



**CITY OF HUBER HEIGHTS
STATE OF OHIO**

Charter Review Commission

**April 23, 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. April 1, 2024

3. Topics Of Discussion

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

B. Huber Heights City Charter

* Article V - Legislation

* Article VI - City Manager

4. Action Items

A. Action Items Tracking Form

5. Future Agenda Items

A. Huber Heights City Charter (May 6, 2024 Meeting)

- * Article VII - Administrative Departments

- * Article VIII - Personnel

- * Article IX - Boards And Commissions

6. **Adjournment**

AI-9981

Topics of Discussion **B.**

Charter Review Commission

Meeting Date: 04/23/2024

Huber Heights City Charter - Articles V And VI

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/
Resolution No.:** N/A

Agenda Item Description or Legislation Title

Huber Heights City Charter

* Article V - Legislation

* Article VI - City Manager

Purpose and Background

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

* Article V - Legislation

* Article VI - City Manager

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 V

City Charter - Article VI

ARTICLE V LEGISLATION

Section 5.01 Ordinances and resolutions.

Action of the Council shall be by ordinance, resolution or motion. Motion shall be used to conduct the business of Council in procedural matters, for elections conducted among and appointments made by Council and as otherwise provided in this Charter or the Rules of the Council. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form or style thereof fails to comply with the provisions of Article V of this Charter, since it is not the intention of the people by the adoption of this Charter to require strict compliance with Article V of this Charter. All provisions of this Charter requiring majority or special majority votes shall be mandatory. Sections 5.04, 5.05, 5.06 and 5.09 of this Article V relating to the legislative procedures to be followed shall be mandatory, and all other provisions of Article V shall be directory only. The provisions of Article V of this Charter shall supersede the general laws of the State.

Section 5.02 Introduction.

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 5.03 Form.

- (A) The form and style of ordinances and resolutions shall be determined by the Council.
- (B) Each ordinance or resolution shall contain only one (1) 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 (1) subject.

Section 5.04 Readings.

Each resolution shall be read on one day and each ordinance shall be read on two (2) separate days, unless this requirement is dispensed with by a vote of at least two-thirds (2/3) of the members of the Council then holding office. Readings shall be by title only, unless the Council requires that the resolution or ordinance be read in full by a majority vote of its members then holding office. (Amended November 8, 2016)

Section 5.05 Vote required for passage.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by a roll call of members to be entered on the Journal, or other record of proceedings of the Council, and no ordinance or resolution shall be passed without the affirmative vote of at least a majority of the members of Council then holding office. Each emergency ordinance or resolution shall be adopted subject to the provisions of Section 5.06 of this Charter.

Section 5.06 Emergency legislation.

- (A) Each emergency ordinance shall determine that the ordinance is necessary for the immediate preservation of the public peace, health, safety or welfare, or for an emergency in the operation of the City, and shall

contain a statement of the necessity for the emergency in a distinct section of the ordinance hereinafter referred to as "the emergency clause".

- (B) Emergency ordinances shall not:
- (1) Grant, renew or extend a franchise other than in connection with issuance of debt obligations by the City;
 - (2) Establish, abolish, or alter the functions and structure of any administrative department;
 - (3) Adopt with or without amendment, ordinances proposed under the initiative power; or
 - (4) Regulate the rate charged by any investor-owned public utility for its service.
- (C) In order to adopt an ordinance as emergency legislation, at least two-thirds (2/3) of the members of Council then holding office must vote in favor of such a motion. If less than two-thirds (2/3) of the members of the Council then holding office vote in favor of such a motion, the Council may immediately move to adopt the proposed legislation without the emergency clause included and may adopt the ordinance as a nonemergency measure by a separate vote of at least a majority of the members then holding office.
(Amended November 8, 2016)

Section 5.07 Effective date of legislation.

- (A) The following ordinances shall take effect immediately upon their adoption unless a later date is specified therein:
- (1) Appropriations of money;
 - (2) An annual tax levy for current expenses of the City;
 - (3) Improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefited and to be assessed;
 - (4) Submission of any question to electorate or the determination to proceed with an election;
 - (5) Approval of a revision, codification, recodification, or rearrangement of the City Code or ordinances and resolutions; and
 - (6) Any emergency ordinance.
- (B) All resolutions shall take effect immediately and all other ordinances shall take effect thirty (30) days after adoption by the Council, unless a later date is specified therein.

(Amended November 8, 2016)

Section 5.08 Authentication and recording; review; codification; and reproduction.

- (A) *Authentication and Recording.* Each ordinance or resolution of the Council shall be authenticated by the Clerk of Council's signature and the signature of the presiding officer of the Council. The Clerk shall record in full, in a properly indexed journal or other record kept for that purpose, all ordinances and resolutions adopted by Council.
- (B) *Codification.* Within three (3) years after adoption of this Charter, and at least every ten (10) years thereafter, the Council shall be charged to consider providing a codification or recodification of the City ordinances and resolutions of a general and permanent nature. The codification or recodification may be adopted by Council and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, and including any pertinent provisions as Council may specify of: the Ohio

Constitution and other laws of the State of Ohio, codes of technical regulations and other rules and regulations; or other pertinent supplementary materials. This compilation shall be known and cited officially as the "Huber Heights City Code" or the "City Code". Copies of the City Code shall be furnished to City officers, placed in public City offices for free public reference, and made available for purchase by the public at a price determined by the Council. The City Code may contain new matter therein, shall be adopted by a majority vote of the members of the Council then holding office, and shall become effective immediately upon its adoption by the Council. The Clerk of Council shall cause a notice of the proposed adoption or any recodification thereof by the Council to be published one (1) time in a newspaper of circulation in the City at least seven (7) days prior to Council's adoption thereof, and no further publication shall be necessary. A current service supplementing the City Code shall be maintained in the manner prescribed by the Council.

- (C) *Copies of Ordinances and Resolutions.* The Clerk of Council shall provide copies of this Charter and amendments thereto and copies of ordinances and resolutions adopted by the Council to persons requesting such copies at reasonable costs as determined by the Council.
- (D) *Review.* Within two (2) years after the adoption of this Charter, and at least every ten (10) years thereafter, the Council shall appoint an Ordinance Review Commission of not less than seven (7) electors of the City. It shall be the duty of the Commission to review the City Code, if one exists, and other ordinances or resolutions of the City, and to make recommendations to the Council for the elimination or revision of provisions of the City Code and other ordinances and resolutions which may, in the opinion of the Commission, have outlived their usefulness or practicality. The Commission shall submit its report to Council within one (1) year after its appointment. The Council may take any action, in its discretion, as it deems warranted with respect to the recommendations of the Commission.

Section 5.09 Technical codes.

- (A) Council may, by ordinance or resolution, adopt all or any portion of standard ordinances and codes prepared by the State of Ohio or any department, board or other agency or subdivision of the State, or all or any portion of 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, heating, electrical, ventilation, air conditioning, refrigeration machinery, state pressure piping, piping, boilers, buildings standards, housing standards, 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 (1) copy of such code shall be kept at all times, in the office of the Clerk of Council and available for reference and copying by the public. 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 5.10 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 City Code, 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 Section does not prevent repeals by implication.

Section 5.11 Publication.

- (A) Unless otherwise provided under this Charter, each ordinance and resolution adopted by the Council shall be published by posting the full text of the ordinance or resolution for a period of not less than ten (10) days after its adoption on the City's website and in not less than three (3) public places within the City, as such public places are determined by the Council.
- (B) The failure to publish any ordinance or resolution as required by Division (A) of this Section shall not invalidate the ordinance or resolution, and in such event, the Clerk of Council may publish such ordinance or resolution as required in Division (A) of this Section at a later date.

(Amended May 2, 2017)

Section 5.12 Mayor's veto.

Every ordinance or resolution of Council shall, before it goes into effect, be presented to the Mayor for approval except (i) those ordinances or resolutions 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. The Mayor, if he approves such ordinance or resolution, shall sign and return it forthwith to the Clerk of Council. If the Mayor does not approve the ordinance or resolution, he shall return it after its passage or adoption, with his objections in writing, to the Council at the next regular meeting of the Council. The Mayor's written objections shall be entered upon the journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money. If he does not return such ordinance or resolution with written objections within the time limited in this Section, it shall take effect in the same manner as if he had signed it, unless the Council, by adjournment, prevents its return. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it as herein provided with his written objections, the Council may reconsider it no later than the next regularly scheduled Council meeting, and if such ordinance or resolution upon such reconsideration is approved by a two-thirds (2/3) vote of the members of Council then holding office, it shall take effect as if signed by the Mayor. If Council does not reconsider the Mayor's veto as herein provided, the content of the legislation in question may be considered thereafter in the same way all new legislation is considered.

(Amended May 2, 2017)

ARTICLE VI CITY MANAGER

Section 6.01 Appointment; qualifications; compensation.

Council, by an affirmative vote of no fewer than five (5) members, shall appoint a City Manager (referred to in this Charter as the "City Manager" or "Manager") for an indefinite period of time and shall fix the compensation of the Manager. The Manager shall be appointed on the basis of executive and administrative qualifications. At the time of appointment, the Manager need not be a resident of the City, but shall become a resident with six (6) months after appointment, unless otherwise temporarily authorized by Council.

Section 6.02 Powers and duties.

The City Manager shall be the chief executive and administrative officer of the City. The Manager shall be responsible to Council for the administration of all City affairs placed in the Manager's charge by this Charter or the City's ordinances and resolutions or the general laws of Ohio. It shall be the responsibility of the Manager to:

- (1) Ensure that all laws, provisions of this Charter, ordinances and resolutions of Council and contracts subject to enforcement by the Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;
- (2) Submit to Council and make available to the public complete financial and administrative reports and inventory of City-owned or leased personal property as of the end of each fiscal year;
- (3) Prepare and submit the annual budget, appropriation measure and Capital Improvement Plan to Council;
- (4) Advise Council fully as to the financial condition and future needs of the City and make such recommendation to Council concerning the affairs of the City as deemed desirable, or as Council may require;
- (5) Direct and supervise the administration of all departments, divisions, or subunits thereof, offices and agencies of the City except as otherwise provided by this Charter;
- (6) Appoint and suspend, or remove any City employee or appointive administrative officer of the City pursuant to the rules and regulations with respect to the merit and personnel system and except as otherwise provided by this Charter;
- (7) Attend all Council meetings with the right to take part in discussion, but not to vote on any matter before the Council;
- (8) Provide such other reports as Council may require concerning the operations of the departments, divisions, offices and agencies that are subject to the Manager's direction and supervision;
- (9) Prepare and award contract, franchises and other agreements. Such contracts, franchises or agreements shall be authorized by ordinance or resolution of the Council; however, to the extent that such contracts, franchises and agreements involve obligations for which sufficient funds have been appropriated, Council may delegate to the Manager full or partial authority to execute said documents on behalf of the City without further approval by the Council. The City Attorney shall provide legal services to the City Manager with respect to the preparation and awarding of contracts, franchises and agreements. Any action by the City to acquire, construct, own, lease or operate a public utility shall be authorized by Council;

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- (10) Perform such other duties as are specified in this Charter or may be authorized by ordinance or resolution or as required by Council by motion within the limits of this Charter and the City's ordinances and resolutions.

Section 6.03 Removal.

Council may remove the City Manager from office by an affirmative vote of no fewer than five (5) members of Council.

Section 6.04 Acting manager.

By letter filed with the Clerk of Council, the City Manager shall designate a qualified administrative officer of the City to exercise the powers and perform the duties of the Manager during any temporary absence or disability of the Manager. If such designation has not been made, and the Manager is, in the opinion of a majority vote of the members of Council then holding office, unable to perform the Manager's duties or to make such designation, or in the event of a vacancy in the office of City Manager, the Council shall, by motion, appoint any qualified administrative officer of the City to perform the duties of the Manager until a Manager is appointed or the Manager shall return or the Manager's disability ceases. During such absence, disability, or vacancy, Council may revoke such designation at any time and appoint another officer of the City to serve until a Manager is appointed or the Manager shall return or the Manager's disability shall cease.