

Charter Review Commission
Kingseed Law Library, 6:00 p.m.
April 4, 2024

Chairman Jack Lohbeck called the meeting to order at 6:00 p.m. In attendance were Commission members Linda Ashworth, Jim Collins, Ed Griffith, Terry Posey, Greg Sample, John Serr, Bill Walker, and alternate James Neidhard. Also in attendance were Municipal Attorney Scott Liberman and Assistant Clerk of Council Donna Fiori.

A motion was made by Mr. Sample to excuse Tony Miltenberger from the meeting. The motion was seconded by Mr. Walker and passed unanimously.

A motion was made by Mr. Collins to approve the February 29, 2024 meeting minutes. The motion was seconded by Ms. Ashworth and passed unanimously.

Commission members were given a redlined version of the Charter with the compiled draft amendments.

Mr. Liberman stated he met with City staff and reviewed the Charter to establish if it reflects current City procedures. Comments were considered from the City Manager, Finance Director, Human Resources Director (HR Director), and the Clerk of Council on possible revisions based on current City procedures.

It was noted that non-substantive changes could be made by Council based on Section 12.04(d) of the City Charter that relate to errors of grammar, sentence construction, and standardization that do not affect the meaning or substance of the Charter.

Mr. Liberman guided the group through the redline version.

Section 4.03. Mayor And Deputy-Mayor. Remove the hyphen in all references to *Deputy-Mayor* throughout Charter. Remove redundant language.

Section 4.05.(d) Vacancies; Forfeiture Of Office; And Filling Of Vacancies. Include language to address what happens if a candidate for office becomes disqualified either through death or otherwise.

Section 4.06. Recall. Strike current petition verbiage which is not tracked by the Board of Elections. Create a clear, unambiguous, and consistent signature threshold for recall elections. Also add Greene County, Ohio Board of Elections.

Section 4.08. Judge Of Qualifications. Modernize current publishing procedures with up-to-date forms of communication.

Section 4.12. Independent Audit. Update to be consistent with City procedures in consultation with the Finance Director. Current practice is to conduct an annual audit which is more than the Charter currently requires.

Section 5.03. Passage Of Ordinances. Modernize current publishing procedures with up-to-date forms of communication to be consistent with ORC Section 731.21.

Section 5.09.(b) Authentication And Recording; Codification; And Reproduction. Update to be consistent with City procedures in consultation with the Clerk of Council. Current practice is to conduct an annual codification which is more than the Charter currently requires.

Section 6.01. Appointment; Qualifications; And Compensation. Strike language regarding residency requirement. The Ohio Supreme Court ruled residency requirements are unconstitutional.

Section 6.02.(i) . Powers And Duties. Remove verbiage that every contract and agreement must be approved by Council. Few Charter cities require this. The recommended approach for Municipal Charters in Ohio is for the Council to designate contracting authority usually to the City Manager. Current ordinances and resolutions address limits. Council still approves a final budget with line items.

Mr. Liberman noted in response to a question from the last meeting regarding surpluses that the Finance Director stated we have a fund balance policy that takes care of surplus.

Section 7.05. Administrative Code. Replace all references of *Administrative Code* to *Municipal Code* in the Charter to be consistent with current City procedures.

Section 7.06. Central Purchasing. Eliminate this section to be consistent with City procedures in consultation with the Finance Director. The City does not have Central Purchasing or a purchasing agent. Purchasing is decentralized with policies in place as to who can purchase.

Section 7.08. Department of Finance. Update outdated agency names and update the title of the Director throughout the Charter in consultation with the Finance Director.

Section 7.10. Department Of Service. Update department name and Director title to match current procedures.

Section 7.12. Department Of Law. Replace all references of *Municipal Attorney* to *Law Director* to match current procedures.

Section 8.02.(c) Capital Program. Modify and update to remove the requirement that the capital program be adopted prior to the budget. Add that it be approved at the same time.

Section 8.03 Submission Of Budget. Modify and update to have verbiage consistent with Section 8.02(a) for the budget submission deadline.

Section 8.05.(b) Council Action On The Budget. Modify and update verbiage from *estimated income* to *estimated cash available* to be consistent with Section 8.04.

Mr. Serr noted a correction in the verbiage in Section 8.05(a)ii . The correct grammar usage should state *not fewer than* instead of *not less than*.

Section 8.06. Certification. Modify and update to match current procedures per Finance Director. In response to a question from the last meeting, Mr. Liberman noted this section applies to the county in which the majority of the city exists.

Section 8.07. Revision of Budget. Eliminate this section. This is not how the City operates per Finance Director.

Section 8.10. Amendment Of Appropriations. Modify and update to follow current City procedures per Finance Director.

Section 10.01. Merit System Established. Eliminate this section. This is not how the City operates per the HR Director. The City uses an at-will employment system and not a merit-based system. Update the title of the Director throughout the Charter.

Section 10.02. Exempt Positions. Modify and update to mirror City procedures and provide greater clarity of those not entitled to the Personnel Appeals Board process per the HR Director. The pay ordinance specifies the classification of positions.

Section 10.03. Personnel Officer. Modify and update to mirror current City procedures per HR Director.

Section 10.04.(b) Personnel Appeals Board. Modify and update to mirror City procedures consistent with changes in Section 10.02. per the HR Director.

Section 10.05. Candidacy For Municipal Office. In response to a question from the last meeting, Mr. Liberman reported Charter provisions related to engaging in political campaigns for the Municipality are legal. Commission members had an extensive discussion about the impact of prohibiting employees and nonelective officials from being able to engage in political campaigns for the Municipality. Update to allow officials such as Boards and Commission members to engage in political campaigns. The group discussed changing the word *Municipality* to *City of Centerville* to provide greater clarity.

Mr. Liberman and Commission members discussed references to officials and officers throughout the Charter. Mr. Liberman will research further to clarify the distinction.

Sections 10.06. Promotional Examinations. Eliminate this section. Promotional exams are not done by the City.

Section 10.07 Classification Of Personnel. Eliminate this section. This is covered by ordinance.

Section 11.02. Conduct of Elections. Add Greene County. Commission members discussed how two counties certify an election for the Municipality. Mr. Serr confirmed the most populous county is responsible for certifying the vote.

Section 12.03 Fees. Update to follow current procedures and allow for events such as the Kalamian Golf Outing per the Finance Director.

Mr. Lohbeck, Mr. Liberman, and Commission members discussed next steps for a recommendation. Mr. Lohbeck, Mr. Serr, Mr. Liberman and Mrs. Fiori will prepare a recommendation letter for review and approval at the next meeting.

Mr. Liberman shared with the group the timeline and process of the Charter revisions from recommendation to the ballot.

Mr. Lohbeck adjourned the meeting at 7:21 p.m. The next Charter Review Commission meeting is scheduled for April 25, 2024, in the Kingseed Law Library at 6:00 p.m.

Donna Fiori

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4/26/2024