

RECOMMENDATIONS

November 3, 2015

**CHANGES TO
PATASKALA CHARTER****Reasons for change or no change**

P.6

2.04 (A) 1 and 5 no change – each provision is different1. deals with units of state government
5. deals with units allowed by state, other states, or federal government

P.6

2.04 (B) added “and encourage”

to promote cooperation

P.7

3.02(A) add (7) after “seven” and before “members”
delete “next” before “following” in last line

clarify requirements to hold elected office and make consistent throughout Charter

P.8

3.02(B) 1st sentence, insert: “Candidates for Council shall have been electors* of the City ... for at least two (2) years immediately prior to the time they file for office and remain so qualified during their term of office.”

continue same consistent qualifications for elected office for Council as well as for Mayor in 5.01(A)

*“Elector” as used in this Charter is defined as “a person having the qualifications provided by law to be entitled to vote” pursuant to Ohio Revised Code Section 3501.01 (N).

P.8

3.03 (A) add number 7 after seven (7) members; then add after: who are electors of the City “during their term of office”

meet residency and eligibility to vote requirements consistent for all boards and commissions

P.8

3.04 2nd sentence add “suspended or” in front of “removed”consistent language
identify Administrator2nd to last sentence add “City” in front of Administrator

P.9

3.05(A) delete “the affirmative vote of”

majority vote sufficient if Council dead locked

<p>P.9</p> <p>3.05 (B) <u>add</u> last sentence: “<u>Special meetings may be cancelled beforehand by whomever initially called for such special meeting.</u>”</p>	<p>clarify procedure to cancel</p>
<p>P.9</p> <p>3.05 (D) 1st line, <u>delete</u> capital letters for “Boards and Commissions”</p> <p>3.05(D) 2nd line, <u>delete</u> “Municipality”, <u>insert</u> “City”</p>	<p>consistency</p>
<p>P. 9</p> <p>3.06 <u>delete</u> “the affirmative vote of a vote of” twice in 2nd sentence in front of “a majority”</p> <p><u>delete</u> “the” and <u>replace</u> with “its” and <u>delete</u> “of Council” at end of sentence</p>	<p>make adoption of Council rules consistent with language in 3.05(A) for setting meetings rules</p>
<p>P.10</p> <p>3.08(A) 1st sentence to read: ...shall be filled by the affirmative vote of a majority of the remaining members of Council. <u>delete</u> second “vote”. <u>insert</u> “their” before “election” in last line and <u>delete</u> “his”.</p>	<p>Redundant</p>
<p>P. 10</p> <p>4.01 3rd paragraph: <u>remove</u> capital letters from <u>members of boards and commissions</u>, in 1st sentence.</p>	<p>Consistency</p>
<p>P.10</p> <p>4.02 <u>delete</u> “or printed” in last sentence</p>	<p>makes consistent with 4.01 – 2nd par. and 4.04 – last line</p> <p>Redundant</p>
<p>P.11</p> <p>4.05 2nd sentence, <u>capitalize</u> “Council”</p>	<p>Consistency</p>
<p>P.12</p> <p>4.10 (A) 1st sentence: <u>delete</u> comma after “voting on the amendment” and <u>insert</u> a period.</p> <p>Then <u>add</u> 2nd sentence: “<u>An amendment of an ordinance shall not require additional readings unless amended during the final reading.</u>”</p> <p>Then <u>add</u> 3rd sentence: “A reading, or readings, as necessary, in addition to the readings prescribed in</p>	<p>establish requirement for clean ordinance reading unless emergency legislation</p>

<p>required unless the pending ordinance is deemed to comply with Section 4.06.”</p>	
<p>P.12 4.10(B) <u>insert in last line: “This Division (B) of this Section”...</u></p>	<p>Clarify</p>
<p>P.12 4.11 (B) <u>insert “an affirmative vote by”</u> before “a majority of the members of Council.” <u>delete “vote”</u> after “majority”.</p>	<p>Consistency</p>
<p>P. 12 4.12 (B) 2nd sentence after second comma shall read: <u>“but copies of such code shall be available for review by interested persons with the Clerk of Council.”</u> <u>delete remainder of second sentence</u> new 3rd sentence: <u>“Such access can be provided by posting on the City’s website, but access must be provided in the office of the Clerk of Council during normal business hours.”</u></p>	<p>provide greater access through electronic means while preserving access at the City offices during normal business hours</p>
<p>P. 13 4.13 2nd paragraph, 1st sentence, <u>insert after “published one time” pursuant to Council rule, and delete “in a newspaper of circulation in the City”.</u> <u>delete 2nd sentence and insert: Copies of actions of Council shall be maintained and available for review in the office of the Clerk of Council.</u></p>	<p>update and clarify</p>
<p>P.13 4.14(A) Revise 1st 2nd and 3rd sentences to read: Each ordinance or resolution shall be published by causing a brief summary <u>by number and title, noticed within the City once a week for two consecutive weeks. Council may satisfy publication by electronic means on the City’s website with a conspicuous identification. Full-text copies of actions of Council shall be maintained and available for review in the office of the Clerk of Council.</u></p>	<p>update and clarify</p>

<p>P.13</p> <p>5.01 (A) 1st sentence <u>add</u> “<u>commencing on the first day of January following the election,</u>”...</p>	<p>consistent with Council terms</p>
<p>P.13</p> <p>5.01 (A) <u>delete</u> “A candidate” in 2nd sentence, then <u>insert</u> “<u>Candidates</u>” for the office of Mayor shall be <u>electors</u> of the City or an area annexed to the City for at least two (2) years <u>immediately</u> prior to time of <u>filing for office, and if elected, shall remain so qualified during the term of office.</u>”</p>	<p>consistent with Council terms</p>
<p>P.13</p> <p>5.02 (A) <u>insert new</u> 2nd sentence: “The Mayor shall have the right to convene a Mayor’s Court and appoint a Magistrate to preside over its proceedings after obtaining confirmation by Council by a majority vote of its members.”</p> <p>3rd sentence: “The Magistrate serves at the pleasure of the Mayor and can be suspended or removed from office without cause either by the Mayor or by the Council by a two-thirds (2/3) vote of its members without the consent of the Mayor.”</p> <p>Last sentence <u>add</u> “<u>or motions</u>” before “passed by Council.”</p>	<p>clarify power for Mayor’s Court, appoint and remove Magistrate, existing practice</p> <p>consistency, existing practice</p>
<p>P.14</p> <p>5.02 (B) 3rd paragraph <u>capitalize</u> “<u>Mayor</u>”, “<u>Director of Law</u>”, <u>and</u> <u>Council</u>” throughout last paragraph</p>	<p>Consistency</p>
<p>P.14 (New Section)</p> <p>5.03 <u>Mayoral Vacancies</u></p> <p>(A) In the event of a vacancy occurring in the office of Mayor for more than thirty (30) days, Council shall fill such office by the affirmative vote of a majority of the members of Council within thirty (30) days thereafter by electing a qualified resident to fill the remaining term of the Mayor if two (2) years or less remain in said Mayor’s term at the time of Council’s appointment. If the vacancy occurs at least twenty (20) days prior to the date when candidates to the office of Mayor must file their nominating petitions and more than two (2) years remain in the term of the Mayor, the person elected by the Council shall serve until a successor is elected at the next</p>	

<p>the remainder of the unexpired term. The person elected for the unexpired term at the next regular municipal election shall take office on the first day of January following their election.</p> <p>(B) If the Council shall fail to elect a person to fill a vacancy in the office of Mayor under Division (A) of this Section within sixty (60) days after the occurrence of the vacancy, its power to do so shall lapse and the President of Council shall appoint a person to serve for the time provided in Division (A) of this Section.</p>	<p>consistency with vacancy of Council member</p>
<p>P. 14 (Renumber)</p> <p>5.04(A) <u>add</u> “<u>without cause</u>” after “may be suspended or removed from office” and (2/3) after “two-thirds”</p>	<p>Clarify</p>
<p>P.14 (Renumber)</p> <p>5.04(E) <u>delete</u> 1st sentence and <u>add</u> (2/3) in 2nd sentence</p>	<p>prohibited by Supreme Court</p>
<p>P. 14 (Renumber)</p> <p>5.05 (A) <u>add</u> “<u>and acts of Council</u>” after “Mayor” in 2nd sentence</p>	<p>clarify, but see 6.01(C) and 6.02(A)</p>
<p>P.15 (Renumber)</p> <p>5.05(B) (1) after provided “by” this Charter, <u>delete</u> “for”, leave “by”, and <u>delete</u> “or under”</p>	<p>Clarify</p>
<p>P. 15 (Renumber)</p> <p>5.05 (C) <u>add</u> “or her” after “his” before 1st “office”</p>	<p>Gender</p>
<p>P. 16</p> <p>6.01(A) 1st sentence: <u>delete</u> reference to Section 12.03 and <u>add</u> “<u>Director</u>” after “The” and <u>delete</u> “<u>Department</u>”; after “control of” <u>add</u> “<u>both the Mayor and Council, who shall be appointed by the Mayor and confirmed by Council by a majority vote of its members.</u>”</p> <p>2nd sentence: “<u>The Director of Law shall serve at the pleasure of the Mayor and Council and may be suspended or removed from office without cause by the Mayor with the consent of the Council granted by a majority vote of its members, or by the Council by a two-thirds vote of its members without the consent of</u></p>	<p>clarify consistent language</p> <p>keep consistent language for Administrator, Law and Finance Directors</p>

<p>P. 16</p> <p>6.01(B) 1st sentence delete “need not be an elector or resident of the City, but” after “The Director of Law”</p>	<p>no residency requirement</p>
<p>P. 16</p> <p>6.01 (E) 2nd sentence: The Director of Law shall designate by a writing filed with the Clerk of Council, a qualified person to serve as Acting Director of Law in the event of his or her temporary absence or disability.</p> <p>3rd and last sentence: In the event of “<u>an extended absence or disability beyond forty-five (45) consecutive days, the Acting Director of Law shall be confirmed or removed from exercising the powers, duties and functions of the Director of Law as provided in this Section.</u>”</p>	<p>consistent language</p> <p>consistent language</p>
<p>P. 16</p> <p>6.02 (A) 1st sentence: delete reference to Section 12.03, delete “Department”, and insert “<u>The Director of Finance shall be under the supervision, direction and control of the Mayor and Council, who shall be appointed by the Mayor and confirmed by Council by a majority vote of its members.</u>”</p> <p>2nd sentence shall read as follows: “The Director of Finance shall serve at the pleasure of the Mayor and Council and may be <u>suspended or removed without cause by the Mayor with the consent of the Council granted by a majority vote of its members, or by the Council by a two-thirds (2/3) vote of its members without the consent of the Mayor.</u>”</p>	<p>consistent language</p> <p>consistency</p> <p>same procedure as for Director of Law</p>
<p>P.17</p> <p>6.02(B) delete 3rd sentence in its entirety</p>	<p>no residency requirement</p>
<p>P.17</p> <p>6.02(D) insert new paragraph: In the event of a vacancy in the office of Director of Finance, a successor shall be appointed in the same manner as provided in Division (A) of this Section in the case of an original appointment. The Director of Finance shall designate in writing, filed with the Clerk of Council, a qualified person to serve</p>	<p>use same language & procedure for vacancy as used in 6.01 (E)</p>

<p>temporary absence or disability. In the event of an extended absence or disability beyond forty-five (45) consecutive days, the Acting Director of Finance shall be confirmed or removed from exercising the powers, duties and functions of the Director of Finance as provided in this Section.</p>	
<p>P. 17</p> <p>6.02(E) <u>add</u> new paragraph: The Council shall provide for an independent Internal Control Audit of all City accounts which shall occur at least once every six (6) years and Council may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City's government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years.</p>	<p>recommendation requires Council to provide for an independent audit every 6 years</p>
<p>P. 18</p> <p>6.03 (E) after "as provided" <u>delete</u> colon, <u>delete</u> "in", and <u>insert</u> "by" before "this Charter" then <u>add</u> semi-colon;</p> <p><u>insert</u> comma after "resolution,"</p> <p><u>insert</u> semi-colon after "Ohio"; then <u>add</u> "except if such general laws are inconsistent with this Charter or the ordinances <u>or</u> resolutions of the City."</p>	<p>not necessary</p> <p>grammar consistent with prior language</p>
<p>P. 18</p> <p>6.04 3rd line <u>delete</u> comma after "City Administrator" and</p> <p><u>delete</u> "and the Park Director,"</p>	<p>grammar no position</p>
<p>P. 19</p> <p>7.01 (C) <u>Composition and Terms.</u> Personnel Board of Review shall consist of five (5) persons "<u>who are electors of the City during their term of office,</u>" who shall serve ...</p>	<p>consistent language throughout Charter</p>
<p>P.19</p> <p>7.02 (A) 1st sentence, after "consisting of seven (7) persons" <u>insert</u> "<u>who are electors of the City during</u></p>	<p>same consistent language for planning and zoning</p>

<p>majority vote of <u>its</u> members.” <u>delete</u> remainder of 1st sentence.</p> <p>7.03 (A) 1st sentence, after “consisting of five (5) persons” <u>insert</u> “<u>who are electors of the City during their term of office to be appointed by Council by a majority vote of its members.</u>” <u>delete</u> remainder of 1st sentence</p>	<p>same consistent language for planning and zoning, and appeals</p>
<p>P. 20</p> <p>7.03(C) 1st sentence after “The Board” <u>insert</u> “of Zoning Appeals”</p> <p>3rd line “<u>Board</u>” – <u>capitalize</u></p> <p>4th line “<u>City’s</u>” <u>instead of</u> “Municipality’s”</p>	<p>identify Board consistent language</p>
<p>P. 20</p> <p>7.04(A) 1st sentence, after “consisting of five (5) persons” <u>insert</u> “<u>who are electors of the City during their term of office to be appointed by the Mayor and confirmed by Council by a majority vote of its members.</u>” <u>delete</u> remainder of 1st sentence</p> <p>5th line <u>make</u> “board” <u>plural</u> before “of education”</p>	<p>consistent language</p> <p>grammar</p>
<p>P.20</p> <p>7.04 (B) new paragraph: The Park and Recreation Board shall elect one of its own members as chairman to serve a term of one year. Vacancies on the Board shall be filled in the same manner as original appointments were made. The organization and duties of the Board shall be as provided for in the ordinances and resolutions of Council.</p>	<p>allows for Council to oversee Board through ordinances & resolutions</p>
<p>P.20</p> <p>7.04 (C) new paragraph: The Park and Recreation Board shall be subject to the purchasing and financial appropriations as well as other regulatory ordinances or resolutions of Council. All expenditures shall be approved by the City Administrator.</p> <p>7.04 (D) new paragraph: The Board shall have the power and duty to employ a Director subject, however, to the confirmation of such employment by a majority vote</p>	<p>allows Board to be independent of City Administrator and to hire Director.</p>

<p>as are necessary to execute its duties and shall develop, control, equip, and manage playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers and any lands or buildings owned or operated by the City for park or recreation purposes. The Director shall be responsible to the Park and Recreation Board and shall not be subject to civil service. The Park and Recreation Board may remove the Director or such other employees with or without cause.</p>	
<p>P.20 7.05(A) <u>replace 1st sentence with “Beginning with the first Council meeting in October, 2019 and each five (5) years thereafter, the Council shall appoint a Charter Review Commission consisting of seven (7) persons who are electors of the City during their term of office to serve for a term of one year.”</u></p>	<p>provide enough time for those to be appointed and make their recommendations to Council prior to cut-off date of Board of Elections</p>
<p>P. 20 7.05(B) 2nd sentence to read: “The Council may cause any of the recommendations to be submitted to a vote of the electors of the City by Charter amendment.”</p>	<p>consistent language</p>
<p>P.20 7.06(A) after boards and commissions, <u>insert comma</u></p>	<p>consistency & grammar</p>
<p>P.21 7.06(A)(2) - last sentence to read: “All members of boards and commissions <u>appointed to office under Sections 7.01 through 7.05 of this Charter shall be electors of the City during their term of office.</u>”</p>	<p>consistency</p>
<p>P. 21 7.06(A)(3) <u>add “as well as”</u> after “special meetings,” and <u>change</u> “government” to “governance”, and place a period after “commission”. Capitalize “<u>However</u>”, and <u>delete</u> “and” after “ordinances” and <u>insert</u> “or” in last sentence.</p>	<p>Consistency</p>
<p>P.21 7.06 B <u>add</u> “or Council” after Mayor</p>	<p>clarify appointing authority</p>
<p>P.21</p>	

<p>commissions appointed to office under Sections 7.01 through 7.05 shall hold no other office or position of employment with the City during their term of office.”</p>	
<p>P.22</p> <p>8.02 (C) <u>delete</u> last 2 sentences and replace with: “The alterations or modifications amount(s) that may be approved solely by the City Administrator shall be limited to the amount prescribed in Part B of this Section. Any alteration or modification in excess of this amount shall require approval by Council.”</p>	<p>clarify what alterations to contract can be made by City Administrator without approval by Council</p>
<p>P.22</p> <p><u>Nominations And Elections</u></p> <p>9.01 Nominations 2nd sentence: “Nominating petitions for all elected offices of the City shall be in the form... and signed by electors of the City.”</p> <p>create 3rd sentence: “In the case of petitions for members of Council to be elected at- large or from wards, such signatures gathered shall equal in number to not less than one percent (1%) nor more than three percent (3%) of those electors of the City or ward, as appropriate, who voted at the last preceding gubernatorial election.”</p>	<p>clarify and use consistent language</p>
<p>P. 23</p> <p>9.02 Regular Municipal Elections, second line, <u>delete</u> “voters”, and <u>replace</u> with “electors of the City,”</p>	<p>consistency</p>
<p>P.23</p> <p>10.02 (B) <u>increase</u> percentage of electors needed to sign recall petition from “fifteen” percent (15%) to “twenty” percent (20%), twice in last sentence.</p>	<p>consensus after reviewing other charters</p>
<p>P.26</p> <p>11.06 Amendment of Charter <u>add</u> “of the City” after “voters”</p>	<p>consistency</p>
<p>P.26</p> <p>11.08 Oath of Office, <u>add</u> “or appointed” after “elected” and before “officer” and filed with the “Clerk of” Council.</p>	<p>clarify that both elected and appointed officials must sign oath and file with Clerk of Council</p>

<p>P.27</p> <p>11.08 <u>add</u> "Clerk of" before Council (twice) in last two lines after printed oath and <u>add</u> (45) after "forty-five"</p>	<p>consistent language</p>