



**CITY OF HUBER HEIGHTS
STATE OF OHIO**

Charter Review Commission

**April 1, 2024
6:00 P.M.**

City Hall – Council Chambers - 6131 Taylorsville Road - Huber Heights, Ohio

1. Call Meeting To Order/Roll Call

2. Approval Of Minutes

A. March 20, 2024

3. Topics Of Discussion

A. Charter Review Commission Process, Needs, Staff Support, And Other Issues

B. Huber Heights City Charter

* Article I - Name, Succession, And Boundaries

* Article II - Form Of Government

* Article III - Powers

* Article IV - The Council

4. Action Items

5. **Future Agenda Items**

A. Huber Heights City Charter

- * Article V - Legislation

- * Article VI - City Manager

6. **Adjournment**

AI-9965

Topics of Discussion **B.**

Charter Review Commission

Meeting Date: 04/01/2024

Huber Heights City Charter - Articles I, II, III, And IV

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None **Date(s) of Committee Review:** N/A

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

Huber Heights City Charter

- * Article I - Name, Succession, And Boundaries
- * Article II - Form Of Government
- * Article III - Powers
- * Article IV - The Council

Purpose and Background

Review and discussion of the following Articles of the City Charter (see attached):

- * Article I - Name, Succession, And Boundaries
- * Article II - Form Of Government
- * Article III - Powers
- * Article IV - The Council

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

City Charter - Article I
City Charter - Article II
City Charter - Article III
City Charter - Article IV

ARTICLE I NAME, SUCCESSION AND BOUNDARIES

Section 1.01 Name, succession and boundaries.

The City shall be known as the "City of Huber Heights", shall continue under this Charter to be a body politic and corporate, and as such shall have perpetual succession. The City shall have the same boundaries existing at the time of adoption of this Charter, with the power and authority to change its boundaries and annex territory thereto in the manner authorized by the laws of the State of Ohio.

ARTICLE II FORM OF GOVERNMENT

Section 2.01 Form of government.

The government provided by this Charter shall be known as the modified Council-Manager form.

ARTICLE III POWERS

Section 3.01 Powers.

The City shall have all powers to which a city is entitled under the Constitution and laws of the State of Ohio, either expressly or by implication, as fully and completely as though specifically enumerated in this Charter. The enumeration of specific powers in this Charter or the reference in this Charter to specific powers granted by the Constitution or laws of Ohio shall not be construed to be exclusive, and the City may determine to exercise any power in the manner provided under this Charter or in the manner provided under the ordinances or resolutions of the City or in the manner provided under the Constitution or laws of the State of Ohio. Unless otherwise specified by ordinance or resolution, powers shall be exercised in the manner provided under this Charter. It is the intention of the people by the adoption of this Charter that a substantial compliance with the Charter's provisions shall be sufficient to sustain any action taken under this Charter.

Section 3.02 Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City. As applied in this Charter, unless the context otherwise requires, the singular includes the plural; the plural includes the singular; words of one gender include the other gender; and words in the present tense include the future tense.

Section 3.03 Intergovernmental relations.

The City may exercise any of its functions, and participate in the financing thereof, including the incurrence of debt, jointly or in cooperation, by contract or otherwise, with one or more political subdivisions, States or civil divisions thereof, or the United States or any agency thereof.

ARTICLE IV THE COUNCIL

Section 4.01 Powers.

Except as otherwise provided under this Charter, all legislative and other powers of the City shall be vested in the Council. The Council shall have the power to enact ordinances, resolutions and other measures, and to take any other action it determines to be necessary to implement this Section, including the distribution or allocation of authority and responsibility to exercise powers and to carry out municipal functions among; (i) the City's administrative departments, divisions and offices, or subunits thereof, (ii) the City's boards and commissions; and (iii) the City's officers and employees.

Section 4.02 Number, selection and term.

Except for the transition period beginning January 1, 1984, and ending December 31, 1985, the Council shall consist of nine (9) members elected by the qualified voters of the City by nonpartisan ballot: one of whom shall be separately elected as the Mayor and shall serve for a four (4) year term of office; two of whom shall be elected by the electors of the City at large for overlapping four (4) year terms of office; and six (6) of whom shall be elected by districts for overlapping four (4) year terms of office; except as such terms are modified by Section 14.01 of this Charter. The regular term of office of Councilmembers and the Mayor shall begin the first day of January following their election. They shall serve until their successors are duly elected or appointed and are qualified. If a member of Council-elect, other than the Mayor, fails to qualify, dies, or resigns, prior to taking office, the office shall be filled according to the provision of this Charter for vacancies in the Council.

Section 4.03 Eligibility.

Candidates for the offices of Councilmember and Mayor shall be qualified electors of the City at the time of filing their nominating petitions, shall have maintained their residency in the City at least one (1) year immediately preceding the election, and shall maintain residency during their term of office. Candidates for the offices of Councilmember to be elected by districts shall have resided in their respective districts for at least one year immediately preceding the election and shall maintain such residency during their term of office. Councilmembers, including the Mayor, who cease to meet the preceding eligibility requirements during their term of office shall forfeit their offices pursuant to Section 13.08 of this Charter.

Section 4.04 Mayor and vice mayor.

- (A) *Mayor.* Beginning with the regular municipal election to be held in 1985, the Mayor shall be elected by separate ballot from the City at large for a four (4) year term of office. The Mayor shall be a member of Council but shall not have the right to vote on issues before Council except in the cases where the vote for the remaining members of Council results in a tie vote, in which cases the Mayor must cast the deciding vote. The Mayor shall have the power to veto any ordinance or resolution enacted by Council except (i) those enacted as a result of the Mayor's casting the deciding vote, and (ii) those enacted by a vote of at least two-thirds (2/3) majority of Council.

In addition to the powers, rights and duties as a member of Council as provided under this Charter, the Mayor shall preside at meetings of Council, shall serve as a non-voting member of all Council appointed committees, and shall be recognized as head of the City Government for all ceremonial and non-administrative purposes, and by the Governor for military purposes. The Mayor shall have judicial powers and the other powers and privileges to which

Mayors are entitled under general law and the Constitutions of the State of Ohio, provided such other powers and privileges are consistent with the provisions of this Charter. The Mayor shall also exercise those powers and perform such duties as described by ordinance or by resolution of Council, consistent with the provisions of this Charter.

- (B) *Vice Mayor.* Council shall, at the first regular meeting in January following its election and every year thereafter, choose, by a vote of no less than five (5) members of Council, one of its members as Vice Mayor, who shall act as Mayor during the absence or disability of the Mayor. If a vacancy in the Mayor's office occurs, the Vice Mayor shall serve as Mayor until the next regular municipal election. At such election a Mayor shall be elected to serve for the unexpired or a full term, as appropriate. At least ten (10) days prior to the date for filing for the office of Mayor at such election, the Vice Mayor who assumed the office of Mayor shall file with the Clerk of Council a written statement indicating whether such person will become a candidate for Mayor at such election or will reassume office of Councilmember, and such person shall be bound by such decision. If such decision is made in favor of reassuming the office of Councilmember, then upon the election of a Mayor and upon assumption of the office by the person so elected, the Vice Mayor shall reassume the office previously held as councilmember for the remainder of the unexpired term to which elected. In the event of a vacancy in the office of Mayor whereby the Vice Mayor assumes the office of Mayor under this Section, the Council shall select a person to fill the vacancy in Council as provided in Section 4.07 of this Charter; however, the person so chosen to fill the vacancy in Council shall serve only until a Mayor is elected as provided herein, if the Vice Mayor elects to reassume office as a councilmember for the remainder of the unexpired term as provided for in this Section.

(Amended November 8, 2016)

Section 4.05 Judge of qualifications.

Council shall be the sole judge of this Charter's prescribed qualifications of its members-elect and its own members, and the grounds for forfeiture of office as listed in Section 13.08 of this Charter.

Section 4.06 Prohibitions.

- (A) *Holding Other Office.* Except as authorized by this Charter, neither a Councilmember nor the Mayor shall hold any other City office or City employment during the term for which said Councilmember or Mayor was elected or appointed to Council, and no former Councilmember or Mayor shall hold any compensated appointive City office or City employment within one (1) year after the expiration of the term for which elected or appointed. In addition, neither a Councilmember nor the Mayor shall hold any other elected public office during the term for which said Councilmember or Mayor was elected or appointed to Council, except the office of State or County Central Committee member of a political party or the office of delegate or alternate to a political party convention.
- (B) *Appointment and Removal.* Neither Council nor any of its members, including the Mayor, shall in any manner except as otherwise provided under this Charter, dictate the appointment or removal of any City officers or employees whom the City Manager or any subordinates are empowered to appoint or remove; however, Council may express its views, and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (C) *Interference with Administration.* Except for the purpose of investigations under Section 4.09 of this Charter and inquiries, Council or its members shall deal with City Officers and employees who are under the direction and supervision of the Manager, solely through the Manager. Neither Council nor its members shall give any orders to any such officer or employee, either publicly or privately.

Section 4.07 Vacancies; forfeiture of office; filling of vacancies.

(A) *Vacancies.* The office of a member of Council shall become vacant upon the member's death, resignation, forfeiture of office, or removal from office.

(B) *Disability.* On questions of disability involving the Mayor, Vice Mayor or Councilmembers, all decisions as to the confirmation, time and duration of disability shall be determined by an affirmative vote of at least three-fourths (3/4) of the members of Council then holding office and not under such consideration. Such determination shall include the authority to declare said office vacant in order to allow for the filling of a vacancy as set forth in Division (C) herein.

(C) *Filling of Vacancies.* Vacancies in the office of Councilmember shall be filled within thirty (30) days by vote of a majority of the remaining members of Council. If a vacancy occurs in an office of Council-elect, the Council for the new term shall appoint, by a majority vote of the members then holding office, an elector of the City. If Council fails to fill any vacancy within thirty (30) days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Mayor shall fill the vacancy by appointment within eight (8) calendar days. Any appointee under this Section must qualify under the provisions of this Charter. If the vacancy occurs subsequent to ten (10) days before the date when candidates for the office of Councilmember must file their nominating petitions or if two (2) years or less remain in the term of the incumbent who created the vacancy, the person so appointed shall serve for the unexpired term. If the vacancy occurs ten (10) or more days prior to the date when candidates for the office of Councilmember must file their nominating petitions and more than two (2) years remain in the term of the incumbent who created the vacancy, the person so appointed shall serve until a successor is elected at the next regular municipal election and such successor assumes office on the first day of January following the election. The person elected at the regular municipal election shall serve for the remainder of the unexpired term.

(Amended November 8, 2016)

Section 4.08 Clerk of council.

Council shall appoint an officer of the City who shall have the title of Clerk of Council and serve at the pleasure of Council. The Clerk of Council may hold other office or position of employment with the City. The Clerk of Council shall be the direct supervisor of the Deputy Clerk of Council. The Clerk of Council shall give notice of Council meetings to its members and the public, keep the journal of its proceedings, and shall have such powers and perform such duties as are provided under this Charter, the rules of Council or by ordinance or resolution.

(Amended November 8, 2016)

Section 4.09 Investigations.

Council may make investigations in coordination with the City Manager into the affairs of the City and the conduct of any City office, department or division, a subunit thereof, or any board or commission. Council may establish investigative procedures by ordinance or resolution. Council shall provide, by ordinance or resolution, the penalties for the failure or refusal of any person to obey a lawful order issued in the exercise of its investigative powers and may establish procedures for the enforcement of such a lawful order.

Section 4.10 Compensation.

Council may increase or decrease the compensation of its members by ordinance or resolution. No member of Council shall benefit from any increase in compensation enacted during such member's current term of office; except that should the costs of providing fringe benefits increase or decrease, such increased or decreased costs

shall not be considered an increase or decrease in the cost of the benefit. The initial compensation of Councilmembers under this Charter shall be that compensation established and in effect on January 1, 1984, and if none has been established, the Council first serving under this Charter shall establish such compensation within ninety (90) days. Any ordinance or resolution changing the compensation of members of Council shall be adopted no later than June first of any odd numbered year. Councilmembers may, pursuant to policies established by ordinance or resolution, receive their necessary and reasonable expenses incurred in the performance of their official duties.

Section 4.11 Independent audit.

Council shall provide for an audit of the affairs and accounts of the City by a certified public accountant or firm of such accountants, at least once every two (2) years, subject to the requirements of Ohio law.

Section 4.12 Quorum and majority votes.

A quorum of Council shall be present to conduct official business. Five (5) voting members of Council, other than the Mayor, shall constitute a quorum. Faced with the lack of quorum, a smaller number of such members of Council may convene, and may compel the attendance of absent members in the manner, and subject to the penalties prescribed by ordinance or resolution, and may adjourn meetings to a subsequent date. In determining a majority vote, a two-thirds (2/3) vote, or a three-fourths (3/4) vote, the office of Mayor shall be counted in arriving at the total membership of the Council, but the Mayor shall not have a right to vote on issues before the Council except as permitted by Section 4.04 of this Charter.

Section 4.13 Council meetings.

- (A) The Council shall determine, by a majority vote of its members then holding office, the frequency, dates and times of regular meetings of the Council in order to properly conduct its business, but it shall hold at least one (1) regular meeting each month.
- (B) Special meetings of the Council may be called, for any purpose, by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours notice to the Mayor and each Councilmember, which notice may be served personally or left at their usual place of residence. Councilmembers and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting.
- (C) Any regular or special meeting of the Council may be adjourned or recessed to another time, date or place without giving the notice required in Division (B) of this Section.

Section 4.14 Rules of council.

The Council shall be a continuing body. The Council shall adopt, by a majority vote of its members then holding office, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of the Council then holding office. The Rules shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of the Council, and such other matters as the Council shall determine to be necessary for the proper functioning and government of the Council.