

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 23-79 AC CMS

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO A VOTE OF THE ELECTORS OF THE CITY OF OBERLIN, OHIO, AT A SPECIAL ELECTION TO BE HELD ON MARCH 19, 2024, A PROPOSAL TO AMEND SECTIONS XIV(B) AND XIV (C) OF THE CHARTER OF THE CITY OF OBERLIN TO SPECIFY THE INFORMATION TO BE PROVIDED TO THE CITY COUNCIL BY THE CITY MANAGER AND TO AUTHORIZE THE CITY MANAGER TO SERVE ON BOARDS AND COMMISSIONS WHEN REQUIRED BY LAW OR ORDINANCE AS AN EMERGENCY MEASURE

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 the Council; and

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

WHEREAS, this Council has determined that it is in the best interests of the City of Oberlin to propose those recommended Charter amendments 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 that:

SECTION 1. The proposed amendments to Sections XIV(B) and XIV(C) of the Charter of the City of Oberlin, Ohio, as is 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. This Council hereby authorizes the submission of the proposed amendments to the electors of the City of Oberlin for acceptance or rejection at a special election to be held on March 19, 2024, and if approved by a majority vote of the electors, shall become effective as of the date of passage.

SECTION 3. The ballot language for said proposed amendments to Section XIV of 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 AMENDMENT (A majority affirmative vote is necessary for passage.)

Shall Sections XIV(B) and XIV(C) of the Charter of the City of Oberlin be amended, to specify the information to be reported to the City Council by the City Manager and to authorize the City Manager to serve on boards and commissions when required by law or ordinance?

	YES	SHALL THE PROPOSED AMENDMENTS TO SECTION XIV (B) AND XIV (C) OF THE CHARTER OF THE CITY OF OBERLIN, OHIO, BE ADOPTED?
	NO	

SECTION 4. If this ordinance receives the affirmative vote of at least 2/3 of its members, 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, as soon as possible but not later than 4:00 p.m. on December 20, 2023, 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 February of 2024.

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. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to comply with applicable time requirements to place a charter amendment on the ballot, and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: November 20, 2023  
 2nd Reading: December 4, 2023  
 3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:

  
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 BELINDA B. ANDERSON, MMC  
 CLERK OF COUNCIL

  
 \_\_\_\_\_  
 BRYAN BURGESS  
 PRESIDENT OF COUNCIL

POSTED: 12/05/2023

EFFECTIVE DATE: 12/04/2023

**EXHIBIT A**

**SECTION XIV**

**THE CITY MANAGER**

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B. Powers and Duties. The City Manager shall be the chief executive officer and the head of the administrative branch of the municipal government. He or she shall be responsible to Council for the proper administration of all affairs of the Municipality, and to that end, subject to the civil service provisions of this Charter, he or she shall have power and shall be required to: (1) appoint, and when necessary for the good of the service, remove all officers and employees of the Municipality except those officers appointed by Council (and their subordinates) and except as the City Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office; (2) prepare the budget annually and submit it to the Council and be responsible for its administration after adoption; (3) prepare and submit to Council as of the end of the fiscal year a complete report on the administrative activities of the Municipality for the preceding year; (4) keep Council advised of the future needs of the Municipality and make such recommendations as the City Manager deems desirable; (5) perform such other duties as may be prescribed by this Charter or required of him or her by Council, not inconsistent with this Charter; (6) attend all meetings of Council except as excused by Council.

Except as may be required by law or ordinance, the City Manager shall not serve as a member of any board or commission of the Municipality except in an advisory capacity. The City Manager may attend any or all meetings of such boards and commissions and may enter into the discussions of those boards and commissions but may not vote.

C. Salary, Oath, Bond, Seal. The City Manager shall receive such salary as fixed by the Council. Such part of the salary of the City Manager as the Council deems proper shall be paid from the income of any publicly owned utility operated by the Municipality. Before entering upon the duties of the City Manager, he or she shall take the oath required and shall execute such security in a form and amount determined by Council in favor of the Municipal Corporation for the faithful performance of his or her duties, to be paid by the Municipality. The City Manager shall be furnished with the corporate seal of the Municipal Corporation.