moved to forward this item as submitted by Attorney Shook to Council for their review and recommended it be place on the November ballot. Second by Ms. Darling. Motion carried.

Item #7 Section 9.01 Nominations

Amending this Section could still leave the Primary election that would select the top two vote getting candidates or amend the Section to have everyone file and run in August, which might allow equal footing for all candidates, no matter their party affiliation. A partisan primary gives the parties a chance to select a candidate. Without partisan identifiers, everyone has a chance to appear on the ballot. This example could result in the winning candidate being elected without receiving a majority. This method may also make it hard for local candidates to run and raise money. He added that the current system works well and partisan labels provide valuable information to the voters.

Vice Chair Johnson asked how this recommendation was received by Councils previously.

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Chair Joseph responded that an earlier Council submission had the support of one Democratic member of Council who moved for approval, but there was no second. Another Commission may or may not have sent the same recommendation to Council. Another previous Commission sent the recommendation to Council where it received the support of two Democratic and one Republican members of Council. The issue was even brought up for discussion, but was voted down.

Vice Chair Johnson suggested that removing partisan labels would require senior voters to research candidates, which can be difficult for local candidates. Many people use party affiliations to help make their voting selections. She also commented that if this issue was likely to not move forward when sent to Council, why the Commission should spend time submitting it. Vice Chair Johnson questioned if there was a real need to remove party affiliations. She felt there was a value in maintaining that information and it should be continued. With or without part affiliations, there will always be favoritism in elections. There were other more important recommendations that should be moved forward to Council.

Ms. Darling stated that non-partisan elections take the party control out of the election.

Ms. Benner questioned the real value of a part label. Voters should be picking the most qualified candidate. The Commission had stated before that the public was likely for removing party affiliations. The role of this Commission was to make recommended changes to the Charter that were beneficial to the community. Removing party affiliations would make the elections more open to a greater number of candidates and allow more residents to participate. The Commission should forward this recommendation to Council and allow Council to take a position.

Chair Joseph moved to remove this item from the agenda for Council consideration. Second by Vice Chair Johnson. Roll call vote: Johnson - Yes; Darling - No; Foster - Yes; Joseph - Yes. Motion passed 3-1.

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Other Matters

Chair Joseph scheduled that next Commission meeting for June 15, 2022 beginning at 7:00pm.

Adjourn

Mollie Prasher

Mollie Prasher, Clerk of Council

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Doug Joseph called the meeting to order at 7:02 PM

PRESENT: Joseph, Darling, Foster, Johnson (Remote 7:08 PM), Lenihan
ABSENT:

Additional individuals present: Keith Benner, Auditor Cicak, Attorney Shook and Clerk Prasher

Approval of Agenda

The agenda as approved as submitted.

Minutes Approval

1. Charter Review Commission – Meeting – March 16, 2022

The March 16, 2022 regular meeting minutes were approved as submitted.

RESULT:	ACCEPTED
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Discussion of Proposed Revisions

RECOMMENDATIONS FOR CHARTER AMENDMENTS SUBMITTED BY COMMISSION MEMBERS, STAFF AND CITIZENS

The Commission continued to review the list of fourteen suggested Charter changes from a list provided by Attorney Shook during the previous meeting. A list of the section numbers and title is included.

1. (a) Section 6.06 Department of Public Safety (Public Safety Director)
(b) Remove residency requirement (**already removed from consideration**)
2. (a) Section 4.01 Form of Action by Council (define and use resolutions)
(b) separate bidding and contracting process allowing for a single read
3. Section 6.08 Department of Parks and Recreation (remove residency requirements)
(**already removed from consideration**)

Minutes Acceptance: Minutes of Apr 20, 2022 7:00 PM (Minutes Approval)

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4. Section 3.04 President of Council (Provide voting powers to President)
5. Section 7.01 Planning Commission and Section 7.02 Board of Building and Zoning Appeals (combine boards)
6. Section 6.07 Department of Public Service (remove residency requirements) **(already removed from consideration)**
7. Section 8.01 Nominations
 - (a) removed partisan identification for primary
 - (b) remove party affiliation from general elections
8. Section 6.01 City Attorney
 - (a) remove electing City Attorney
 - (b) add appointment of City Attorney by Mayor
9. Section 6.02 City Auditor
 - (a) remove electing City Auditor
 - (b) add appointment of City Auditor by Mayor
 - (c) add skill/experience to Auditor position
10. Section 5.01 Election and Term of Office
 - (a) change Mayoral election cycle to coincide with City Auditor election starting in 2023, 2025, then 2029
11. Section 7.05 Charter Review Commission (Commission recommendations go directly to ballot)
12. Section 7.07 Elected Officials Compensation and Benefits Review Board (establish 6 members board to determine compensation for elected officials and abolish Section 3.09)
13. Section 3.07(d) Council Meetings (allow permanent virtual attendance for meetings)
14. Section 10.01 Initiative and Referendum (add language to prohibit using referendums to enact legislation)

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The Commission continued their discussion of the above recommendations beginning with Item #10.

Item #10 Section 5.01 Election and Term of Office

After brief discussion, the Commission determined that there was no specific need or purpose to change the election period of the Mayor.

Ms. Darling moved to remove Item #10 as a recommendation. Second by Mr. Lenihan. Motion carried.

Item #11 Section 7.05 Charter Review Commission

Mr. Brett Luzader submitted this recommendation as he thought the Charter Review Commission should be independent of Council. That once the members of the Commission were selected, they would solely determine the items that would be placed on the ballot for voter consideration. Council would not review or be able to reject any recommendations from the Commission. Chair Joseph believed that this propose would be popular with the voters and likely not popular with Council.

Mr. Foster commented that this item should not be forwarded to Council and was not sure that it was necessarily in the best interest of the City.

Mr. Lenihan stated that by sending items to Council for ultimate approval, that process removed power from the Commission. He felt this item should move forward and allow Council to address the issue and vote the issue down should that be their decision.

Ms. Darling suggested that moving this item forward would likely be a waste of time.

Vice Chair Johnson agreed with Ms. Darling. She thought the Commission should focus on items that were a top priority to send to Council.

Mr. Foster moved to remove Item #11 as a recommendation. Second by Ms. Darling. Roll call vote: Lenihan - no; Darling - yes; Foster - yes; Johnson - yes; Joseph - yes. Motion carried 4-1.

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Item #12 Section 7.07 Elected officials Compensation and Benefits Review Board

Attorney Shook commented, prior to any discussion, that this recommendation could be problematic as it could be considered as granting legislative power to a non-elected board according to the Ohio Revised Code. Section 3.09 Compensation by Council would also need to be abolished. Attorney Shook noted that the City of Columbus does have a commission that makes salary recommendations, but they are only recommendations. City Council has final voting authority.

Chair Joseph asked how the City's Charter prohibits establishing such a committee? Attorney Shook responded that it did not. There was no specific case law, but it could be an issue. Should the Commission and the electorate approve the establishment of such a commission, it was possible that authority could be granted under Home Rule. Chair Joseph added that it would be beneficial and allow for a level of equity in making sure elected officials received adequate compensation.

Auditor Cicak commented that the Reynoldsburg City Attorney position was underpaid. MORPC provided an annual salary survey that showed the level of compensation in other communities compared to Reynoldsburg.

Attorney Shook added that when legislation is passed Council's may add an escalating clause that allows salaries to increase over time.

Mr. Foster asked who requested wage increases. Chair Joseph explained that Council legislated all elected official's salary increases including their own, which often caused greater than usual public comment. It was generally a difficult process to propose any elected official salary increases.

Mr. Lenihan expressed that it seemed like establishing this type of commission would impart too much power to non-elected individuals.

Chair Joseph added that generally individuals appointed to boards/commission are supportive of the community and would likely function in a supportive manner toward elected officials. Perhaps this recommendation could be modified to require Council review or add Charter language suggesting escalating scales.

Attorney Shook added that the Ohio Ethics Commission advised that lame duck sessions are not permitted to vote for salary increases that could impact their position in the next election.

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Chair Joseph asked what punitive actions could be taken. Attorney Shook advised that the Ethics Commission had subpoena power against violators and could refer violations to the County Prosecutor for prosecution.

Vice Chair Johnson moved to remove item #12 as a recommendation. Second by Mr. Foster. Motion carried.

Item #13 Section 3.07(d) Council Meetings

Attorney Shook explained that he made this recommendation to allow Council and other City meetings to be held virtually at the discretion of the President of Council and the Chair of a specific Board. The state of Ohio has allowed for virtual meetings during the pandemic and City officials have found that on occasion a virtual meeting was useful and convenient. These meetings would only be permitted in cases of emergency.

Chair Joseph indicated that he was not supportive of all meetings or even regular meetings being held virtually as they restricted public participation. He was hesitant of supporting this recommendation. He did not want to see a number of City meetings going virtual just because it was easier. He questioned how limitations could be put in place to only allow for emergency situations.

Mr. Foster commented that in the past two years, he has been part of many virtual meetings and found it very easy to allow outside participation. There were a variety of ways to make sure residents were able to participate and make comments. Chair Joseph expressed concern about residents who might not be technology savvy.

Attorney Shook commented that it would have been helpful during a heavy snowfall prior to a Council meeting to move that meeting to virtual or for emergency meetings called for just Executive Sessions.

The Commission moved to continue discussion of this item at the next meeting.

Item #14 Section 10.01 Initiation and Referendum

Attorney Shook explained that he is recommending this change to the Charter to prevent referendums being used to initiate, propose, or enact any legislation that provides any person, partnership, association, corporation, organization, or other non-public entity a financial

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benefit or power over economic or commercial activity. This change would address a similar circumstance to the Issue 7 pro-energy initiative where legislation proposed would have diverted funds to specific corporations.

The Commission moved to continue discussion of this item at the next meeting.

The Commission returned to Items 1 through 9 that were discussed at the previous Commission meetings to determine which items will move forward to Council. Attorney Shook was asked how the Commission should proceed in requesting ballot language for items being sent to Council. Attorney Shook advised that each item would need a motion to approve the item and direct the City Attorney to draft ballot language.

Item #1 6.06 Section Department of Public Safety

The Commission agreed with previous discussions that maintaining the option for a Public Safety Director should remain and just removed language mandating the appointment and allowing the Chief of Police to be the executive head of the Department of Public Safety when a Safety Director has not been appointed.

Vice Chair Johnson moved to removed language mandating a Public Safety Director, acknowledging the Chief of Police as head of the Department of Public Safety when no Safety Director is appointed, and directing the City Attorney to develop ballot language. Second by Ms. Darling. Motion carried.

Item #2 4.01 Section Form of Action by Council

Attorney Shook explained that this item would likely need to be multiple ballot issues. One item to establish the use of a resolution, which did not require three readings and waive the state required 30-day waiting period. The second issue would be allowing bidding and the contract approval process to be passed as a resolution waiving three readings and the 30-day waiting period.

The Commission was still a little confused about the final result of this recommendation.

Chair Joseph moved to request that the City Attorney develop appropriate ballot language for this item as appropriate. Second by Vice Chair Johnson. Motion carried.

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Item #4 3.04 Section President of Council

As this item was originally a recommendation was a multiple item request - 1) either remove the President of Council as an elected position making Council a seven-member board or give the Council President a vote. The Commission had earlier rejected removing Council President as a position. The Commission was in favor of maintaining an eight-member Council, but allowing the President of Council an equal vote.

Chair Joseph moved to approve establishing the President of Council position as a voting member and directing the City Attorney to develop ballot language. Second by Ms. Darling. Motion carried.

Item #5 7.01 Section Planning Commission and 7.02 Board of Building and Zoning Appeals

Chair Joseph summarized this item as combining the Planning Commission and Board of Building and Zoning Appeal into one board and increasing the boards from five to seven members.

Attorney Shook commented that the easiest method to make this change in the Charter would be whenever possible to use the current language. The BZBA would likely be combined into the Planning Commission.

Mr. Lenihan moved to combine the Planning Commission and the Board of Building and Zoning Appeals into one board and direct the City Attorney to develop ballot language. Second by Ms. Darling. Motion carried.

Item #7 9.01 Section Nominations

This item would remove partisan candidate identification from primary and general elections.

Chair Joseph commented that the residents would likely be in favor of this recommendation; however, Council would not pass this recommendation. He was not in favor of moving this item forward. He believed additionally that party identification of candidates provided more information to voters to make informed decisions.

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Mr. Lenihan was in support of non-partisan elections and stated that the Commission should move this item forward to Council to allow Council to set by whatever decision they chose to make.

Mr. Benner agreed that the community would likely be in favor of non-partisan elections and Council should be given a chance to state their opinion during a Council meeting.

Ms. Darling moved to support this recommendation and direct the City Attorney to develop ballot language. Second by Mr. Lenihan. Roll call vote: Lenihan - yes; Johnson - yes; Darling - yes; Foster - yes; Joseph - no. Motion carried 4-1.

Item #8 Section 6.01 City Attorney

Chair Joseph indicated that he was not in favor of this recommendation as it was important to have additional elected officials to maintain greater checks and balances. If the Mayor appointed both the City Attorney and Auditor that would put too much power in one position.

Ms. Darling stated that she was in favor of allowing the public to elect the City Attorney.

Ms. Darling moved to remove this recommendation from consideration. Second by Mr. Foster. Motion carried.

Item #9 6.02 City Auditor

Chair Joseph stated that the Charter's current stating "The City Auditor shall be qualified for office by reason of training or experience in matters pertaining to accounting, financial reporting and other fiscal matters." was sufficient and satisfactory qualifications. If the language were to become too specific, he expressed concerns the pool of possible candidates would be narrowed.

Vice Chair Johnson commented that some of the communities were unaware of what qualification were required for the position of City Auditor. She questioned if some level of education or further definition of required skills could be added. Perhaps clearly stating what courses or that additional educational requirements and frequency of those requirements could be added.

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Auditor Cicak explained that the state has requirements that each Auditor has to meet such as attending the Center of Professional Investment course annually. Each Auditor must maintain a certain level of training like other professionals have to take a certain number of CPE credits.

Vice Chair Johnson expressed appreciation for that information and suggested that language be included stating the requirement to attend state training.

Mr. Foster agreed that perhaps adding that there were additional state training requirements would be helpful or language stating that within a specific period of time, the state training requirements would need to be completed.

Attorney Shook suggested that the language might be redundant.

Mr. Lenihan asked how candidate got on the ballot and if they were required to show qualifications for position.

Attorney Shook explained that anyone could file a petition and it was up to the electorate to decide if candidates were qualified.

Chair Joseph restated that it would be difficult to get too specific on position requirements. Perhaps there were other options such as adding qualifications to information on the City's website.

Chair Joseph moved to remove this section's recommendations from consideration. Second by Ms. Darling. Roll call vote: Lenihan - yes; Johnson - no; Darling - yes; Foster - no; Joseph - yes. The motion carried 3-2.

Other Matters

The next Charter Review Commission meeting was scheduled for May 18, 2022 at 7:00pm. The Commission will hopefully finish its work in early June.

Adjourn

As there was no further business, the Charter Review Commission adjourned at 8:47pm.

Mollie Prasher

Mollie Prasher, Clerk of Council

Minutes Acceptance: Minutes of Apr 20, 2022 7:00 PM (Minutes Approval)

Clerk of Council
Mollie Prasher
7232 East Main Street
Reynoldsburg OH 43068
614-322-6836 phone

Memo

DATE: May 18, 2022
TO:
CC:
RE: City Attorney Summary Review

CHARTER SUGGESTIONS

1. Section 6.06 Department of Public Safety (Chief Baker)

- Remove language mandating the appointment of a Public Safety Director, making the appointment optional
- If no Public Safety Director is appointed, Chief of Police shall be the executive head of the Department of Public Safety
- Remove residency requirement

2. Section 4.01 Form of Action by Council (Paul Hellman)

- Clearly define “Resolution” and “Ordinance”
- “Resolution” should not require 3 reads and a 30-day waiting period
- Separate bidding and contracting process for items already in the budget so they do not require 3 reads and a 30-day waiting period or emergency language

3. Section 6.08 Department of Parks and Recreations (Director Bauman)

- Remove residency requirement to comply with Ohio Supreme Court ruling

4. Section 3.04 President of Council (Councilman Baker)

- (Option A) Remove President of Council as an elected position and elect the President from within the other members of Council
- (Option B) Grant the President of Council voting powers
 - Give the Mayor the option to break a 4-4 tie or require 5 affirmative votes for any measure to pass

5. Section 7.01 Planning Commission and Section 7.02 Board of Building and Zoning Appeals (Councilman Baker) (Alex Furst) (Keith Benner)

- Combine the responsibilities of the two boards
- Increase membership of the new combined board to 7 members instead of 5 members
- Require minimum qualifications to serve

6. Section 6.07 Department of Public Service (Director Dorman)

- Remove residency requirement

7. Section 9.01 Nominations (Alex Furst) (Brett Luzader) (Keith Benner)

- Remove the requirement that candidates for elected offices are nominated at a partisan primary
- Set forth affirmatively that the party affiliation of candidates for general election in the City are not listed on the ballot

8. Section 6.01 City Attorney (Alex Furst)

- Remove requirement that City Attorney is elected from the City at large
- Appointed by and serve at the pleasure of the Mayor similar to other department directors

9. Section 6.02 City Auditor (Alex Furst)

- Remove requirement that City Attorney is elected from the City at large
- Appointed by and serve at the pleasure of the Mayor similar to other department directors
- Include skill and experience requirements such as a bachelor's degree in business administration, accounting, or finance with 5 or 10 years work experience. Professional certification not necessary. (Keith Benner)

10. Section 5.01 Election and Term of Office (Luzader)

- Change the Mayor election cycle to coincide with the City Auditor election cycle
- Mayor elections would take place November 2023, November 2025, and every four years thereafter

11. Section 7.05 Charter Review Commission (Luzader)

- Remove the requirement that Council approval recommendations by Charter Commission prior to submission to the electors

12. Section 7.07 Elected Officials Compensation and Benefits Review Board (Chair Joseph)

- Created new Charter Section establishing a Board of 6 members, divided by party affiliation, to review compensation and benefits for elected officials and make appropriate adjustments without City Council approval.
- Would require the abolishment of Section 3.09 of the Charter.

13. Section 3.07(d) Council Meetings (Attorney Shook)

- Amend to permit virtual attendance at Council and Board/Commission open meetings subject to pre-approval by the President of Council and the Chair of the subject Board/Commission

14. Section 10.01 Initiative and Referendum (Attorney Shook)

- Add subsection (b), which would state: "The initiative process shall not be used to propose or enact any legislation of any type that provides any person, partnership, association, corporation, organization, or other nonpublic entity, or any combination thereof, with a financial benefit or a grant of power over sphere of economic or commercial activity."

Clerk of Council
Mollie Prasher
7232 East Main Street
Reynoldsburg OH 43068
614-322-6836 phone

Memo

DATE: May 18, 2022

TO:

CC:

RE: Ballot Language

SECTION 6.06 DEPARTMENT OF PUBLIC SAFETY.

- (a) There is hereby established a Department of Public Safety. ~~The Mayor may appoint a~~ to be headed by a Director of Public Safety who need not be an elector of the City at the time of appointment, ~~but who shall become an elector thereof within six months after his or her appointment.~~ The Director of Public Safety shall be appointed by and serve at the pleasure of the Mayor, and may be removed by the Mayor, without cause.
- (b) The Director of Public Safety shall be the executive head of the Division of Police and the Division of Fire, if such Division of Fire shall be created by the Council by ordinance or resolution, and such other divisions as shall be established and placed within the Department of Public Safety by Council by ordinance or resolution. The Director shall make all necessary administrative rules and regulations for the governing of the Department ~~of~~ Public Safety and the several divisions thereof, subject to the approval of the Mayor, and shall be charged with the duty of enforcing all police regulations that may be assigned to the Department and prescribed by ordinance or resolution of the City or the general laws of the State of Ohio. The Director of Public Safety shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance or resolution of Council, or as directed by the Mayor. The Mayor ~~shall~~ may designate an Acting Director to serve in the event of a vacancy in the office or the temporary absence or disability of the Director, and such Acting Director shall exercise all the powers, duties and functions of the Director.
- ~~(b)(c)~~ In the absence of a Director of Public Safety or Acting Director of Public Safety, the Chief of Police shall be the executive head of the Department of Public Safety.
- ~~(c)(d)~~ The Division of Police may include an auxiliary police unit as authorized by ordinance or resolution.

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ARTICLE IV
LEGISLATIVE PROCEDURE

SECTION 4.01 FORM OF ACTION BY COUNCIL.

Except as otherwise provided in this Charter, action of Council shall be by ordinance, resolution or motion.

(a) An ordinance is a type of action by Council, which consists of a general or permanent nature, creates a right, grants a franchise, or involves the expenditure of money, the levying of a tax, or authorizes the purchase, lease, sale, or transfer of real property.

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(b) A resolution is a declaration of intent or purpose, the authorization of some temporary act or administrative procedure, and the approval of any contract involving the expenditure of money that has been appropriated by ordinance.

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(c) A motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among Council members, appointments by the Council, and as otherwise provided in this Charter. ~~All other action shall be taken by ordinance or resolution.~~

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No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this section.

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SECTION 4.02 INTRODUCTION OF LEGISLATION.

Any member of Council may introduce any ordinance or resolution, at a regular or special meeting, which shall be in written or printed form and shall contain a concise title.

SECTION 4.03 FORM OF ORDINANCES AND RESOLUTIONS.

- (a) The form and style of ordinances and resolutions shall be determined by the Rules of Council.
- (b) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title; provided that appropriation ordinances may contain the various subjects, accounts, and amounts for which monies are appropriated, and that ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject.

SECTION 4.04 READING ORDINANCES AND RESOLUTIONS.

- (a) Each ~~An~~ ordinance ~~and resolution~~ shall be read on three different days occurring with at least one week between readings unless the Council suspends this rule concerning readings

Attachment: Ordinances and Resolutions (Ballot Language)

by a vote of at least three-fourths of the members of the Council; provided that ordinances ~~and resolutions~~ passed as emergency measures need not conform to this division (a), but shall be read at one meeting of the Council.

(b) Resolutions shall be read during at least one open meeting of Council.

~~(b)~~(c) Ordinances or resolutions shall be read by title only unless the Council determines that a reading shall be in full by a majority vote of its members.

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SECTION 4.05 VOTE REQUIRED FOR PASSAGE.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by "yeas" and "nays" and entered on the Journal, and none shall be passed without concurrence of a majority of the members of Council. Each emergency ordinance ~~or resolution~~ and each ordinance or resolution vetoed by the Mayor which is subsequently approved by the Council overriding the Mayor's veto shall require the affirmative vote of at least two-thirds of the members of Council for its enactment. If an emergency ordinance ~~or resolution~~ shall fail to receive the required two-thirds affirmative vote, but receives the necessary majority for passage as nonemergency legislation, it shall become effective as nonemergency legislation.

SECTION 4.06 MAYOR'S VETO.

Except as otherwise provided in this Charter, each ordinance or resolution passed by the Council shall be presented to the Mayor by the Clerk of Council within five days after its passage for the Mayor's approval or veto. The Mayor may veto any item of an ordinance or resolution appropriating money, otherwise the Mayor's veto shall be addressed to the entire ordinance or resolution. ~~If~~ If the Mayor shall disapprove of the ordinance or resolution, or any such item thereof described above, he shall mark it "vetoed" or "disapproved" and return it with his reasons therefor to the Clerk of Council within ten days after it was presented to him. If the Mayor shall fail to return an ordinance or resolution to the Clerk of Council as being either approved or disapproved (vetoed) within ten days after it is presented to him by the Clerk, such ordinance or resolution shall take effect without the Mayor's approval. The Council may reconsider any ordinance or resolution, or any item thereof, disapproved or vetoed by the Mayor at any meeting of the Council held within ninety days after it is returned to the Clerk of Council as disapproved (vetoed) by the Mayor, and if such ordinance or resolution, upon reconsideration, is approved by a vote of not less than two-thirds of the members of the Council, it shall take effect as either an emergency or nonemergency measure, as may be appropriate.

SECTION 4.07 CONTENT OF EMERGENCY MEASURES.

Each emergency ordinance ~~or resolution~~ shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health or safety, or that its passage

is urgently required for the financial needs of the City's government, and shall contain a statement of the, necessity or urgency requiring its passage as an emergency measure.

SECTION 4.08 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

- (a) Unless otherwise provided in this Charter, each nonemergency ordinance ~~or resolution~~ shall take effect thirty days after its passage by the Council, unless a later time is specified therein.
- (b) Each ordinance ~~or resolution~~ passed as an emergency measure and each resolution shall take effect immediately upon its passage, unless a later time is specified therein.
- (c) As used in divisions (a) and (b) of this section, "passage" or "passed" means any of the following, as appropriate: the date the ordinance or resolution is approved by the Mayor; the day following the last day of the ten day period allowed by Section 4.06 of this Charter for the Mayor to return the ordinance or resolution as approved or disapproved (vetoed), if the Mayor shall fail to return it within such period; or the day the Council shall reconsider and override the Mayor's veto by approval of the ordinance or resolution by a vote of not less than two-thirds of the members of the Council, as provided in Section 4.06 of this Charter.

SECTION 4.09 AUTHENTICATION.

Each ordinance and resolution shall be authenticated by the signature of the Clerk of Council and the President of Council or other presiding officer of the Council. The failure or refusal of such officers to sign as authenticating the measure shall not invalidate an ordinance or resolution.

SECTION 4.10 AMENDMENT.

- (a) A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council present and voting on the amendment, and such amendment shall not require additional readings of the ordinance or resolution.
- (b) Any ordinance or resolution, or the codified ordinances or resolutions of the City, may be amended by the passage of subsequent ordinances or resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereto; or repeal existing sections or parts thereof. This division does not prevent repeals by implication.

SECTION 4.11 ZONING MEASURES.

- (a) Public hearing notice. When Council reviews applicant petitions for zoning district changes, the Clerk of Council shall cause a notice of the public hearing to be published one time in a newspaper of general circulation within the City at least seven days prior to the initial public hearing. When the petition for zoning district change involves ten or less parcels of land, the Clerk of Council or designee shall mail written notice of the public hearing to the owners of the property within, contiguous to, and directly across the street from the affected parcel or parcels at least seven days prior to the initial public hearing. The failure of delivery of the notice shall not invalidate any zoning ordinance. Council may, under the provisions of subsection (b) of this section, provide for this procedure and for additional postings to be completed prior to review by the Planning Commission. Such notices or postings shall be deemed to be constructive notice to the public.
- (b) Review procedures. Council shall, by ordinance or resolution, establish procedures for review of ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses, maps or other regulations. Such procedures shall include review by the Planning Commission.
- (c) Voting requirements. The following voting requirements shall apply to ordinances amending, revising, changing or repealing provisions of the planning and zoning code or zoning districts:
 - (1) An affirmative vote of at least three-fourths of the members of Council shall be necessary to pass a zoning ordinance which differs from the written recommendations of the Planning Commission.
 - (2) In no event shall an ordinance be considered as having passed unless it receives at least a majority vote of the members of Council.

(Amended 11-7-17.)

SECTION 4.12 ADOPTION OF TECHNICAL CODES.

- (a) Council may, by ordinance or resolution, adopt standard ordinances and codes prepared by the State or any department, board or other agency or subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, heating code, air conditioning code, housing code, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference.
- (b) The ordinance or resolution adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance. In such cases, publication of the standard ordinance or code

shall not be required, but at least one copy of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons. If the standard ordinance or code is amended after its adoption by reference by the Council, the Council may adopt the amendment or change by incorporation by reference under the same procedure as is established herein for the adoption of the original standard ordinance or code.

SECTION 4.13 CODIFICATIONS.

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of the City to be revised, codified, recodified, rearranged, or published in book form, and such action shall become effective immediately upon approval thereof by a majority vote of the members of Council, and may contain new matter therein. The Clerk of Council shall cause a notice of such proposed action by the Council to be published one time in a newspaper of circulation in the City at least seven days prior to Council's action, and no further publication shall be necessary. A current service supplementing the City's codified ordinances and resolutions shall be maintained in the manner prescribed by the Council.

SECTION 4.14 PUBLICATION.

- (a) All ordinances and resolutions passed by the Council shall be published. As used in this section "published" shall mean to post copies thereof, or a summary of such adopted legislation, in the most public place in the municipality, as determined by the Council for a period of not less than ten days and to take such other actions as provided by Council.

Failure to publish as required by this section shall not invalidate any ordinance or resolution and, in such event, the Clerk of Council may authorize the legislation to be published at a later date.

(Amended 11-7-17.)

SECTION 3.04 PRESIDENT OF COUNCIL.

- (a) The President of Council shall be elected from the City at large to a four year term of office, commencing with the election to be held in November, 1979. The President of Council's term shall commence on the first day of January next following his or her election. The President of Council shall possess the same qualifications as provided in this Charter for a member of the Council elected from the City at large.
- (b) The President of Council shall be the presiding officer of the Council ~~but and shall may~~ vote on any matter before the Council ~~only in the event of a tie vote among the members of the Council.~~ The President of Council shall have such other powers, duties and functions as provided by this Charter, ordinance or resolution, or rules of the Council. While serving as the Acting Mayor, the President of Council shall not retain her or his power to vote on matters before the Council but the President of Council shall have the power to veto ordinances and resolutions as provided in this Charter for the Mayor.
- (c) In the event of a vacancy in the office of President of Council, the Council shall appoint, by a majority vote of its members, a qualified person to fill the vacancy in the office of President of Council for the remainder of the unexpired term.

(Amended 11-3-87)

ARTICLE VII
BOARDS AND COMMISSIONS

SECTION 7.01 PLANNING COMMISSION.

(a) There is hereby created a Planning Commission, consisting of ~~five~~seven citizen members who are electors of the City, to be appointed by the Mayor subject to approval by the Council by a majority vote of its members. The Director of Development shall be an ex-officio member of the Commission and may take part in discussions, but shall not cast any vote. Commission members whenever possible should have a background in city planning, law, finance, real estate, community development, architecture, civil engineering, or related field. Except for the Director of Development, no person shall serve as a member of the Commission at the same time he or she is an employee or official of the City. Each citizen member shall serve for a three year term of office. (Amended 11-6-12) (Amended 11-7-17.)

(b) The Planning Commission shall hold at least one regular meeting each month; except the Commission, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.

(c) The Planning Commission shall have the power to hear applications for zoning district changes, review zoning regulation changes, review plats and subdivision regulations, and to exercise such other powers, duties, and functions as provided for by Council. The Commission shall conduct studies and surveys, and prepare advisory plans, reports and maps relative to planning, land use, zoning, and transportation or other infrastructure of the City. The Commission shall be responsible for the preparation and implementation of a comprehensive plan, land use plan, transportation plan, or other similar development plans and guidelines for the City and subsequent plan amendments, for Council approval. ~~The Planning Commission shall assist the Director of Development or other City officials with drafting and review of development policies for the City. The Commission may make such advisory recommendations concerning such matters to the Council as the Commission believes to be in the best interest of the City. The Commission may exercise any powers, duties, or functions provided to municipal planning commissions by State law that do not otherwise conflict with Council ordinances or resolutions, or this Charter.~~ (Amended 11-7-17.)

(d) The Planning Commission shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building, property maintenance, and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution.

~~(e)~~(e)The Planning Commission shall assist the Director of Development or other City officials with drafting and review of development policies for the City. The Commission may make such advisory recommendations concerning such matters to the Council as the Commission

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Attachment: Combining Planning Commission and BZBA (Ballot Language)

believes to be in the best interest of the City. The Commission may exercise any powers, duties, or functions provided to municipal planning commissions by State law that do not otherwise conflict with Council ordinances or resolutions, or this Charter.

SECTION 7.02 ~~BOARD OF ZONING AND BUILDING APPEALS, REPEALED~~

- ~~(a) There is hereby created a Board of Zoning and Building Appeals consisting of the Director of Development and five citizen members who are electors of the City, to be appointed by the Mayor subject to approval by the Council by a majority vote of its members. The Director of Development shall be an ex officio member of the Board and may take part in discussions, but shall not cast any vote. Except for the Director of Development, no person shall serve as a member of the Board at the same time he or she is an employee or official of the City. Each citizen member shall serve for a three year term of office. (Amended 11-6-12) (Amended 11-7-17.)~~
- ~~(b) The Board of Zoning and Building Appeals shall hold at least one regular meeting each month; except the Board, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.~~
- ~~(c) The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building, property maintenance, and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution. The Board may make advisory recommendations to the Council and the Planning Commission concerning such matters as it believes to be in the best interest of the City. The Board shall have such other powers, duties and functions, consistent with this Charter as provided by the City's ordinances and resolutions.~~

~~(Amended 11-4-97) (Amended 11-7-17.)~~

ARTICLE IX NOMINATIONS AND ELECTIONS

SECTION 9.01 NOMINATIONS.

Candidates for ~~the~~ elected offices of Mayor, City Auditor, City Attorney, President of Council, and the four Ward members of the Council shall be nominated at a non-partisan primary held on the date and at the time fixed by the election laws of Ohio for general statutory plan cities, ~~except that all such officers shall be elected~~ in the years and to terms of office as provided in this Charter. The two persons receiving the most number of votes in the non-partisan primary election for these offices shall be candidates for the regular municipal election. ~~in~~ In the event that there are the two or less number of candidates from a political party for these elected offices is less than or equal to the number of positions to be filled in the next general election, then no primary election need ~~to~~ be held and those candidates will appear on the general election ballot.

Candidates for the elected office of At Large Council member shall be nominated at a non-partisan primary held on the date and the time fixed by the election laws of Ohio for general statutory plan cities except that all such officers shall be elected in the years and to terms of office as provided in this Charter. The six persons receiving the most number of votes in the non-partisan primary election for these offices shall be candidates for the regular municipal election. In the event that there are six or less candidates for At Large Council, then no primary election need be held and those candidates will appear on the general election ballot.

Persons seeking such offices shall have the qualifications established in this Charter and shall file declarations of candidacy or nominating petitions in such form and at such times and places as fixed by the election laws of Ohio for general statutory plan cities, except as otherwise provided in this Charter.

(Amended 11-6-12)

SECTION 9.02 REGULAR MUNICIPAL ELECTIONS.

The regular municipal elections for all elected offices, and for issues to be presented to the voters, shall be held on the dates and at the times fixed by the election laws of Ohio for general statutory plan cities, except that all such officers shall be elected to terms of office as provided in this Charter. The procedure established by the election laws of Ohio for the conduct of elections in general statutory plan cities shall be followed, except as modified by this Charter.

SECTION 9.03 SPECIAL ELECTIONS.

The Council may, at any time, order a special election by ordinance or resolution which shall set forth the date and purpose of the election. Special elections may be held on any date, including but not limited to the dates of general and primary elections in odd or even numbered years.

SECTION 9.04 CONDUCT OF ELECTIONS.

All regular, primary and special elections shall be conducted by the election officials as established under the laws of Ohio. Such elections shall be held in conformity with the provisions of this Charter. Where the Charter is silent, the provisions of the election laws of Ohio shall be followed.