



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, November 18, 2024, at 7:30 p.m.** in the Council Chambers of the Centerville Municipal Building, 100 West Spring Valley Road, Centerville, Ohio concerning Ordinance 26-24, An Ordinance To Make Administrative Non-Substantive Changes To Article IV, Sections 4.03, 4.05, And 4.06; Article VI, Section 6.02; Article VII, Sections 7.02, 7.05, 7.08, 7.09, 7.10, 7.11, And 7.12; Article VIII, Sections 8.05 And 8.10; Article X, Sections 10.03 And 10.04; Article XI, Section 11.02, Article XII, Section 12.04 Of The Charter Of The City Of Centerville.

The Ordinance is attached in full to this notice.

By order of the City of Centerville, Ohio.

Teri Davis
Clerk of Council

ORDINANCE NO. 26-24
CITY OF CENTERVILLE, OHIO

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

AN ORDINANCE TO MAKE ADMINISTRATIVE NON-SUBSTANTIVE CHANGES TO ARTICLE IV, SECTIONS 4.03, 4.05, AND 4.06; ARTICLE VI, SECTION 6.02; ARTICLE VII, SECTIONS 7.02, 7.05, 7.08, 7.09, 7.10, 7.11, AND 7.12; ARTICLE VIII, SECTIONS 8.05 AND 8.10; ARTICLE X, SECTIONS 10.03 AND 10.04; ARTICLE XI, SECTION 11.02, ARTICLE XII, SECTION 12.04 OF THE CHARTER OF THE CITY OF CENTERVILLE.

WHEREAS, Centerville Municipal Charter Article XII, Section 12.04(d) allows the City Council to make non-substantive or administrative changes or revisions to the Charter limited to errors of grammar, sentence construction, standardization or similar modification, change, or correction without affecting the meaning or substance of the Charter; 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 from the Charter Review Commission included non-substantive administrative changes that could be changed pursuant to Centerville Municipal Charter Article XII, Section 12.04(d); and

WHEREAS, Article IV, Section 4.03 of the Charter currently reads as follows:

(a) Mayor. The Mayor shall be elected by separate ballot from the Municipality at-large for a four (4) year term. The Mayor shall be a Councilmember and have the right to vote on all issues before the Council, but shall have no power of veto.

In addition to the powers, rights and duties as a Councilmember, as herein provided, the Mayor, when present, shall preside at meetings of the Council, shall be recognized as head of the Municipal Government for all ceremonial and non-administrative purposes, by the Governor for purposes of military law, and by the Courts for civil process involving the Municipality. The Mayor shall have judicial powers and the other powers and privileges to which mayors are entitled under the general laws and the Constitution of the State of Ohio. The Mayor shall perform all other duties prescribed for the office by ordinance or by resolution of the Council not inconsistent with the provisions of this Charter.

(b) 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.

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). However, the person so chosen shall serve only until a Mayor is elected a provided herein; and

WHEREAS, Article IV, Section 4.05 of the Charter currently reads as follows:

(a) Vacancies. The office of Councilmember shall become vacant upon the Councilmember's death, resignation, removal from office in any manner authorized by this Charter, or forfeiture of office.

(b) Forfeiture of Office. A Councilmember shall forfeit his or her office if said Councilmember:

- (1) Lacks at any time during a term of office, any qualifications for the office prescribed by this Charter;
- (2) Intentionally violates any express prohibition of this Charter;

(3) Is convicted of a crime involving moral turpitude or malfeasance;

(4) Fails to attend three (3) consecutive regular meetings of Council without being excused by the Council.

(c) Disability. On questions of disability involving the Mayor, Deputy-Mayor or Councilmember, the decision as to actuality of, the time of, and duration of, the disability, for purposes of declaring a vacancy, shall be determined by a majority vote of the remaining members of Council present within the quorum.

(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 the Council fails to do so 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; and

WHEREAS, Article IV, Section 4.06 of the Charter currently reads as follows:

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 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, 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; and

WHEREAS, it has been determined that Article IV, Sections 4.03, 4.05 and 4.06 contain such a non-substantive standardization or similar modifications and corrections that need changing without affecting the meaning; and

WHEREAS, Article VI, Section 6.02 of the Charter currently reads as follows:

The Manager shall be the chief executive and administrative officer of the Municipality, and shall be recognized by the courts for civil process involving the Municipality. The Manager shall be responsible to the Council for the administration of all Municipal affairs placed in the Manager's charge by or under this Charter. The Manager shall have the following powers and duties:

a. See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.

b. Submit to the Council and make available to the public a complete report on the finances, administrative activities and an inventory of the properties of the Municipality as of the end of each fiscal year.

c. Prepare and submit the annual budget and capital program to the Council.

d. Keep the Council fully advised as to the financial condition and future needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as the Manager deems desirable, or as Council may require.

e. Direct and supervise the administration of all departments, offices and agencies of the Municipality except as otherwise provided by this Charter.

f. Appoint, and, when the Manager deems it necessary for the good of the service, suspend or remove any Municipal employee and appointive administrative officer, except as otherwise provided by this Charter or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

g. Attend all Council meetings and take part in discussion, but may not vote.

h. Make such other reports as the Council may require concerning the operations of the Municipal departments, offices and agencies subject to the Manager's direction and supervision.

i. Arrange and prepare contracts, franchises and agreements, in cooperation with the Municipal Attorney, 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.

j. Perform such other duties as are specified in this Charter or as may be required by the Council within the limits of the Charter; and

WHEREAS, it has been determined that Article VI, Section 6.02 contains such a non-substantive standardization or similar modification that needs changing without affecting the meaning; and

WHEREAS, Article VII, Section 7.02 of the Charter currently reads as follows:

The Council may establish other departments in addition to those created by this Charter as the needs of the Municipality may require, and except for those established in Section 7.01, may abolish or combine them in any manner as it deemed necessary. They may prescribe the functions and names, or change the names, of all departments, except that no function assigned by this Charter to a particular department may be discontinued or, unless this Charter specifically so provides, assigned to any other; and

WHEREAS, Article VII, Section 7.05 of the Charter currently reads as follows:

Subject to the provisions of this Charter and after consultation with and the recommendation of the Manager, the Council may adopt an Administrative Code which shall provide in detail the organization of the Municipal Government, and define the powers and duties of each organizational unit. Amendments to and revision of the Administrative Code shall be made by the Council only after consultation with and the recommendation of the Manager. Where the Charter and the Administrative Code are silent, the officers and employees through the Manager of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the State law. However, provisions of the Charter and the Administrative Code shall supersede those of the State law in case of conflict; and

WHEREAS, Article VII, Section 7.08 of the Charter currently reads as follows:

The Director of Finance, after consultation with the Bureau of Inspection and Supervision of Public Offices, shall establish accounting and

procedure systems to conform to State law and shall maintain and prepare all financial and accounting information in accordance with generally accepted accounting principles as presented and recommended by the National Council of Governmental Accounting and the American Institute of Certified Public Accountants insofar as the same are not contrary to State law and as the same may be supplemented and modified from time to time, and said procedure shall be amended from time to time to conform to any financial disclosure guidelines adopted by the Council in order to market the bonds and notes of the Municipality. The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for accounting, collection and custody of public funds, and control over disbursements. The Director of Finance shall be responsible for the establishment of accounting procedures and financial recording practices for all boards and commissions. The Director of Finance shall advise the Manager and the Council concerning the financial condition of the Municipality and shall examine all payrolls, bills and other claims against the Municipality and shall issue no warrants unless it shall be determined that the claim is in proper form, correctly computed, duly approved and within appropriations made by Council. The Director of Finance shall countersign all bonds and notes issued by the Municipality and shall perform other functions as may be assigned by the Administrative Code or by order of the Manager; and

WHEREAS, Article VII, Section 7.09 of the Charter currently reads as follows:

The Department of Safety shall have and perform such functions as may be assigned by the Administrative Code or by order of the Manager. Notwithstanding any provisions of State law, the Council may establish unified police and fire service in which both types of service are rendered by the same personnel; and

WHEREAS, Article VII, Section 7.10 of the Charter currently reads as follows:

The Department of Service shall be administered by the Director of Service. The Director shall be responsible for the general supervision, custody, care and maintenance of the public buildings, grounds, streets, sewers, Municipal utilities, cemeteries and properties owned or operated by the Municipality for the protection of the health, welfare, convenience and necessity of the people. The Director shall perform such functions and duties with reference to the Department of Service as may be assigned by the Administrative Code or by order of the Manager; and

WHEREAS, Article VII, Section 7.11 of the Charter currently reads as follows:

The Department of Development shall be administered by the Director of Development. The Director shall be responsible for all those administrative functions within the Municipality dealing with all matters related to the use, reuse or control of land and structures within the Municipality. The Director shall

perform such functions and duties with reference to the Department of Development as may be assigned by the Administrative Code or by order of the Manager; and

WHEREAS, Article VII, Section 7.12 of the Charter currently reads as follows:

The Department of Law shall be headed by a director who shall be known as the Municipal Attorney. The Municipal Attorney shall be an attorney-at-law, admitted to the practice of law in the State of Ohio, and be in good professional standing. The Municipal Attorney shall perform such duties as may be assigned by the Council by ordinance, as well as those assigned by the Administrative Code and this Charter; and

WHEREAS, it has been determined that Article VII, Sections 7.02, 7.05, 7.08, 7.09, 7.10, 7.11, and 7.12 contain such errors of grammar and non-substantive standardization or similar modifications that need changing without affecting the meaning; and

WHEREAS, Article VIII, Section 8.05 of the Charter currently reads as follows:

a. Notice and Hearing. The Council shall publish (as defined in Section 5.03) the general summary of the budget and a notice stating:

i. The times and places, as directed in Section 5.03, where copies of the message and the budget are available for inspection by the public; and

ii. The time and place, not less an seven (7) days after such publication, for a public hearing on the budget.

(b) Amendment Before Adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit for utilities, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.

(c) Adoption. The Council shall adopt the budget and transmit it to the County Auditor in the form and at the time required by law; and

WHEREAS, Article VIII, Section 8.10 of the Charter currently reads as follows:

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 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; and

WHEREAS, it has been determined that Article VIII, Sections 8.05 and 8.10 contain such non-substantive error and standardization or similar modifications that need changing without affecting the meaning; and

WHEREAS, Article X, Section 10.03 of the Charter currently reads as follows:

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) Prepare and recommend 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 shall be proposed to the Council for adoption by ordinance, with or without amendment.

(2) 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; and

WHEREAS, Article X, Section 10.04 of the Charter currently reads as follows:

(a) Membership. There shall be a Personnel Appeals Board consisting of three (3) members appointed by the Council for overlapping terms of three (3) years, except that the members first selected shall be appointed for such terms that the term of one member shall expire annually thereafter. Each member of the Board shall be a qualified elector of the Municipality and shall neither hold nor be a candidate for any public office or Municipal employee. Its members shall serve without compensation. The personnel officer shall provide necessary staff assistance for the Personnel Appeals Board.

(b) Duties. The Personnel Appeals Board shall hear appeals when any officer or employee of the Municipality in the non-exempt 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; and

WHEREAS, it has been determined that Article X, Sections 10.03 and 10.04 contain such a non-substantive standardization or similar modifications that need changing without affecting the meaning; and

WHEREAS, Article XI, Section 11.02 of the Charter currently reads as follows:

Both regular and special Municipal elections shall be conducted by the Board of Elections of Montgomery County, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the State election law shall be followed. Council shall have authority and is directed to hold all elections through the said County Board of Elections, according to the provisions of the Ohio Revised Code except where this Charter directs otherwise; and

WHEREAS, it has been determined that Article XI, Section 11.02 contains such a non-substantive standardization or similar modifications that needs changing without affecting the meaning; and

WHEREAS, Article XII, Section 12.04 of the Charter currently reads as follows:

(a) Submission. 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 approval 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.

(b) Review. 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.

(c) Conflicting Amendments. In the event two conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

(d) Council is granted the authority to, by affirmative vote of at least five (5) members, by ordinance, and with approval of the Director of Law, incorporate administrative changes to this Charter. Such administrative changes shall be limited to errors of grammar, sentence construction, standardization or similar modification, change, or correction that shall not affect the meaning or substance of the Charter or any part thereof or amendment thereto; and

WHEREAS, it has been determined that Article XII, Section 12.04 contains such non-substantive unnecessary sentence construction or standardization or similar modifications that need changing without affecting the meaning; and

WHEREAS, the Director of Law reviewed and approved these non-substantive changes and has determined that such revisions do not change the meaning or substance of the Charter.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendment to Article IV, Section 4.03 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

(a) Mayor. The Mayor shall be elected by separate ballot from the Municipality at-large for a four (4) year term. The Mayor shall be a Councilmember and have the right to vote on all issues before the Council, but shall have no power of veto.

In addition to the powers, rights and duties as a Councilmember, as herein provided, the Mayor, when present, shall preside at meetings of the Council, shall be recognized as head of the Municipal Government for all ceremonial and non-administrative purposes, by the Governor for purposes of military law, and by the Courts for civil process involving the Municipality. The Mayor shall have judicial powers and the other powers and privileges to which mayors are entitled under the general laws and the Constitution of the State of Ohio. The Mayor shall perform all other duties prescribed for the office by ordinance or by resolution of the Council not inconsistent with the provisions of this Charter.

(b) ~~Deputy Mayor~~ *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~~ *Deputy Mayor* who shall act as Mayor during the absence or disability of the Mayor. If a vacancy occurs, the ~~Deputy Mayor~~ *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~~ *Deputy Mayor* then serving as Mayor, the ~~Deputy Mayor~~ *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.

~~In the event of a vacancy in the office of Mayor whereby the Deputy Mayor~~ *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). However, the person so chosen shall serve only until a Mayor is elected a provided herein.

Section 2. That the following amendment to Article IV, Section 4.05 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

(a) Vacancies. The office of Councilmember shall become vacant upon the Councilmember's death, resignation, removal from office in any manner authorized by this Charter, or forfeiture of office.

(b) Forfeiture of Office. A Councilmember shall forfeit his or her office if said Councilmember:

- (1) Lacks at any time during a term of office, any qualifications for the office prescribed by this Charter;
- (2) Intentionally violates any express prohibition of this Charter;
- (3) Is convicted of a crime involving moral turpitude or malfeasance;
- (4) Fails to attend three (3) consecutive regular meetings of Council without being excused by the Council.

(c) Disability. On questions of disability involving the Mayor, ~~Deputy Mayor~~ *Deputy Mayor* or Councilmember, the decision as to actuality of, the time of, and duration of, the disability, for purposes of declaring a vacancy, shall be determined by a majority vote of the remaining members of Council present within the quorum.

(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 the Council fails to do so 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 3. That the following amendment to Article IV, Section 4.06 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

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 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 *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.

Section 4. That the following amendment to Article VI, Section 6.02 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

The Manager shall be the chief executive and administrative officer of the Municipality, and shall be recognized by the courts for civil process involving the Municipality. The Manager shall be responsible to the Council for the administration of all Municipal affairs placed in the Manager's charge by or under this Charter. The Manager shall have the following powers and duties:

- a. See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
- b. Submit to the Council and make available to the public a complete report on the finances, administrative activities and an inventory of the properties of the Municipality as of the end of each fiscal year.

- c. Prepare and submit the annual budget and capital program to the Council.
- d. Keep the Council fully advised as to the financial condition and future needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as the Manager deems desirable, or as Council may require.
- e. Direct and supervise the administration of all departments, offices and agencies of the Municipality except as otherwise provided by this Charter.
- f. Appoint, and, when the Manager deems it necessary for the good of the service, suspend or remove any Municipal employee and appointive administrative officer, except as otherwise provided by this Charter or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- g. Attend all Council meetings and take part in discussion, but may not vote.
- h. Make such other reports as the Council may require concerning the operations of the Municipal departments, offices and agencies subject to the Manager's direction and supervision.
- i. Arrange and prepare contracts, franchises and agreements, in cooperation with the **Municipal Attorney Law Director**, 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.
- j. Perform such other duties as are specified in this Charter or as may be required by the Council within the limits of the Charter.

Section 5. That the following amendment to Article VII, Section 7.02 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

The Council may establish other departments in addition to those created by this Charter as the needs of the Municipality may require, and except for those established in Section 7.01, may abolish or combine them in any manner as it **deemed deems** necessary. They may prescribe the functions and names, or change the names, of all departments, except that no function assigned by this Charter to a particular department may be discontinued or, unless this Charter specifically so provides, assigned to any other.

Section 6. That the following amendment to Article VII, Section 7.05 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

Subject to the provisions of this Charter and after consultation with and the recommendation of the Manager, the Council may adopt ~~an Administrative a~~ *Municipal Code* which shall provide in detail the organization of the Municipal Government, and define the powers and duties of each organizational unit. Amendments to and revision of the ~~Administrative~~ *Municipal Code* shall be made by the Council only after consultation with and the recommendation of the Manager. Where the Charter and the ~~Administrative Municipal~~ Code are silent, the officers and employees through the Manager of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the State law. However, provisions of the Charter and the ~~Administrative Municipal~~ Code shall supersede those of the State law in case of conflict.

Section 7. That the following amendment to Article VII, Section 7.08 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

The ~~Finance Director of Finance~~, after consultation with the ~~Bureau of Inspection and Supervision of Public Offices Auditor of State~~, shall establish accounting and procedure systems to conform to State law and shall maintain and prepare all financial and accounting information in accordance with generally accepted accounting principles as presented and recommended by the ~~National Council of Governmental Accounting~~ *Governmental Accounting Standards Board* and the American Institute of Certified Public Accountants insofar as the same are not contrary to State law and as the same may be supplemented and modified from time to time, and said procedure shall be amended from time to time to conform to any financial disclosure guidelines adopted by the Council in order to market the bonds and notes of the Municipality. The ~~Finance Director of Finance~~ shall be the fiscal officer of the Municipality and shall be responsible for accounting, collection and custody of public funds, and control over disbursements. The ~~Finance Director of Finance~~ shall be responsible for the establishment of accounting procedures and financial recording practices for all boards and commissions. The ~~Finance Director of Finance~~ shall advise the Manager and the Council concerning the financial condition of the Municipality and shall examine all payrolls, bills and other claims against the Municipality and shall issue no warrants unless it shall be determined that the claim is in proper form, correctly computed, duly approved and within appropriations made by Council. The ~~Finance Director of Finance~~ shall countersign all bonds and notes issued by the Municipality and shall perform other functions as may be assigned by the ~~Administrative Municipal~~ Code or by order of the Manager.

Section 8. That the following amendment to Article VII, Section 7.09 of the Centerville Municipal Charter is hereby enacted as follows with new

language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

The Department of Safety shall have and perform such functions as may be assigned by the ~~Administrative Municipal~~ Code or by order of the Manager. Notwithstanding any provisions of State law, the Council may establish unified police and fire service in which both types of service are rendered by the same personnel.

Section 9. That the following amendment to Article VII, Section 7.10 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

The ~~Department of Service~~ *Public Works Department* shall be administered by the *Public Works* Director ~~of Service~~. The Director shall be responsible for the general supervision, custody, care and maintenance of the public buildings, grounds, streets, sewers, Municipal utilities, cemeteries and properties owned or operated by the Municipality for the protection of the health, welfare, convenience and necessity of the people. The Director shall perform such functions and duties with reference to the ~~Department of Service~~ *Public Works Department* as may be assigned by the ~~Administrative Municipal~~ Code or by order of the Manager.

Section 10. That the following amendment to Article VII, Section 7.11 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

The ~~Department of~~ Development *Department* shall be administered by the ~~Director of~~ Development *Director*. The Director shall be responsible for all those administrative functions within the Municipality dealing with all matters related to the use, reuse or control of land and structures within the Municipality. The Director shall perform such functions and duties with reference to the ~~Department of~~ Development *Department* as may be assigned by the ~~Administrative Municipal~~ Code or by order of the Manager.

Section 11. That the following amendment to Article VII, Section 7.12 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

The ~~Law Department of Law~~ shall be headed by a director who shall be known as the *Municipal Attorney Law Director*. The ~~Municipal Attorney Law Director~~ shall be an attorney-at-law, admitted to the practice of law in the State of Ohio, and be in good professional standing. The ~~Municipal Attorney Law Director~~

shall perform such duties as may be assigned by the Council by ordinance, as well as those assigned by the ~~Administrative Municipal~~ Code and this Charter.

Section 12. That the following amendment to Article VIII, Section 8.05 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

~~(a.)~~ Notice and Hearing. The Council shall publish (as defined in Section 5.03) the general summary of the budget and a notice stating:

i. The times and places, as directed in Section 5.03, where copies of the message and the budget are available for inspection by the public; and
ii. The time and place, not ~~less an~~ *fewer than* seven (7) days after such publication, for a public hearing on the budget.

(b) Amendment Before Adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit for utilities, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated ~~income~~ *cash available*.

(c) Adoption. The Council shall adopt the budget and transmit it to the County Auditor in the form and at the time required by law.

Section 13. That the following amendment to Article VIII, Section 8.10 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

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 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~~ *cash available*.

Section 14. That the following amendment to Article X, Section 10.03 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

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

The ~~Personnel Officer~~ *Human Resources Director* shall:

(1) Prepare and recommend 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 shall be proposed to the Council for adoption by ordinance, with or without amendment.

(2) 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 15. That the following amendment to Article X, Section 10.04 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

(a) Membership. There shall be a Personnel Appeals Board consisting of three (3) members appointed by the Council for overlapping terms of three (3) years, except that the members first selected shall be appointed for such terms that the term of one member shall expire annually thereafter. Each member of the Board shall be a qualified elector of the Municipality and shall neither hold nor be a candidate for any public office or Municipal employee. Its members shall serve without compensation. The ~~personnel officer~~ *human resources director* shall provide necessary staff assistance for the Personnel Appeals Board.

(b) Duties. The Personnel Appeals Board shall hear appeals when any officer or employee of the Municipality in the non-exempt service feels aggrieved by action of the ~~personnel officer~~ *human resources director*, 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 16. That the following amendment to Article XI, Section 11.02 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

Both regular and special Municipal elections shall be conducted by the Board of Elections of Montgomery County *and Greene County*, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the State election law shall be followed. Council shall have authority and is directed to

hold all elections through the said County Board of Elections, according to the provisions of the Ohio Revised Code except where this Charter directs otherwise.

Section 16. That the following amendment to Article XII, Section 12.04 of the Centerville Municipal Charter is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Sections 5.02 and 12.04 of the Centerville Charter:

(a) Submission. 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 approval 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~~.

(b) Review. 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.

(c) Conflicting Amendments. In the event two conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

(d) Council is granted the authority to, by affirmative vote of at least five (5) members, by ordinance, and with approval of the Director of Law, incorporate administrative changes to this Charter. Such administrative changes shall be limited to errors of grammar, sentence construction, standardization or similar modification, change, or correction that shall not affect the meaning or substance of the Charter or any part thereof or amendment thereto.

Section 17. That this Ordinance was adopted upon vote of no less than five (5) members of City Council.

Section 18. 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