

## CITY OF OBERLIN, OHIO

### ORDINANCE No. 14-25 AC CMS

AN ORDINANCE PROPOSING TO AMEND SECTIONS III, V, VI, IX, XVII, XIX, XXI AND XXV OF THE CHARTER OF THE CITY OF OBERLIN PROVIDING FOR THE FIRST MEETING OF COUNCIL IN EACH YEAR, THE APPOINTMENT OF THE VICE PRESIDENT OF COUNCIL, THE DESIGNATION OF AN ACTING CITY MANAGER DURING THE CITY MANAGER'S ABSENCE, DELETING OF THE PROVISION AFFORDING THE CITY MANAGER THREE (3) MONTHS SALARY AND RESIDENCE UPON HIS OR HER REMOVAL, AUTHORIZING COUNCIL TO ESTABLISH BY RULE THE ELECTRONIC CASTING AND TABULATION OF ITS VOTES, CLARIFYING THE DUTIES OF THE LAW DIRECTOR, CLARIFYING THE ROLE OF THE CITY PLANNING COMMISSION, CLARIFYING THE ROLE OF THE RECREATION COMMISSION AS AN ADVISORY BODY, CLARIFYING THE PROCEDURES FOR THE AMENDMENT OF THE CITY CHARTER AND CLARIFYING THE PROCEDURES FOR THE RECALL OF A MEMBER OF COUNCIL AND DECLARING AN EMERGENCY

WHEREAS, The Council of the City of Oberlin, pursuant to Section XXVIII of the Charter of the City of Oberlin, previously appointed a Charter Review Committee to review the Charter of the City and make recommendations to Council; and,

WHEREAS, the Charter Review Committee has completed its task of reviewing the Charter and has made its recommendations to Council; and,

WHEREAS, Council has determined that it is in the best interests of the City of Oberlin to propose those recommended Charter amendments together with additional amendments deemed appropriate by Council, to the electors of the City of Oberlin for approval.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the amendments to Sections III, V, VI, IX, XVII, XIX, XXI and XXV of the Charter of the City of Oberlin, Ohio, as are set forth in the attachment hereto, which is marked "**Exhibit A**" and incorporated herein by reference, are, subject to approval by the electors of the City of Oberlin, hereby approved and adopted.

SECTION 2. That said proposed amendments to Sections III, V, VI, IX, XVII, XIX, XXI and XXV of the Charter of the City of Oberlin, Ohio, shall be submitted to the electors of the City of Oberlin for acceptance or rejection at an election to be held on the first Tuesday after the first Monday in November, 2014, to wit: November 4, 2014; and if approved by majority vote shall become effective immediately thereafter.

SECTION 3. That the ballot language for said proposed amendments to the Charter of the City of Oberlin, Ohio, shall read as follows, or as required to be modified by the Ohio Secretary of State:

PROPOSED CHARTER AMENDMENTS

A majority affirmative vote is necessary for passage.

Shall Sections III, V, VI, IX, XVII, XIX, XXI and XXV of the Charter of the City of Oberlin be amended as proposed by Ordinance No. 14-25 AC CMS, such amendments, among other things, providing for the organizational meeting to occur at the first regular meeting of Council in each year and for the appointment of the Vice President of Council at that meeting, the designation of the Assistant City Manager as the acting City Manager during the City Manager's absence unless he or she is unable to serve, deletion of the provision affording the City Manager three (3) month's salary and residence upon his or her removal, authorizing Council to establish by rule the electronic casting and tabulation of its votes, clarifying the duties of the Law Director to include the review and amendment of contracts, clarifying the role of the City Planning Commission by requiring that it recommend to Council the adoption of strategic plans from time to time and to make periodic reviews of such plans, clarifying the role of the Recreation Commission as an advisory body, clarifying the procedures for the amendment of the City Charter by the delineating the time period within which a petition or ordinance may be certified to the Board of Elections and clarifying the procedures for the recall of a Member of Council by delineating the time period within which a recall shall be submitted to the electorate?

SHALL THE PROPOSED AMENDMENTS TO SECTIONS III, V, VI, IX, XVII, XIX, XXI and XXV OF THE CHARTER OF THE CITY OF OBERLIN, OHIO, BE ADOPTED?

YES \_\_\_\_\_

NO \_\_\_\_\_

SECTION 4. The Clerk of Council of the City of Oberlin shall cause this ordinance to be certified to the Board of Elections of Lorain County, Ohio, no later than September 4, 2014, and shall further cause the full text of said proposed Charter Amendment to be published in a newspaper of general circulation in the City of Oberlin, Ohio, at least once a week for three consecutive weeks during the month of October 2014.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were conducted in an open meeting of this Council and that all 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 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare of the citizens of the City of Oberlin, Ohio, to wit: to comply with all applicable time limits in placing a charter amendment on the ballot," and shall take effect immediately upon passage.

ORDINANCE No. 14-25 AC CMS  
EXHIBIT A

SECTION III. COUNCIL.

F. Meetings and Organization. During the first regular meeting in January ~~On the first Monday after the first day of January next~~ following each regular municipal election, Council shall meet at the Council Chambers of the Municipality for the purpose of organization. Thereafter Council shall meet at such times as may be prescribed by its rules, regulations, ordinances and bylaws; but it shall hold regular meetings at least twice during the calendar months of the year, with the exception of the months of July and August, during each of which months Council may at its discretion dispense with one of its regular meetings. All meetings of the Council, whether regular or special, shall be open to the public in accordance with State law.

G. President of Council. The Council shall at the time of its organization select one of its members to serve as presiding officer, with the title of President of Council and of Mayor. As Mayor he or she shall be recognized as the official head of the Municipality for all ceremonial purposes, and by the Governor for military purposes. The President of the Council shall be empowered to execute legal instruments for the Municipality, but shall have no other administrative functions. He or she shall have all the powers, duties, functions, obligations and rights of any other member of Council.

At the same time a Vice-President also shall be selected by Council, and shall serve as presiding officer and/or Mayor in the absence of the person serving the combined position as President-Mayor.

SECTION V. APPOINTMENT OF CITY MANAGER.

B. Designation of Acting City Manager During Temporary Absence. The Assistant City Manager shall serve as the Acting City Manager during the City Manager's absence, disability or suspension. During his or her term of office, the City Manager shall from time to time designate in writing to the Clerk of Council another City Administrator who shall serve as Acting City Manager in the event the Assistant City Manager shall be unable or unavailable to serve during the City Manager's absence, disability or suspension. The person so designated shall be, in the opinion of the City Manager, appropriate and qualified to exercise the powers and perform the duties of the City Manager. During such absence, disability or suspension, the Council may by a vote of five (5) of its members revoke such designation at any time and appoint another qualified City Administrator to serve until the City Manager returns, the disability ceases, the suspension ends, or a new or Interim City Manager is appointed. Any such designation or revocation shall be subject to rules established by Council.

SECTION VI. REMOVAL OF CITY MANAGER.

Council may remove the City Manager by a vote of five (5) of its members. At least thirty (30) days before such removal shall become effective, Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his or her removal. By the preliminary resolution Council may suspend the City Manager from duty. The City Manager may reply in writing. Within two weeks after receiving such notice of preliminary resolution, the

City Manager may request a public hearing, which shall be held within twenty (20) days after the filing of such request in writing. Within ten (10) days after such public hearing, if one be requested, and after full consideration, of all evidence presented, Council by a vote of five (5) of its members shall announce its final decision. ~~A City Manager who is being dismissed shall receive salary and residence allowance for a period of three (3) months subsequent to adoption of the preliminary resolution.~~ The action of Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council.

#### SECTION IX. PROCEDURE OF COUNCIL

C.

9. The City Council may, by Rule, provide for the electronic casting and tabulation of its votes.

#### SECTION XVII. LAW DIRECTOR.

Council shall appoint a Law Director to serve at Council's pleasure who shall act as the legal adviser to and attorney for the Municipal Corporation, and for all officers, boards and commissions of the Municipal Corporation in matters relating to their official duties. He or she shall prepare, review or amend all contracts, bonds and other instruments in writing in which the Municipal Corporation is concerned, and shall endorse on each his or her approval of the form. No contract with the Municipal Corporation shall take effect until such approval of the Law Director is endorsed thereon.

~~He or she or their~~ The Law Director or his or her assistants shall be the prosecutor in any municipal court of the City of Oberlin, and shall perform such other duties and have such assistants and clerks as are required or provided. His or her duties as Law Director do not include the legal representation of the Oberlin School District.

#### SECTION XIX. BOARDS AND COMMISSIONS.

E. City Planning Commission. Council shall appoint a City Planning Commission. The City Planning Commission shall have such powers and duties as are or may be conferred upon it by the general laws of the State of Ohio, and such powers as may be conferred upon it by Council, including but not limited to the plan, design, location, removal, relocation, widening, extension, and vacation of streets, parkways, playgrounds and other public places; the approval of plats for subdivision of land; and the zoning of the Municipality for any lawful purpose. The Commission shall from time to time propose to Council the adoption of strategic plans for the Municipality which are consistent with powers conferred upon it, and shall periodically review such plans to ensure their continued relevance. ~~The Commission should constantly endeavor to formulate plans for the future physical development of the Municipality.~~

#### SECTION XIX. BOARDS AND COMMISSIONS.

F. Recreation Commission. Council shall appoint a ~~City~~ Recreation Commission. The Recreation Commission shall act in an advisory capacity and through consultation with other City Boards or Commissions as deemed appropriate by the Commission or by Council, ~~making~~

make recommendations to Council concerning the development of playgrounds, parks, recreational facilities and programs for the City, including fees and charges for the use thereof. The Recreation Commission shall also have those powers and shall perform those duties as Council may delegate to it by ordinance or resolution. ~~serve as an advisory body to Council on any and all questions concerning the operation and improvement of City recreation programs.~~

#### SECTION XXI. AMENDMENT OF CHARTER.

This Charter may be amended by the following procedure: Council by a vote of at least five (5) of its members may submit to the electors of the Municipality amendments to this Charter, and Council shall, upon petition being presented to it at a regular meeting of Council setting forth a proposed amendment, signed by not less than 10 percent of the resident qualified electors, submit such a proposed amendment to the ~~voters~~ electors for adoption or rejection at ~~any~~ the next regular municipal election or general election if one shall occur not less than sixty (60) days nor more than one hundred twenty (120) days after the action by Council in certifying the petition or the passage of the ordinance to submit such amendment to the electors and if a regular municipal election or general election shall not occur within such time period the submission of proposed amendments to the electors shall occur at a special election to be called and held within such time period ~~or the filing of the petition~~. The full text of any proposed amendment shall be published in a newspaper of general circulation in the Municipality at least once per week for three (3) consecutive weeks in the month prior to the date of election at which said amendment shall be voted upon and a copy of said amendment shall be mailed to each registered voter of the Municipality at least 30 days prior to said election.

#### SECTION XXV. RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served six months of his or her term, a petition demanding his or her removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing.

Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals 20 percent of the electors voting at the last regular municipal election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he or she shall promptly certify the particulars in which the petition is defective, deliver a copy of his or her certificate to the person who filed the petition with him or her, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, he or she shall promptly so certify same to Council, and to the officer whose removal is sought, and shall make a record of such certification and the time thereof.

If such ~~delivery~~ certification shall have been made, the Council shall thereupon order and fix a day for holding a recall election, not less than sixty (60), nor more than seventy-five (75) days after the date of the Clerk's certification of sufficiency to be held at the same time as any other general or special election held within such period: but if no such election be held within such period, at a special recall election to be held within the period aforesaid. Such recall elections shall be certified to the Board of Elections and held in accordance with the general laws of Ohio. At such recall election, the following question shall be placed on the ballot: "Shall (name of officer) be allowed to continue as (name of office)?", with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the ballots cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the ballots cast shall be voted negatively, such officer shall be considered removed, and his or her office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

PASSED: 1st Reading: June 2, 2014 (A)

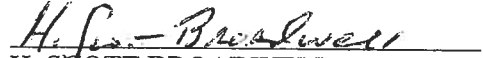
2nd Reading: June 16, 2014 (A)

3rd Reading: July 7, 2014 (A) (EFFECTIVE IN 30 DAYS)

ATTEST:



BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL



H. SCOTT BROADWELL  
PRESIDENT OF COUNCIL

POSTED: 07/08/2014

EFFECTIVE DATE: 08/06/2014

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 14-25 AC CMS as passed by the Oberlin City Council.

**Seal**



Belinda B. Anderson, MMC  
Clerk of Council, City of Oberlin, Ohio