

**GROVE CITY, OHIO COUNCIL
LEGISLATIVE AGENDA**

April 25, 2017

6:00 P.M. – Special Meeting

Review and consideration of 2016 Charter Review Task Force Recommendations

2016 Charter Review Committee Suggestions

CHARTER
of the
CITY OF GROVE CITY, OHIO

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CHARTER
of the
CITY OF GROVE CITY, OHIO

ARTICLE I
INCORPORATION, FORM OF GOVERNMENT, POWERS

SECTION 1.01 INCORPORATION. **No change suggested.**

The inhabitants of the Village of Grove City, Franklin County, Ohio, within its corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by the name of The City of Grove City, and as such shall have perpetual succession. This municipal corporation shall hereinafter be referred to as the City.

SECTION 1.02 BOUNDARIES. **No change suggested.**

The City shall have full power and authority to change its boundaries and to annex other territory contiguous to it in the manner set forth in the general laws of Ohio.

SECTION 1.03 POWERS. **No change suggested.**

The City shall have and exercise all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of Ohio. The mention of or reference to specific powers in this Charter shall not be construed to be exclusive, it being the intent that the City shall have and may exercise all powers which it would be competent for this Charter specifically to enumerate.

SECTION 1.04 MANNER OF EXERCISE OF POWERS. **No change suggested.**

All powers of the City shall be exercised in the manner prescribed in this Charter, or if the manner be not specifically set forth herein, then in such manner as the Council may provide by ordinance. To the extent that both Charter and ordinances are silent, the powers may be exercised in the manner provided by general law.

SECTION 1.05 FORM OF GOVERNMENT. **No change suggested.**

The form of government established by this Charter shall be known as the Strong Mayor-Council-Administrative Assistant Plan.

ARTICLE II THE COUNCIL

SECTION 2.01 NUMBER, SELECTION AND TERM.

The Council shall consist of ~~five~~ **seven** (~~5~~ **7**) members. Each ward shall elect one (1) resident member for a four-year term ~~with two (2) members elected each biennium. One~~ **Two** (~~1~~ **2**) member shall be elected at-large for a ~~two~~ **four**-year term **with one seat being elected in the opposite election of the Mayor.**

The committee recommends placing the issue of the number of council members before the voters. The committee felt a council of five (5) ward seats and two (2) at-large seats will allow a possible rotation of the majority of government at the will of the voters.

SECTION 2.02 QUALIFICATIONS.

Any qualified elector who has been a resident of the City or of territory annexed thereto for a period of at least one year prior to the filing of his petition for election to the office of councilman, who is not the occupant of an incompatible office, shall be eligible to serve as a member of the Council. A council member who ceases to be a qualified resident elector or who accepts and enters upon the performance of the duties of an incompatible office, shall automatically vacate his office on the Council. **A Council Member elected by a Ward who ceases to reside in that Ward, shall vacate their office on the Council unless redistricting of the Wards causes the change.**

There was much discussion about the make-up of council. After deciding that a ward form of council would be recommended, the integrity of the wards should be maintained throughout the charter. If a member of council elected to a ward seat chooses to move from their ward, they must vacate their seat. The exception to allowing a member to retain their ward seat and live outside the ward would be in the event the boundary was moved and not the member. The member should be able to retain their seat until the end of their term.

SECTION 2.03 VACANCIES. **No changes suggested.**

Vacancies in the office of Council members shall be filled by the selection of a person qualified as provided in Section 2.02 of this Charter, by the remaining members of the Council within sixty (60) days of the date of vacancy. If they do not do so, the vacancy shall be filled by Mayoral appointment. If the vacancy occurs in the representation of a ward, the vacancy shall be filled by the selection of a resident of the same ward. The Council member so selected to fill a vacancy shall serve until the next regular Municipal election occurring not less than ninety (90) days after his selection, when a successor shall be chosen by the voters for the remainder of the unexpired term, if any, if not, for a full term. (Amended 11-2-82)

SECTION 2.04 SALARY.

Council members shall receive an annual salary ~~of two hundred forty dollars (\$240.00) during the first term to which they are elected and three hundred sixty dollars (\$360.00) for the second and any subsequent term, payable quarterly.~~ The Council may, by ordinance, provide a different rate of salary for Council members; however, no increase in salary may be paid to any Council member during the term which he is serving at the time the increase is voted, and no ordinance providing for a salary increase may be declared an emergency ordinance. Such an ordinance shall be passed and published at least sixty days prior to a City election in order to be effective for the following term.

The committee felt the charter should be silent on the specific amount council members are compensated since there is existing language that allows council to adjust compensation by ordinance.

SECTION 2.05 BEGINNING OF TERM, MEETINGS, OFFICERS.

All elected City officials shall take office on the second day of January following regular Municipal election. Newly elected members shall take the oath of office and the Council shall elect from its own number a president of Council to preside over its sessions and to serve as mayor in the event of the latter's death or disability. The Council shall also elect at its organization meeting, a clerk, who shall perform such

duties as the Council may prescribe and shall receive such compensation for his services as may be provided by ordinance. The Clerk shall not be a member of the Council. Thereafter meetings shall be held regularly at a time prescribed by the Council rules, but not less frequently than once each month. All meetings of the Council shall be open to the public *except for those reasons set forth in Section 121.22. of the Ohio Revised Code and approved by super majority vote of all of the members of Council*. (Amended 11-6-62.)

This recommendation allows council to move into Executive session for reasons describe in the Ohio Revised Code.

This section also introduces the term “super majority of all the members of Council.” This language has the same effect as the existing 4/5th majority but will not necessitate additional changes if the voters choose to increase council to 7 members.

SECTION 2.06 ELECTION CONTESTS. No changes suggested.

The Council shall be the judge of the election and qualifications of its own members and for the purpose of hearing election contests it shall have power to subpoena witnesses and require the production of books and papers.

SECTION 2.07 RULES: JOURNAL. No changes suggested.

The Council shall determine its own rules and order of business, in conformity with the provisions of this Charter. It shall cause the Clerk to keep a journal of its proceedings, which shall be open to public inspection.

SECTION 2.08 POWERS OF COUNCIL. No changes suggested

All powers of the City not specifically vested in other offices by this Charter shall be vested in the Council, which shall determine all questions of general policy, by the enactment of ordinances or the adoption of resolutions, as herein provided. Among other powers the Council shall have authority to:

- (1) Establish administrative departments, agencies, boards and commissions and define their duties and powers;
- (2) Adopt the Municipal tax budget and the annual appropriation ordinance;
- (3) Inquire into the conduct of any Municipal officer or employee in his performance of his public duties;
- (4) Make investigations of any office, department or agency of the City government.
- (5) Regulate and restrict the use of privately owned real estate in the interests of health, safety, morals, welfare and conveniences of the people by establishing zones, and limiting land use and building height and area.
- (6) Adopt and approve plats of subdivisions within the corporate limits.
- (7) Adopt and modify the official map of the City.
- (8) Create a housing authority and provide for safe and sanitary housing for families of low income.
- (9) Authorize the rehabilitation of blighted areas, in cooperation with Federal agencies, on recommendation of and according to plans prepared by the City Planning Commission.
- (10) Enact ordinances establishing police, sanitary and other regulations contemplated by Article XVIII, Section 3 of the Ohio State Constitution.
- (11) Employ a Certified Public Accountant to make an audit of the financial affairs of the City whenever such an audit is deemed necessary; provided, however, that such an annual audit shall be made within two months after the close of each fiscal year in which an audit has not been made under the authority of the Auditor of State.
- (12) Authorize the levy of taxes and the issuance of bonds, as provided in this Charter.

SECTION 2.09 ADMINISTRATIVE CODE. No changes suggested.

Subject to the provisions of this Charter, and after consultation with the Mayor and his Administrative Assistant, the Council shall adopt an administrative code which shall provide in detail the organization of the

City government, define the powers and duties of each of its organization units and determine, in general the administrative procedures to be followed. The Council shall have authority to delegate in such administrative code to the Mayor and to his Administrative Assistant and then to the heads of departments, power to make rules and regulations consistent with the administrative code, the Charter and the State law, when applicable, to govern management practices to be employed by the officers and employees under their supervision.

SECTION 2.10 ORDINANCES.

Every action of the Council establishing any offense and providing for the imposition of any penalty, or providing for the levy of any tax or assessment or for the expenditure of any public funds or for the contracting of any indebtedness, as well as all actions required by this Charter to be taken by ordinance, shall be taken formally in the following manner. Each proposed ordinance shall be introduced in writing and shall contain a title, an opening clause "Be it ordained by the Council of Grove City, Ohio" and a body in which there shall be set forth at length the action to be taken and the classes of persons to be affected thereby. Each ordinance shall contain but one subject which shall be clearly set forth in its title. If the Council does not reject the ordinance at the time of its introduction, it shall be given a first reading, ~~at length,~~ and shall lie over for at least seven days, or until the next regular meeting of the Council, unless this waiting period is waived by a vote of ~~4/5~~ a super majority of all the members of the Council, in an emergency. In this interval, and not less than five days before the second reading of the ordinance, the Clerk shall cause to be published, ~~in a newspaper of general circulation in the City,~~ a summary of the contents of the proposed ordinance, ~~prepared by the Director of Law,~~ and a notice of the time and place of the Council meeting at which it will be next considered, inviting interested citizens to be present and to express their opinions thereon. At the time and place so advertised, the Council shall convene, the ordinance shall be given a second reading and any persons present who desire to be heard for or against its adoption shall be heard, under such rules as the Council may provide for the purpose. Written arguments and briefs for or against the proposed ordinance may also be filed at the hearing, or thereafter, by leave of Council. After the hearing (or immediately after first reading if the waiting period is waived by a super majority vote) the Council shall vote on whether or not the ordinance shall be adopted, with or without amendments, or rejected. A favorable vote of ~~three~~ a majority of the members of Council shall be necessary to adopt an ordinance. Final passage shall be attested by the President of Council, and the Clerk. Such action of Council shall be subject to approval or disapproval by the Mayor and in the event that the Mayor disapproves such action, Council may override the Mayor by a ~~four-fifths~~ super majority vote of all the members of Council. The Mayor shall exercise his power of veto within ten (10) days after such ordinance ~~or resolution~~ is ~~submitted to him for approval~~ approved by Council. In the event that the Mayor does not exercise his veto power, such ordinances shall take effect by computing from day of ~~submission to the Mayor~~ Council approval. (Amended 11-6-62)

The changes recommended here remove the requirement for an "at length" first reading of an ordinance. The current practice is to read the ordinance by title at the first reading. This does not prohibit an at length reading if council so chooses.

It continues the change from 4/5th to super majority for certain actions of council.

The recommendations make specific the time the Mayor has to exercise his veto of an ordinance. Existing language for the purpose of a veto starts when the ordinance is submitted to the Mayor. These changes would place a 10 (ten) day veto period from the time of passage by council.

This also recommends removing resolutions from this section of the charter and dealing with resolutions later in the document.

SECTION 2.11 PUBLICATION OF ORDINANCES.

After passage of an ordinance, public notice thereof shall be published, by summary only, ~~one time,~~ in a newspaper of general circulation in the City for ten days on the City's website. Such summary shall consist of a brief statement of the purpose and effect of the ordinance. A copy of the full text of the ordinance shall be posted for not less than ten (10) days after passage in a public place in ~~the City~~ Hall Building, to be designated by Council. (Amended 11-2-82)

The recommendation is to change the manner in which public notice is given. Current language requires

notice to be given via a newspaper of general circulation. To view this notice, one would have to subscribe to a newspaper. There are numerous ways to deliver information to the public and most of it being available through the internet at no cost for the content. This is also a much more immediate way to deliver information to the public. This does not prohibit placing information in newspapers if council chooses to do so.

SECTION 2.12 EFFECTIVE DATE OF ORDINANCES.

Ordinances raising revenue, those making appropriations for current expenses shall go into effect upon passage, publication, and approval of the Mayor or the expiration of ten (10) days after submission to the Mayor. Appropriation ordinances as described in Section 5.05 of this Charter shall not be subject to the veto power of the Mayor and shall take effect as described in Section 5.05 and Section 5.06 herein. Ordinances declared to be emergency ordinances by a 4/5 super majority vote of Council, shall go into effect upon passage, publication and approval of the Mayor or the expiration of ten (10) days after submission to the Mayor.

Recommend a term change to remain consistent throughout the document.

All other ordinances shall go into effect thirty (30) days after publication in order to afford an opportunity for the filing of referendum petitions as provided by statute.

SECTION 2.13 ADOPTION OF ORDINANCES BY REFERENCE.

The Council may adopt standard ordinances and codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating and air conditioning and other topics by reference to the date and source of the code without reproducing the same at length in the ordinance. In all such cases publication of the code, at length, by the City shall not be essential to its validity. ~~However, at least six copies of each~~ Such code(s) shall be kept at all times in the office of the Clerk for reference by interested persons, ~~and additional copies shall always be available for sale by the Clerk, at cost.~~

Recommend removing the specific number of copies of the code to be maintained. It keeps the requirement that the Clerk shall maintain a copy for inspection.

SECTION 2.14 INITIATIVE AND REFERENDUM.

No changes recommended

The provisions of the Ohio Revised Code relating to the use of the initiative and referendum by the qualified voters of municipalities with reference to municipal ordinances are hereby adopted and declared applicable in this City, subject to the provisions of this Charter.

SECTION 2.15 RESOLUTIONS.

Action by Council which is not required by this Charter to be by ordinance, and which is not of general public application or interest, may be taken by resolution. Such a resolution shall be introduced in writing, by a member of Council, and may be adopted by voice vote of a majority of ~~a quorum~~ **change to say "Council"**. No waiting period, notice or publication shall be required and a resolution shall become effective on its adoption. **The Mayor shall have three (3) days to exercise his veto power as provided by State Law.** However, the Clerk of Council shall record resolutions in a separate book, which shall be a public record.

Recommend that the passage of a resolution require the majority vote of council and not of quorum. Under the current language, and in the case of the absence of two members of council, a resolution could pass with two votes. The members felt a stronger will of council should be expressed with a majority of councils vote.

The Mayor is given the power to veto a resolution within three days of passage and in accordance with state law. The shorter period of three days was recommended since resolutions take effect upon passage.

ARTICLE III
THE MAYOR

SECTION 3.01 ELECTION, TERM. **No changes recommended**

At the regular Municipal election in 1959 and at each four-year interval thereafter a mayor shall be elected to serve for a term of four years.

SECTION 3.02 QUALIFICATIONS. **No changes recommended**

All candidates for mayor shall possess the same qualifications as those prescribed in Section 2.02 of this Charter for members of Council.

SECTION 3.03 VACANCIES, TEMPORARY AND PERMANENT. **No changes recommended**

Whenever the Mayor is temporarily incapacitated or absent from the City, his administrative functions shall be performed by his Administrative Assistant and his judicial functions by the President of Council. In case of his death, removal from the City, resignation or permanent disability, the President of Council shall become Mayor and thereby vacate his office in the Council.

SECTION 3.04 SALARY.

The Mayor shall receive a salary ~~of two thousand four hundred (\$2,400) dollars~~ per annum, payable monthly, ~~on the last day of each month~~. The Council may, by ordinance, change this salary, but no increase may become effective until the beginning of the next term of office after its adoption. An ordinance making such a salary change shall not be declared an emergency ordinance, and it shall be passed and published at least sixty days prior to the day of the election in order to become effective with the term of the mayor elected at such election.

As stated in section 2.04, the committee recommends the removal of the specific amount of compensation the Mayor shall receive since the council has and may modify this by ordinance.

Also remove the requirement of the day in which the Mayor shall be paid, but leave that he shall be paid monthly.

SECTION 3.05 POWERS AND DUTIES.

The Mayor shall be recognized as the chief executive of the City and as the judge to hear and determine misdemeanor cases arising under the City ordinances, as provided by State law, until another and different court for such purpose shall be provided by State legislative act. He shall attend all meetings of Council with the right to participate in debate, but not to vote. He shall appoint the members (except ex-officio members) of the Civil Service Commission, the City Planning Commission, the Board of Zoning Appeals and the Park Board, as well as any other boards or commissions established by ordinance, and confirmed by Council. He shall appoint (or delegate to his Administrative Assistant or to the heads of departments, boards and commissions, the appointment of) all City employees, subject to the provisions of this Charter and the State Civil Service Law applicable to city civil service. He shall transmit to the Council annually, on or before the ~~first 20th~~ day of ~~July~~ **June** the tax budget estimates of the City for ensuing calendar year. He shall likewise transmit to the Council on or before December 1 of each year the proposed appropriation ordinance for the next calendar year. All administrative activities, other than those here enumerated, he shall delegate to a professional administrative assistant.

The committee recommendation is to allow council to have some oversight of the appointment of members to boards and commissions.

It recommends a change in date for the submission of the tax budget to council. This is to line up with Section 5.02.

SECTION 3.06 ADMINISTRATIVE ASSISTANT.

The Mayor shall appoint, at a salary ~~fixed in the annual appropriation ordinance~~ within **the salary range** adopted by Council, an administrative assistant who shall under the supervision and direction of the

Mayor serve as the full time administrative head of the City's operations. ~~Such assistant need not be a resident of the City at the time of his appointment, but if not, he shall become a resident within six months after entering upon his duties.~~ He shall be chosen ~~solely~~ on the basis of his executive and administrative qualifications in the profession of public management, as shown by the adequacy of his technical training and his successful experience in public administration. He shall have no fixed term of office, but shall serve at the pleasure of the Mayor.

The recommended changes allow council to fix a salary range for the position of administrative assistant and give the Mayor the ability to adjust the pay within the range at his/her discretion.

It also removes the residency requirement for the position since these have been struck down by higher courts.

The committee recommends the removal of the word “solely” in the qualifications for administrative assistant. The committee felt the remaining language was sufficient to weigh the candidate’s qualification.

SECTION 3.07 DUTIES OF ADMINISTRATIVE ASSISTANT.

The Administrative Assistant shall coordinate, supervise and direct; subject to the authority of the Mayor, and in conformity with this Charter, the ordinances of the City and State and national laws; all the administrative activities of the City except those expressly confided to other agencies by this Charter. Among other duties he shall:

- (1) Prepare the budget estimates and the appropriation ordinance annually and submit them to the Mayor for transmittal to the Council.
- (2) Prepare and submit annually a complete public report on the finances of the City and on the administrative activities of each department, board and commission for the preceding year. This report shall be published ~~in a newspaper of general circulation in the City~~ on the City’s website on or before March 31.
- (3) Perform such other duties, not inconsistent with this Charter, as may be required by the Mayor or by ordinance.

The committee recommends language previously proposed on public notice to remain consistent throughout the charter.

SECTION 3.08 ADMINISTRATIVE DEPARTMENTS, DIRECTORS. **No changes recommended**

There shall be a Department of Finance, a Department of Law, a Department of Safety, and a Department of Service, and such other departments as may be established by the administrative code. Each department shall be headed by a full-time or part-time director, appointed by the Mayor. Such director shall have supervision and control over the department personnel of his department under the immediate direction of the Administrative Assistant to the Mayor. Two or more departments may be headed by the same person. The Administrative Assistant may serve as director of one or more departments, if so designated by the Mayor.

ARTICLE IV BOARDS AND COMMISSIONS

SECTION 4.01 CITY PLANNING COMMISSION.

There shall be a five-member City Planning Commission consisting of ~~the Mayor and four (4)~~ citizen members appointed to four-year overlapping terms. Unless otherwise provided by Council, this Commission shall have all the power and authority conferred upon such commissions by general State law and shall conduct its affairs in a manner provided by such State law. (Amended 11-2-82)

The committee recommends removing the Mayor from the planning commission. The committee felt the will of the Mayor is expressed through the documents and review by the development department. Additionally, the Mayor appoints the member of the boards and commissions.

SECTION 4.02 ZONING BOARD OF APPEALS. **No changes recommended**

There shall be a Zoning Board of Appeals of three (3) citizen members appointed to overlapping terms of four (4) years. Unless otherwise provided by Council, this Board shall have all the power and authority conferred upon such boards by general State law and shall conduct its affairs in a manner provided by such State law.

SECTION 4.03 PARK BOARD. **No changes recommended**

There shall be a Park Board consisting of five (5) citizen members appointed to overlapping terms of four (4) years. Unless otherwise provided by Council, this Board shall have all the power and authority conferred upon such boards by general State law and shall conduct its affairs in a manner provided by such State law.

SECTION 4.04 CIVIL SERVICE COMMISSION. **No changes recommended**

There shall be a Civil Service Commission of three (3) citizen members appointed to overlapping terms of four (4) years. Unless otherwise provided by Council, this Commission shall have all the power and authority conferred upon such commissions by general State law and shall conduct its affairs in such a manner provided by such State law. (Amended 11-2-82)

SECTION 4.05 QUALIFICATIONS OF MEMBERS OF BOARDS AND COMMISSIONS.

The members appointed by the Mayor to ~~the several~~ any boards ~~and or~~ commissions created by this article shall be residents of the City and during their service on such boards or commissions, hold no other Municipal office or employment. Except as specifically provided in this Charter no person may serve simultaneously on two or more such boards or commissions. Such service shall be without compensation, unless and until such compensation may be provided by ordinance. Vacancies on such boards and commissions shall be filled by appointment by the Mayor for the unexpired term and confirmed by Council.

The committee recommends changing “the several” to “any” to make it all inclusive of current and future boards and commissions.

It also recommends carrying forward the requirement for council confirmation for members to boards and commissions when filling a vacancy.

ARTICLE V FINANCE

SECTION 5.01 FISCAL YEAR. **No changes recommended.**

The fiscal year of the City for budget, accounting and tax purposes shall be the calendar year.

SECTION 5.02 PREPARATION OF TAX BUDGET.

The Mayor shall submit to Council, **in accordance with the Laws of the State of Ohio**, a budget estimate and an explanatory budget message on or before the twentieth day of June of each year for the fiscal year beginning on the first day of January following. **Suggest removing:** ~~For such purpose the Administrative Assistant to the Mayor shall obtain, at such date as he shall determine, from the head of each department, board or commission, plans for the work to be undertaken by each such agency during the ensuing fiscal year and estimates of the cost of personnel and material for doing such work, with complete justifications for each project, including all computations, and such other information as the Administrative Assistant may request. The City Planning Commission, in consultation with the organization units affected shall prepare estimates of needed capital outlays, indicating its judgment as to priorities among the projects proposed. The Department of Finance shall furnish statements of balances available for appropriation and estimates of probable revenue from existing sources, and when requested by the Administrative Assistant shall make estimates of probable yield from new sources of revenue. It shall also prepare expenditure estimates for debt service and other fixed items, including matured judgments. From the information thus assembled the Administrative Assistant shall prepare and furnish to the Mayor a consolidated budget estimate for the City's operations during the ensuing fiscal year, revising and adjusting the work programs and departmental estimates as required in order to produce a balanced budget.~~

The committee recommends adding language to require the Mayor to adhere to state law with respect to the preparation of the tax budget. The committee felt the current language described a procedure to be followed and was in some ways unnecessary if following state law. Additionally, council has the ability to inquire as to the method of preparation if they so choose.

SECTION 5.03 PUBLIC HEARING ON ESTIMATES.

Upon receipt of the budget estimates from the Mayor, the Council shall consider and approve them, with or without amendments, and forward them to the County Budget Commission on or before the twentieth day of July. It shall likewise cause at least two copies of the estimates to be filed in the office of the Director of Finance of the City for public inspection not less than ten days before the date fixed for Council consideration, which shall be not later than July 15 and at least one public hearing thereon shall be held, before the Council, of which public notice shall be **given by one publication in a newspaper of general circulation in the City published on the City's website** not less than ten days prior to such hearing.

Recommend changing publication information to remain consistent.

SECTION 5.04 TAX LEVY. **No suggested changes.**

Upon receipt from the County Budget Commission of the certificate of its action upon the tax budget, the Council shall levy the necessary taxes and certify them to the County Auditor on or before the first day of October.

SECTION 5.05 APPROPRIATION ORDINANCE.

The **Mayor, Administrative Assistant to the Mayor,** with the assistance of the **Administrative Assistant** and Director of Finance, ~~shall prepare the annual appropriation ordinance, based upon the work program of the City and the official certificate of estimated resources, received from the County Budget Commission, and deliver it to the Mayor on or before the first day of December of each year. The Mayor shall forward the~~ **appropriation** ordinance to the Council, with such comments and explanations, in writing, as he may desire, not later than ~~December 7~~ **November 15**. The Council shall cause at least 5 days' public notice to be given of the meeting at which it proposes to consider and adopt the ordinance and at that time shall afford interested

citizens an opportunity to be heard, after which the ordinance shall be adopted, with or without amendments. If amendments are made which increase authorized expenditures beyond estimated revenues, Council shall provide the additional revenue necessary to produce a balanced budget. The appropriation ordinance shall be adopted not later than December 24, and shall take effect on January 1 following. If the appropriation ordinance is not adopted by this date, it shall be deemed to have been adopted as submitted by the Mayor.

The committee recommends changing the responsibility for submission of the budget from the Administrative Assistant to the Mayor, who consults with the Administrative Assistant and Finance Director in the preparation of the budget.

The committee also recommends changing the date of the annual submission from December 7, to November 15. This increases the amount of time Council has to solicit public input and consider the ordinance.

SECTION 5.06 — ~~EFFECT OF APPROPRIATION.~~ Suggest removing entire Section

~~Upon adoption of the appropriation ordinance a copy thereof, certified as correct by the Mayor and Clerk, shall be filed with the Director of Finance who shall thereupon open a ledger account for each item thereof against which allotments may be made, as provided in the following section. Copies shall also be supplied to the head of each department, board or commission in the City government and as otherwise provided by law. (Amended 11-2-82)~~

The committee recommends striking section 5.06 as it is unnecessary.

SECTION 5.07 — ~~ALLOTMENTS.~~ Suggest removing entire Section

~~The appropriations made for debt service and other fixed charges shall become available for expenditure upon the filing of the certified copy of the appropriation ordinance with the Director of Finance. Appropriations for capital outlays for construction shall become available in two stages: (1) not more than ten per cent of each item shall be available for preparation of detailed plans and specifications, upon the filing of a certified copy of the appropriation ordinance with the Director of Finance; (2) the remaining ninety per cent shall become available for encumbrance upon approval of the plans and specifications by the Council, after report thereon by the Mayor. Appropriations for the current operation of the organization units of the City government shall become available for encumbrance only when allotted by the Mayor, or by his Administrative Assistant when the latter has been charged by the Mayor with such duty, based on currently valid work plans for each agency submitted at least five days before the end of each calendar quarter for the succeeding quarter. These allotments shall be filed with the Director of Finance on or before the first day of each quarter and shall authorize the Director of Finance to accept from the organization units involved, purchase orders, contracts and payrolls for encumbrance and payment to an aggregate amount not exceeding the quarterly allotment. The total annual allotment to any agency may not exceed the total appropriated to such agency for the current fiscal year. Any unallotted balance of an appropriation and any unencumbered balance of any allotment shall lapse at the end of the fiscal year at any time during the fiscal year, upon showing of necessity by the organization unit or on his own motion, the Mayor may increase, reduce or revise allotments during the course of any budget quarter, advising the Director of Finance of such action. If at any time during the budget year, the Mayor shall determine that the income for the year will not be at least equal to the estimates upon which the appropriations were made, he shall reconsider all work programs and allotments and recommend to Council that they be revised to prevent expenditures in excess of income. The Council may, after a public hearing held pursuant to a five day notice thereof, revise such items. If revenues exceed estimates the Council may, after a similar public hearing, adopt additional appropriations to finance additional work programs whose total cost will not exceed available funds.~~

The committee recommends striking section 5.07 as it is unnecessary.

SECTION 5.08 TRANSFER OF FUNDS. No changes recommended.

The Council, on recommendation of the Mayor may at any time, by resolution, transfer any unencumbered balance of an appropriation from one project to another under the jurisdiction of the same organization unit. During the last fiscal quarter of the year, Council may, by resolution or on

recommendation of the Mayor, or the Mayor, may transfer any unencumbered balance of an appropriation from a project under one organization unit to a project under the jurisdiction of another organization unit. Transfer shall not be made from appropriations for debt service or other fixed budget items.

SECTION 5.09 CERTAIN CONTRACTS AND EXPENDITURES PROHIBITED. No changes recommended.

No officer, department or agency shall, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract or agreement on behalf of the City which involves the expenditure by the City of any money in excess of that appropriated and allotted for such expenditures or obligations. Any purported obligation of the City, oral or written, made in violation hereof shall be void.

SECTION 5.10 CERTIFICATE OF FINANCE DIRECTOR. No changes recommended. Every contract, purchase order, or other document purporting to create a financial obligation against the City shall, in order to be valid and enforceable, bear a certificate signed by the Director of Finance stating that funds are available from which to pay it. Such certificates shall be affixed before the document is delivered by the City to the vendor or contractor and before any goods are delivered or services rendered. At the same time, the estimated amount of the obligation created thereby shall be entered as an encumbrance against allotted funds, which shall thereupon not be available to finance any other transaction, to the extent of such encumbrance.

SECTION 5.11 CONTRACTS NOT TO BE PERFORMED WITHIN ONE YEAR. No changes recommended.

When it is necessary to enter into a contract which cannot be performed within a year, the Council shall authorize such contract specifically by ordinance. The portion to be paid during the current fiscal year shall be encumbered and the budgets for subsequent years shall include the amounts to be paid during such years as a fixed charge.

SECTION 5.12 FEES. No changes recommended. All fees received by any officer or employee of the City in connection with his employment with the City shall be accounted for and paid into the City treasury.

SECTION 5.13 CENTRAL PURCHASING. No changes recommended.

The Council shall establish a purchasing agency either as an independent office or as a division of the Department of Finance, whose duty it shall be to contract for, purchase, store, and distribute to all agencies of the City the supplies, printing, material and equipment they require, within the appropriations made by Council and the allotments by the Mayor under this Charter. The Mayor may designate his administrative assistant as City Purchasing Agent.

SECTION 5.14 COMPETITIVE BIDDING.

Purchases of goods and services ~~of supplies, materials, equipment and printing~~ for the City shall be made pursuant to specifications through open competitive bidding under such rules, ~~consistent with this Charter~~ as the Council may establish by ordinance. ~~Formal advertising, bidding and public opening and tabulation of bids shall be required for all purchases with estimated cost exceeding the limitations provided for by State law.—~~

The committee recommends striking “supplies, materials, equipment and printing” and replacing it with the broader “goods and services”. These should cover all expenditures the City may make. The committee also recommends striking “consistent with this Charter”-and “Formal advertising, bidding and public opening and tabulation of bids shall be required for all purchases with estimated cost exceeding the limitations provided for by State law.”, as these requirements are in the ordinance which governs the bidding and purchase process.

ARTICLE VI
TAXATION AND BORROWING

SECTION 6.01 GENERAL. **No changes recommended.**

The laws of the State of Ohio relating to special assessments, budgets, appropriations, debts, bonds, and other fiscal matters of the City shall be applicable to the City, except as modified by or necessarily inconsistent with the provisions of the Charter or the ordinances or resolutions of Council enacted pursuant thereto and except when provision therefor is made in the Constitution of the State of Ohio.

SECTION 6.02 LIMITATION ON THE RATE OF TAXATION. **No changes recommended.**

(A) The aggregate amount of taxes that may be levied by the Council without a vote of the people, on property assessed and listed for taxation according to value, shall not exceed in any one year seven mills for each one dollar of assessed valuation, of which not more than three mills may be levied for current operating expenses of the City and not more than four mills may be levied to pay the interest on and principal of all general obligation notes and bonds of the City heretofore and hereafter issued, provided that taxes levied to pay the property owners' portion of special assessment bonds and notes shall be exempt from such seven mill limitation.

(B) The limitation of this Charter upon the power of Council to levy taxes shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio, nor shall the authority of Council to submit additional levies on property assessed and listed for taxation according to value to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reasons of any provision of this Charter. (Amended 11-5-85)

ARTICLE VII NOMINATIONS AND ELECTIONS

SECTION 7.01 MUNICIPAL ELECTIONS. **No changes recommended**

The regular Municipal elections shall be held on the Tuesday after the first Monday in November in the odd numbered years. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

SECTION 7.02 CONDUCT OF ELECTIONS. **No changes recommended**

Both regular and special Municipal elections shall be conducted by the Board of Elections of Franklin County under the provisions of this Charter. Where the Charter is silent, the provisions of the State election shall be followed.

SECTION 7.03 WARDS. **No changes recommended**

The area of the City shall be divided into ~~four~~ five (4 5) wards, to be numbered from one to four inclusive. The Council shall divide the City into the ~~four~~ five (4 5) wards by ordinance and in 1992 and every ten (10) years thereafter, Council shall review, and if there is a difference in population between the largest ward and the smallest ward of forty percent (40%) or greater, Council shall redistrict the wards to four (4) wards within twenty percent (20%) of equality as to population.

Territory annexed to the City may be added to one or more of the ~~four~~ five (4 5) wards by ordinance; in such a manner as to include within each ward a substantially equal number of registered voters. (Amended 11-2-82)

The changes recommended in 7.03 are consistent with the previous recommendation to increase council to seven (7) members with a make-up of five (5) ward members and two (2) at-large members.

SECTION 7.04 NOMINATIONS. **No changes recommended**

There shall be no primary election for City officers. Nominations for the office of Mayor and Council Member-at-Large shall be made by petitions signed by not less than fifty nor more than one hundred registered voters. Nominations for ward councilmen shall be by petition signed by not less than twenty-five nor more than fifty registered voters, residents of the ward. Candidates for the office of Ward council member shall be residents of the ward they seek to represent at the time of filing their petitions. All petitions shall be on the standard forms for the use of nonpartisan candidates for such offices; group petitions shall not be used. Petitions shall be filed with the Board of Elections at least ninety days before the day of election.

SECTION 7.05 SPONSORS, ACCEPTANCE, VERIFICATION. **No changes recommended**

Each candidate shall have a sponsoring committee of five registered voters, whose names and addresses shall appear on each copy of his petition. The signature of the candidate, indicating his acceptance of the nomination and willingness to accept the office, if elected, shall appear on each copy of his petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator as required by law.

SECTION 7.06 BALLOTS. **No changes recommended**

The full names of all candidates nominated shall be printed on the official ballot under the offices for which they have filed, without party designation.

SECTION 7.07 VOTING, ELECTION. **No changes recommended**

Each qualified voter shall have one (1) vote for each of the following City offices to be filled at the election: Ward Councilman from the voter's ward, the office of Mayor, and Councilman At-Large. A plurality of the votes cast for each office shall be sufficient to elect. (Amended 11-2-82)

ARTICLE VIII RECALL

SECTION 8.01 RECALL. **No changes recommended**

The voters of the City shall have power to recall and remove from office the mayor or any member of the Council before the expiration of his term, such power being known as the recall. A recall may be started by the filing with the Clerk of the City a petition signed by qualified voters equal in number to twenty-five per cent of those who cast ballots for mayor at the last preceding City election, requesting that the mayor or a council member, named in the petition, be removed from office. The Clerk, if he finds the petition sufficient, shall certify to the Board of Elections, to be placed on the ballot at the next succeeding regular or primary election occurring not less than ninety days thereafter the question: Shall John Doe (using the name of the mayor or the councilman named in the petition) be recalled from office as mayor (or as councilman) in the City of Grove City? Yes___ No___. If, at the election, a majority of the votes cast on the question shall be in favor of recall, the mayor or council member shall forthwith retire from office, and the vacancy thus created shall be filled in the manner provided in this Charter. No recall petition shall be filed against an officer during the first six months in office. If an officer against whom a petition is filed is continued in office by the vote at the election, no further recall petitions may be filed against him for a period of one year.

SECTION 8.02 FORM OF PETITIONS: COMMITTEE. **No changes recommended**

All petition papers circulated for the purposes of recall shall be uniform in size and style. The signatures to petitions need not all be appended to one paper, but to each separate part there shall be attached an affidavit of the circulator as provided herein. Each signer shall sign his name in ink or indelible pencil and shall insert after his name his place of residence and the date of signing. There shall appear on each copy of the petition the names and addresses of the same five voters who, as a committee of the petitioners shall be regarded as responsible for the circulation and filing of the petition. This committee shall file a sample copy of the petition with the Clerk of the City before any signatures are solicited or obtained. Attached to each part of the petition, when signed and filed with the Clerk, shall be an affidavit of the circulator thereof that he only personally circulated the foregoing paper, that it bears a stated number of signatures, that each signature was affixed in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

SECTION 8.03 FILING AND EXAMINATION OF PETITIONS. **No changes recommended**

All separate papers comprising a recall petition shall be assembled and filed with the Clerk of the City as a single instrument. Within twenty days thereafter the Clerk shall examine the petitions and determine their validity and sufficiency and report thereon to the Council.

SECTION 8.04 AMENDMENT OF PETITIONS. **No changes recommended**

In case any petition is found to be insufficient, the Clerk shall notify the committee of the petitioners and the petition may be amended within ten days after the date of notice. The Clerk shall, within five days after such an amendment has been filed, reexamine the petition, and if it is still insufficient, the petition shall be rejected and no further action taken thereon.

ARTICLE IX
GENERAL PROVISIONS

SECTION 9.01 OATH OF OFFICE. **No changes recommended**

Every officer and employee of the City shall, before entering upon his duties, take and subscribe to the following oath or affirmation to be filed and kept in the office of the Clerk:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, observe the provisions of the Charter and ordinances of this City, and will faithfully discharge the duties of _____, upon which I am about to enter."

SECTION 9.02 OFFICIAL BOND. **No changes recommended**

All officers and employees of the City whose duties require them to handle or be concerned with the management of its money or other property, shall furnish to the Clerk a corporate surety bond issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts. The amount of such bond shall, in each case, be determined by the Council. The premiums on such bonds shall be paid from the funds of the City.

SECTION 9.03 PERSONAL INTEREST. **No changes recommended**

No member of the Council or any officer or employee of the City shall have any financial interest, direct or indirect in any contract with or sale to the City of any materials, supplies or services, or any land or interest in land. A person who knowingly and willfully violates this section shall be guilty of malfeasance in office, and upon conviction thereof shall be removed from office. Any contract or agreement made in violation of this section shall be voidable at the election of the Council.

SECTION 9.04 AMENDMENTS TO THE CHARTER.

Any section of this Charter may be amended as provided in Article XVIII Section 9 of the Ohio Constitution, by submission of proposed amendments to the electors of the Municipality. Such amendments may be initiated either by a two-thirds vote of the Council or by petition to the Council of ten per cent of the electors. **Suggest adding: *In the year 2031 and every ten years thereafter, a Charter Review Committee shall be formed consisting of two members appointed by each ward Council Member, two appointed by the at-large Council Member, and three appointed by the Mayor. The Committee shall submit a report to Council within a twelve-month period.***

The committee recommends adding an automatic review of the charter on a ten-year cycle beginning in 2031. The year 2031 is recommended based on the likelihood that if the changes recommended in this document are adopted, they will not take affect until or after 2020. The next automatic review will take place on roughly a ten-year time limit. This does not infringe on the right of the citizens or council to make recommendation in between the automatic reviews.

SECTION 9.05 COUNCIL MEMBERS. **No changes recommended**

All references herein to members of Council shall be here and after referred to as Council members.
(Added 11-2-82)

ARTICLE X TRANSITIONAL PROVISIONS

~~SECTION 10.01 — FISCAL SUCCESSION. — Remove all but 10.08 & 10.09~~

~~The City of Grove City, under this Charter, is hereby declared to be the only legal successor of the Village of Grove City under the general law and as such the City has title to all property real and personal, owned by its predecessor including all monies on deposit and all taxes in the process of collection together with all accounts receivable and rights of action. The City also is liable for all outstanding orders, contracts and debts of its predecessor and for any other obligations for which it may be liable, as such successor, by any court of competent jurisdiction.~~

~~SECTION 10.02 — CONTINUATION OF ORDINANCES. — O.K.~~

~~All ordinances of the Village of Grove City in effect at the time of the adoption of this Charter, shall remain in effect, except as superseded by the provision of this Charter, until they are amended or repealed.~~

~~SECTION 10.03 — CONTINUATION OF OFFICERS. — O.K.~~

~~All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made, in conformity with the Charter, for the performance of such duties by a successor, or the office is abolished.~~

~~SECTION 10.04 — CONTINUANCE OF EMPLOYEES. — O.K.~~

~~Every employee of the Village government when this Charter takes effect, shall be retained in his employment and shall thereafter be subject in all respects to the provisions of this Charter.~~

~~SECTION 10.05 — TRANSFER OF RECORDS AND PROPERTY. — O.K.~~

~~All public records and property in the custody of officers and employees of the Village shall be transferred and delivered promptly to their successors when these have been designated by ordinances passed by the Council under this Charter.~~

~~SECTION 10.06 — CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS. — O.K.~~

~~All contracts entered into by the Village or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws.~~

~~SECTION 10.07 — PENDING ACTIONS AND PROCEEDINGS. — O.K.~~

~~No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they were filed.~~

The committee recommends striking sections 10.01 through and including 10.07. These sections are no longer necessary as the change from a Village to a City have taken effect.

SECTION 10.08 WHEN CHARTER TAKES EFFECT. Needs Changed

This Charter shall be voted upon at the general election held on November 4, 1958. If approved by the voters, the Charter shall go into effect on July 1, 1959, for the purpose of nominating candidates for the first City election hereunder. The first election of mayor and councilmen under this Charter shall be held on November 3, 1959. The councilman-at-large and the councilmen from wards one and three shall be elected for terms of two years while the mayor and the councilmen from wards two and four shall be elected for terms of four years. The term of office of the Municipal officers of Grove City elected at the Municipal election in 1957 shall cease and terminate at noon on the 16th day of November, 1959, at which time the mayor and councilmen elected under this Charter shall take office. In November, 1961, there shall be elected a councilman-at-large for a two year term and councilmen for wards one and three for a four year term. For all purposes other than the nomination and election of the first officers under this Charter, the Charter shall take effect and be in force from and after noon on the 16th day of November, 1959.

The specific language needed in this section will be dependent on if and when council chooses to act on the recommendations to the charter.

SECTION 10.09 APPOINTMENTS TO BOARDS AND COMMISSIONS. **Needs Changed**

The first appointments by the Mayor to the appointive positions on the City Planning Commission, the Zoning Board of Appeals, the Park Board and the Civil Service Commission shall be made for terms of two, four and six years, beginning on November 16, 1959. The Mayor shall indicate the term to which each person is being named. Thereafter, as terms expire, appointments to such boards and commissions shall be made for a full term of six years. As current terms appointed by the Mayor to Boards and Commissions expire, the appointment to the vacancy shall be confirmed by Council.

Recommend adding last sentence to maintain consistency throughout the document.

SECTION 10.10 TERMS AND ADDITION OF TWO COUNCIL MEMBERS

The Council At-Large seat shall transition to a four (4) year term beginning with the 2021 election. The addition of an additional Council At-Large seat shall occur with the 2023 election. The addition of a Ward 5 Council Member shall first occur with the election in 2023 for a two (2) year term, then in 2025 for a full four (4) year term.

New language to establish the two new seats on council as recommended. This will be unnecessary if the recommended change in council compositions is not passed. See attached Transition Table.

COUNCIL TRANSITION IF TWO SEATS ARE ADDED

<u>Election Year</u>					
<u>2017</u>	<u>2019</u>	<u>2021</u>	<u>2023</u>	<u>2025</u>	<u>2027</u>
No Change (Ward 1)	No Change (Ward 2)	At- Large – 4 yr. Ward 1	Ward 5 – 2 yr. Ward 2	Ward 5 – 4 yr. Ward 1	
Ward 2 (Ward 3)	Ward 4 (Ward 4)	Ward 3	Ward 4		Ward 3
Ward 4 (At-Large)	(Mayor)		At-Large – 4 yr. Mayor	At-Lge – 4 yr.	At-Lg4 Mayor

This shows the transition from 5 to 7 Council Members AND the At-Large seats becoming 4-year terms.

1. The At-Large seat would turn to a 4-year term “opposite the mayoral election”, in 2021
2. The new At-Large seat would be added as a 4-year term in 2023 AND the new Ward 5 seat would be added for a 2-year term in 2023.
3. Ward 5 would run for a full, 4-year term in 2025 – finishing the transition.
4. Thereafter, voters would choose Ward 1, 3, 5, At-Large Council Members; then Ward 2, 4, At-Large, Mayor.