



City of Centerville

Brooks A. Compton, Mayor | Wayne S. Davis, City Manager

NOTICE OF PUBLIC HEARING Centerville City Council

Notice is hereby given that a Public Hearing shall be conducted during the Centerville Council meeting scheduled for **Monday, June 17, 2024, at 7:30 p.m.** in the Council Chambers of the Centerville Municipal Building, 100 West Spring Valley Road, Centerville, Ohio concerning Ordinance Number 13-24, An Ordinance Authorizing The Submission To A Vote Of The Qualified Electors Of The City Of Centerville Amendments To The Charter Of The City Of Centerville, Ohio, And To Place The Same On The Ballot At The General Election For November 5, 2024.

The Ordinance is attached in full to this notice.

By order of the City of Centerville, Ohio.

Teri Davis
Clerk of Council

ORDINANCE NO. 13-24
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER _____ ON THE ___ DAY
OF _____, 2024.

AN ORDINANCE AUTHORIZING THE SUBMISSION TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY OF CENTERVILLE AMENDMENTS TO THE CHARTER OF THE CITY OF CENTERVILLE, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION FOR NOVEMBER 5, 2024.

WHEREAS, Article XII, Section 12.04(a) of the Charter of the City of Centerville, Ohio states:

Any provisions of this Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of a proposed amendment to the electors of the Municipality and approved by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a vote of at least five (5) members of Council, or by petition to the Council signed by ten (10) percent of the electors registered to vote at the last regular municipal election held in the Municipality; and

WHEREAS, Article XII, Section 12.04(b) of the Charter of the City of Centerville, Ohio states:

At the first meeting of the Council in January, 1976, and every eight (8) years thereafter, Council shall appoint a Commission of nine (9) electors of the Municipality. It shall be the duty of the Commission to review the existing Charter and make such recommendations as it may see fit for revision. The Commission shall submit its report to Council not later than August 1 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations; and

WHEREAS, in accordance with Article XII, Section 12.04 above, the Council appointed nine citizens to the 2024 Charter Review Commission; and

WHEREAS, the Charter Review Commission reviewed the Charter for any alterations, revisions, and amendments to the Charter that, in the judgment of the Commission, seemed advisable; and

WHEREAS, the Charter Review Commission through its chairman submitted its report and recommendations to amend the Charter (the

“Recommendations”) and Council accepted receipt of the Recommendations on or about May 6, 2024; and

WHEREAS, the Recommendations for amendments to various sections of the City Charter concerned vacancies in office of Mayor or councilmember, petition signatures for recall, notice of public hearings for charges for forfeiture of office, independent audits, notice/publication of legislation, codification, residency requirements for City Manager, requirements for city contracts approval, elimination of central purchasing, budget and appropriations process and requirements, changes to personnel operations and classification, change to candidacy for office, and city fees; and

WHEREAS, Council thoroughly reviewed the Recommendations and found them to be well researched and thoughtfully prepared; and

WHEREAS, Council also determined that certain Charter amendments should be submitted to the electors of the City; and

WHEREAS, by this Ordinance Council submits to the qualified electors of this City the question of whether the recommended Charter amendments, which are deemed to be in the best interests of the citizens of Centerville, should be approved;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY ORDAINS WITH AT LEAST TWO-THIRDS OF THE
MEMBERS CONCURRING:

Section 1. The question of adoption of the proposed amendments to the following Charter sections, as recommended by the Charter Review Commission and deemed by Council to be in the best interests of the citizens of Centerville, shall be submitted to a vote of the electors of the City of Centerville:

Section 4.01 (clarify vacancies of Mayor-elect)

Section 4.03(b) (address the filling of vacancies of individual running for mayor who dies prior to general election)

Section 4.05(d) (address the filling of vacancies of individual running for council who dies prior to general election)

Section 4.06 (revises the percentage of petition signatures required for a recall)

Section 4.08 (modify and update requirements for publishing notice of hearing for forfeiture of office)

Section 4.12 (modifies requirements for independent audits)

Section 5.03 (modify and update requirements for publishing ordinances)

Section 5.09 (requiring annual codification of Municipal legislation)

Section 6.01 (removal of residency requirement for City Manager)

Section 6.02(i) (removal of requirement for every city contract to be authorized or ratified by Council)

Section 7.06 (removal of Central Purchasing for city)

Section 8.02(c) (modify timing of capital program adoption)

Section 8.03 (modify timing of submission of budget to Council)

Section 8.06 (revise process for certification of budget to county)

Section 8.07 (repeal revision of the budget)

Section 8.10 (clarify amendment of appropriations)

Section 10.01 (repeal merit system)

Section 10.02 (revises the classification of services in city personnel)

Section 10.03 (revises the job description for the personnel officer)

Section 10.04(b) (revises the application to classified service)

Section 10.05 (updates candidacy for municipal office by officials)

Section 10.06 (repeals promotional examinations)

Section 12.03 (removes prohibition on use of municipal facilities)

If adopted, those amended sections of the City Charter will read as set forth in Exhibit “A”, attached and made a part of this ordinance.

Section 2. The question of adoption of the proposed amendments to the Charter set out in Section 1 shall be submitted to a vote of the qualified electors of this City at the general election to be held Tuesday, November 5, 2024, at the regular place or places of voting in this City as established by the Montgomery County, Ohio and Greene County, Ohio Boards of Elections and during the election hours established by the same Boards of Elections or by State law. A majority vote shall be necessary for adoption of the proposed amendments. Notice of the time and place of holding such election shall be given as required by law.

Section 3. It is the desire of Council that the question of adoption of the proposed amendments to the Charter set out in Section 1 shall be one ballot question in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall the following sections of the Centerville City Charter be amended as indicated:

1. revising Section 4.01 to provide for Mayor-elect vacancies;
2. revising Section 4.03(b) to add a subsection for filling of the vacancies of candidates running for Mayor;

3. revising Section 4.05 to provide for filling of the vacancies of candidates running for Council;
4. revising Section 4.06 to revise the number of signatures required for a recall petition;
5. revising Section 4.08 to modify the methods and technology used to publish official notice of a hearing for forfeiture of office
6. replacing Section 4.12 with an updated process for independent audits;
7. revising Section 5.03 to modify and update the methods and technology used to publish ordinances;
8. revising Section 5.09 to modify the timing requirements for codification of municipal ordinances and resolutions;
9. revising Section 6.01 to remove the residency requirement for the City Manager;
10. revising Section 6.02(i) to remove the requirement that all City contracts be either authorized or ratified by Council;
11. repeal Section 7.06 to remove central purchasing;
12. revise Section 8.02(c) to modify the timing of adoption of the capital program;
13. revising Section 8.03 to modify the timing of the submission of the budget to Council;
14. revising Section 8.06 to update the process for certification of the budget to the County Auditor;
15. repeal Section 8.07 to remove the requirement for revision of the budget;

16. revising Section 8.10 to clarify the transfer of any unencumbered appropriation balances;
17. repeal Section 10.01 to remove reference to a merit system;
18. revising Section 10.02 to clarify and modify the classification of services for City personnel to remove some employees from the classified service;
19. revising Section 10.03 to modify the job description of the personnel officer;
20. revising Section 10.04 to clarify that the Personnel Appeals Board is available to the classified service;
21. revising Section 10.05 to clarify that officials may engage in political campaigns;
22. repeal Section 10.06 to remove reference to promotional examinations;
23. revising Section 12.03 to reference the city's bank account and to remove the prohibition from using Municipal facilities to collect fees?

_____ Yes

_____ No

Section 4. The full text of the proposed Charter amendments shall be published once a week for not less than two consecutive weeks in a newspaper as provided in Section 731.211 of the Ohio Revised Code, the first publication being at least fifteen days prior to the election date.

Section 5. The Clerk of Council is hereby directed to certify a copy of this Ordinance to the Boards of Elections of Montgomery and Greene County so that the certified copy is received by the Boards no later than August 7, 2024.

Section 6. If one or more of the proposed amendments are approved by a majority of electors voting thereon, then the approved amendments shall become part of the Charter of the City of Centerville effective as of the date of certification of the abstract of said election and certification to the Secretary of State by the Boards of Elections as provided by law.

Section 7. By an affirmative vote of no less than five (5) Council members, this Council authorizes and approves the adoption of this Ordinance.

Section 8. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS _____ day of _____, 2024.

Mayor of the City of Centerville, Ohio

ATTEST:

Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. _____, passed by the Council of the City of Centerville, Ohio on the _____ day of _____, 2024.

Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney

EXHIBIT “A”

Key to Proposed City of Centerville Charter Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underscored. Example: text

Article IV, Section 4.01. POWERS; NUMBER; SELECTION; AND TERM.

The regular term of Councilmembers and the Mayor shall begin the first day of January following their election. The oath of office shall be taken between the election certification and January 1st following the election. They will serve until their successors are chosen and are qualified as such. If a Mayor-elect or Councilmember-elect fails to qualify, dies or resigns, the position shall be filled according to the provisions of this Charter ~~for vacancies in Council~~. All elections of Councilmembers and the Mayor shall be on a non-partisan basis.

Article IV, Section 4.03. MAYOR AND DEPUTY-MAYOR

(b) Filling of Vacancies. Vacancies in the office of Mayor shall be filled according to Section 4.03(c). If a candidate running for Mayor dies prior to the general election, said candidate’s name shall remain on the ballot. If the deceased candidate receives enough votes to become Mayor-elect, Council of the new term shall appoint by majority vote an eligible citizen of the Municipality of Centerville.

~~(b)~~ (c) Deputy-Mayor. The Council shall, at the regular meeting in January following its election, and every two (2) years thereafter, choose, by a majority vote of all members of the Council, one (1) of its members a Deputy-Mayor who shall act as Mayor during the absence or disability of the Mayor. If a vacancy occurs, the Deputy-Mayor shall serve as Mayor until the next regular Municipal election. At such election a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term. Upon the election of a Mayor, other than the Deputy-Mayor then serving as Mayor, the Deputy-Mayor may retain a position as Councilmember for the remainder of his or her unexpired term. In the event of a vacancy in the office of Mayor whereby the Deputy Mayor is required to serve as

Mayor, the Council shall select a person to fill the vacancy in Council as provided in Section 4.05 (d) and shall also elect a new Deputy Mayor as provided above. However, the person chosen to serve on Council shall serve only until a Mayor is elected as provided herein.

Article IV, Section 4.05. VACANCIES, FORFEITURE OF OFFICE; AND FILLING OF VACANCIES.

(d) 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 one or more positions among Councilmembers-elect, Council of the new term shall appoint by majority vote an eligible citizen of the Municipality of Centerville. If a candidate running for Councilmember dies prior to the general election, said candidate's name shall remain on the ballot. If the deceased candidate receives enough votes to become a Councilmember-elect, Council of the new term shall appoint by majority vote an eligible citizen of the Municipality of Centerville. If the Council fails to ~~do so~~ appoint the new councilmember or councilmember-elect 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 immediately following the expiration of the said thirty (30) days. Any appointee under this section shall qualify under the provisions of this Charter, shall hold office, and shall serve for the unexpired term and until a successor is elected and qualified.

Article IV, Section 4.06. RECALL.

The electors shall have the power to remove from office, by recall election, any elected officer of the Municipality.

If an elected officer shall have served for six (6) months of a 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 elector 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 a statement in not more than two hundred (200) words of the grounds for removal. Such petition shall be signed by ten (10) percent of the electors registered to vote at the last regular Municipal election. ~~the number of electors which equals twenty five percent (25%) of the total number of electors~~

~~voting for the candidates for Councilmember.~~ Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements hereof.

If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of the certificate to the person who filed the petition with the Clerk, 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 of Council shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery.

At such recall election, conducted by the Board of Elections of Montgomery County, Ohio, and Greene County, Ohio, as stated in Section 11.02, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, said 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 thereby.

Article IV, Section 4.08. JUDGE OF QUALIFICATIONS.

The Council shall be the sole judge of the election and qualifications of its Councilmembers-elect and its own members, and the grounds for forfeiture of their office, as listed in Section 4.05, and for that purpose Council, by ordinance, shall prescribe the process of citing witnesses, administering oaths and producing evidence, and its enforcement through the Department of Law. If, by an affirmative vote of five (5) members of Council, a witness is declared in violation of the ordinance enforcing this section, the case shall be referred to the Department of Law for appropriate action before the proper court.

A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published on the City of Centerville website or the official public notice website as set forth in State law ~~in one or more newspapers of general circulation in the Municipality~~ at least fifteen (15) days in advance of the hearing.

Article IV, Section 4.12. INDEPENDENT AUDIT.

~~During those years in which the State of Ohio shall make an audit of the affairs of the Municipality, such audit may be accepted as satisfying the requirements of this section. In any other years, Council may, when it deems it advisable, provide for an annual audit by a certified public accountant or firm of such accountants. There shall be a financial audit of all the affairs and accounts of the Municipality each calendar year. This audit shall be made by the State of Ohio or by an independent certified public accountant or accounting firm authorized by the State of Ohio to conduct required audits of cities. Council may, in addition, at any other time cause audits of specific funds to be made by a certified public accountant or accounting firm.~~

Article V, Section 5.03. PASSAGE OF ORDINANCES.

A proposed ordinance may be introduced by any Councilmember at any regular or special meeting of the Council. Upon introduction of any proposed ordinance, the Clerk of Council shall distribute a copy to each Councilmember and to the Manager, shall file one (1) copy in the office of the Clerk of Council, shall make copies available to interested parties, and shall publish the proposed ordinance, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. (As used in this section, the term "publish" means to post in full on the City of Centerville website or the official public notice website as set forth in State law. ~~or generally accepted electronic methods and to post in full in not less than three (3) of the most public places in the Municipality as determined by Council. Such posting places shall be reviewed every two years.)~~

Article V, Section 5.09. AUTHENTICATION AND RECORDING; CODIFICATION; AND REPRODUCTION

(b) Codification. ~~At least every ten (10) years the Council shall provide a for~~ an annual general codification of all Municipal ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, including any pertinent provisions (as the Council may specify) of: the Ohio Constitution; other laws of the State of Ohio; codes of technical regulations; and other rules and regulations or pertinent supplementary matter of service or interest. This compilation shall

be known and cited officially as the Centerville Municipal Code. Copies of the Municipal Code shall be furnished to Municipal officers, placed in public Municipal offices for free public reference, and made available for purchase by the public at cost as determined by Council.

Article VI, Section 6.01. APPOINTMENT; QUALIFICATIONS; AND COMPENSATION.

The Council, by a majority vote of all members of Council, shall appoint a Manager for an indefinite term and shall fix compensation. The Manager shall be appointed on the basis of executive and administrative qualifications. ~~The Manager need not be a resident of the Municipality or the State at the time of appointment, but shall reside therein during tenure of office as Manager.~~

Article VI, Section 6.02. POWERS AND DUTIES.

(i) Arrange and prepare contracts, franchises and agreements, in cooperation with the Municipal Attorney and pursuant to the relevant Municipal ordinances or resolutions adopted by Council. ~~but no such contracts, franchises or agreements shall be legal until ratified or authorized by ordinance or resolution of the Council and, with reference to public utilities, according to the provisions of Article XVIII of the Constitution of the State of Ohio.~~

Article VII, Section 7.06. CENTRAL PURCHASING

~~The Manager shall within the Department of Finance establish a purchasing agent whose duty it shall be to contract for, purchase, store and distribute all supplies, printing, materials, equipment and contractual services required by the Municipality, within the appropriations made by Council. This shall not preclude the ability to participate jointly with other governmental agencies as provided in Section 3.04.~~

Article VIII, Section 8.02. CAPITAL PROGRAM.

(c) Adoption by the Council. The Council by resolution shall adopt the capital program with or without amendment ~~prior to~~ at the same time as the adoption of the budget.

Article VIII, Section 8.03. SUBMISSION OF BUDGET

The Manager shall submit to the Council at least one month prior to the final date for approval of the budget to the Council, ~~at such date as Council shall designate~~, a budget for the ensuing fiscal year and an accompanying budget message.

Article VIII, Section 8.06. CERTIFICATION.

Upon notification by the County Budget Commission and the certificate of the County Auditor as to the amounts required from general property tax approved by the Budget Commission and County Auditor's estimated tax rates, the Council shall pass and certify to the County Auditor a resolution, accepting the amounts and rates as determined by the County Budget Commission as required by the general law. ~~Upon receipt of advice of action by the County Budget Commission and the Certificate of the County Auditor as to the estimated income, the Council shall pass and certify to the County Auditor an ordinance, as required by general law.~~

Article VIII, Section 8.07. REVISION OF THE BUDGET.

~~The Manager shall prepare and submit to the Council each year a budget so revised that the total contemplated work program and expenditures during the ensuing fiscal year shall not exceed the total estimated income certified by the County Budget Commission and the County Auditor. This revised budget shall serve as the basis for the annual appropriation ordinance.~~

Article VIII, Section 8.10. AMENDMENT OF APPROPRIATIONS.

The Council, on recommendation of the Manager, may at any time by ordinance transfer any unencumbered balance of an appropriation from one item or project to another as permitted by Ohio law under the same fund, or reduce or increase any item, provided the ordinance as amended does not increase the authorized expenditures to an amount greater than the total estimated income.

Article X, Section 10.01. MERIT SYSTEM ESTABLISHED.

~~Appointments and promotions in the administrative service of the Municipality shall be made according to merit, to be ascertained, as far as practicable, by open competitive processes.~~

Article X, Section 10.02. ~~EXEMPT POSITIONS.~~ CLASSIFICATION OF SERVICES.

~~All positions in the administrative service of the Municipality shall, as far as practicable, be filled pursuant to open competitive processes except: In the absence of a written employment agreement or a collective bargaining agreement providing otherwise, all employees are deemed at-will employees. Except as otherwise provided, Council shall establish by ordinance the classified and unclassified service in the Municipality. The classified service shall not include the following:~~

- (a) The Manager;
- (b) Clerk of Council;
- (c) The Directors of Departments, ~~their assistants,~~ and Division Heads;
- (d) Assistant Manager and Assistants to the Manager;
- (e) ~~Secretary to the Manager, and personal secretaries of all department heads, agencies, boards and commissions;~~ Any office or position requiring exceptional or professional qualifications;
- (~~g~~f) Unskilled laborers, as defined and authorized by a resolution or ordinance;
- (~~h~~g) Seasonal and part-time employees;
- (~~i~~h) All officials and employees appointed by Council under its Charter authority;
- (~~j~~i) Members of boards, commissions and agencies;
- (~~k~~j) Mayor's Court personnel.

Article X, Section 10.03. PERSONNEL OFFICER.

~~There shall be a personnel officer appointed by the Manager, to serve part-time or full-time, who shall administer the personnel system of the Municipality.~~

The Personnel Officer shall:

- (a) Classify positions and establish compensation to be ~~Prepare and recommended to the Manager for approval the necessary rules to establish and maintain the merit system in the Municipality according to the provisions of the Ohio Constitution, Article XV, Section 10.~~ When approved by the Manager, the ~~rules~~ positions and compensation shall be proposed to the Council for adoption by ordinance, with or without amendment.

- (b) ~~Establish job descriptions including Classify positions, establish job standards with adequate provisions for reclassification, and establish~~ the probationary period. Conduct recruitment, processes, in-service training programs, and other such duties in relation to personnel as the Manager may direct.

Article X, Section 10.04. PERSONNEL APPEALS BOARD.

- (b) Duties. The Personnel Appeals Board shall hear appeals when any officer or employee of the Municipality in the ~~non-exempt~~ classified service feels aggrieved by action of the personnel officer, the Manager, or by any department head, which suspends, reduces or removes said officer or employee, and requests such hearing. The Board shall have authority to subpoena witnesses, and to require the production of records. For that purpose, Council, by ordinance, shall prescribe the process of citing witnesses, administering oaths and producing evidence, and its enforcement through the Department of Law. The judgment of the Personnel Appeals Board shall be final.

Article X, Section 10.05. CANDIDACY FOR MUNICIPAL OFFICE.

No employee of the Municipality shall continue therein after becoming a candidate for nomination or election to any Municipal office. Except for elective officials, ~~no officials or~~ employees of the Municipal government may engage in political campaigns in which candidates of ~~this~~ the Municipality are involved.

Article X, Section 10.06. PROMOTIONAL EXAMINATIONS.

~~Whenever a vacancy occurs in any position in the service of the Municipality which is not exempted under the provisions of Section 10.02, it shall be filled in the manner provided in the personnel ordinance.~~

Article XII, Section 12.03. FEES.

All fees received by officers or employees of the Municipality in connection with their employment with the Municipality shall be accounted for and paid into the Municipal ~~Treasury~~ bank account, except as otherwise provided by ordinance. ~~No member or agency of the Municipal government may use the Municipal facilities or hours of operation to collect any fees or funds for private groups, agencies or individuals.~~