

April 25, 2024

Mayor Brooks Compton and
Members of City Council
City of Centerville
100 West Spring Valley Road
Centerville, OH 45458

Dear Mayor Compton and City Council:

The Charter Review Commission has completed its review of the City Charter. Attached is a list of the recommended changes to the Charter to be considered by City Council.

The members of this commission were dedicated and fully committed to the effort. Our review was very thorough and detailed. I congratulate and applaud the Mayor and City Council for appointing such a knowledgeable and distinguished group of volunteers to the Commission.

We held multiple meetings that encompassed many different ideas and opinions and thank Municipal Attorney Scott Liberman, Assistant Clerk of Council Donna Fiori and all the staff for their contributions to our effort.

If so desired, I would be happy to attend a Council work session to discuss the recommendations in greater detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack Lohbeck".

Jack Lohbeck
Chairman

cc: Wayne Davis
Charter Review Commission Members

Recommended Changes to the City Charter

New recommended language *highlighted in italics* and text to be deleted in ~~red-strikeout~~.

ARTICLE IV -THE COUNCIL

- **SECTION 4.01. POWERS; NUMBER; SELECTION; AND TERM.**

Second paragraph. Address what happens if a candidate for office becomes disqualified either through death or otherwise. Possible language to include as follows:

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.

- **SECTION 4.03. MAYOR AND DEPUTY-MAYOR.**

Address what happens if a candidate for office becomes disqualified either through death or otherwise. Possible language to include as follows:

(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.

- **SECTION 4.05. VACANCIES; FORFEITURE OF OFFICE; AND FILLING OF VACANCIES.**

Address what happens if a candidate for office becomes disqualified either through death or otherwise. Possible language to include as follows:

(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.

- **SECTION 4.06. RECALL.**

Third paragraph. Strike current verbiage which is not tracked by the Board of Elections. Create a clear, unambiguous, and consistent signature threshold for recall elections. Possible language to include as follows:

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.

- **SECTION 4.08. JUDGE OF QUALIFICATIONS.**

Second paragraph. Modify and update current publishing guidelines (Section 5.03 to be updated as well). Newspapers are an outdated form of communication. Possible language to include as follows:

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 and social media or the official public notice website <https://www.publicnoticesohio.com/>* ~~in one or more newspapers of general circulation in the Municipality~~ at least fifteen (15) days in advance of the hearing.

- **SECTION 4.12. INDEPENDENT AUDIT.**

Modify and update to be consistent with City practices. Possible language to include as follows:

~~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 – LEGISLATION

- **SECTION 5.03. PASSAGE OF ORDINANCES.**

First paragraph. Modify and update the current publishing of ordinances (consistent with ORC Section 731.21). Possible language to include as follows:

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 ***and social media or the official public notice website <https://www.publicnoticesohio.com/>*** ~~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.~~)

- **SECTION 5.09. AUTHENTICATION AND RECORDING; CODIFICATION; AND REPRODUCTION.**

Modify and update to be consistent with City practices.

(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.

ARTICLE VI - THE MANAGER

- **SECTION 6.01. APPOINTMENT; QUALIFICATIONS; AND COMPENSATION.**

Strike language regarding residency requirement. The Ohio Supreme Court ruled residency requirements are unconstitutional.

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.~~

- **SECTION 6.02. POWERS AND DUTIES.**

The recommended approach for Municipal Charters in Ohio is for the Council to designate contracting authority - usually the Mayor or City Manager. Possible language to include as follows:

- 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 - ADMINISTRATIVE DEPARTMENTS

- **SECTION 7.06. CENTRAL PURCHASING.**

Eliminate this section. This is not how the City operates. Purchasing is decentralized with policies in place as to who can purchase.

~~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 - FINANCE, TAXATION AND DEBT

- **SECTION 8.02. 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.

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.

- **SECTION 8.03. SUBMISSION OF BUDGET.**

Modify and update to have verbiage consistent with Section 8.02 (a).

The Manager shall submit to the Council **at least one month prior to the final date for submission 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.

- **SECTION 8.06. CERTIFICATION.**

Modify and update to match current practices per Finance Director. Possible language to include as follows:

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.~~

- **SECTION 8.07. REVISION OF THE BUDGET.**

Eliminate this section. This is not how the City operates per Finance Director.

~~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.~~

- **SECTION 8.10. AMENDMENT OF APPROPRIATIONS.**

Modify and update to follow current City practices per Finance Director.

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 – PERSONNEL

- **SECTION 10.01. MERIT SYSTEM ESTABLISHED.**

Eliminate this section. This is not how the City operates per Human Resources Director (HR Director). The City uses an at-will employment system and not a merit-based system.

~~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.~~

- **SECTION 10.02. EXEMPT POSITIONS.**

Modify and update to mirror City operations per HR Director.

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:

- (1) The Manager;
- (2) Clerk of Council;
- (3) The Directors of Departments, ~~their assistants~~, and Division Heads;
- (4) **Assistant Manager and** Assistants to the Manager;
- ~~(5) Secretary to the Manager, and personal secretaries of all department heads, agencies, boards and commissions;~~
- (5) Any office or position requiring exceptional or professional qualifications;
- (6) Unskilled laborers, **as defined and authorized by a resolution or ordinance;**
- (7) Seasonal and part-time employees;
- (8) All officials and employees appointed by Council under its Charter authority;
- (9) Members of boards, commissions and agencies;
- (10) Mayor's Court personnel.

- **SECTION 10.03. PERSONNEL OFFICER.**

Modify and update to mirror City operations per HR Director.

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:

- (1) **Classify positions and establish compensation to be** ~~Prepare and~~ recommended **ed** 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.

- (2) **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.

- **SECTION 10.04. PERSONNEL APPEALS BOARD.**

Modify and update to mirror City operations per HR Director.

- (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.

- **SECTION 10.05. CANDIDACY FOR MUNICIPAL OFFICE.**

Update to allow officials such as Boards and Commission members to engage in political campaigns.

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.

- **SECTION 10.06. PROMOTIONAL EXAMINATIONS.**

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

~~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 - GENERAL PROVISIONS

- **SECTION 12.03. FEES.**

Update to follow current practices and allow for events such as the Kalamon golf outing.

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.~~

The following items were found to be non-substantive changes that can be corrected by Council per Section 12.04(d) of the City Charter with the approval of the Director of Law.

- Replace all references of *Administrative Code* to *Municipal Code*.
- Replace all references of *Personnel Officer* to *Human Resources Director (HR Director)*.
- Replace all references of *Director of Finance* to *Finance Director*.
- Replace all references of *Department of Service* to *Public Works Department*.
- Replace all references of *Director of Service* to *Public Works Director*.
- Replace all references of *Department of Development* to *Development Department*.
- Replace all references of *Director of Development* to *Development Director*.
- Replace all references of *Municipal Attorney* to *Law Director*.
- Replace all references of Municipality with City of Centerville.
- Correct all references of *Deputy-Mayor* to *Deputy Mayor*. (Remove hyphen)
- Section 4.03.(b) Removal of redundant language.
- Section 4.06. Add Greene County, Ohio.
- Section 7.02. Correct the word *deemed* to *deems*.
- Section 7.08. Replace the reference of *Bureau of Inspection and Supervision of Public Offices* with *Auditor of State*.
- Section 7.08. Replace the reference of *National Council of Governmental Accounting* with *Governmental Accounting Standards Board*.
- Section 8.05.(a)ii Correct the words from *less an* to *fewer than*.
- Section 8.05.(b) Replace *income* with *cash available*.
- Section 8.10. Replace *income* with *cash available*.
- Section 11.02. Add Greene County.
- Section 12.04.(a) Remove *held in this Municipality*. (Unnecessary verbiage)