

RECOMMENDATIONS FROM
THE CHARTER REVIEW COMMISSION
OF THE CITY OF PATASKALA 2015

Final Report to City Council

November 3, 2015

Respectfully submitted by the
Pataskala Charter Review Commission

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Executive Summary

This report describes the recommendations of the Charter Review Commission. A summary of our proposals is found in Table 1 of this report.

A. General Recommendations

We reviewed the entire Charter and made a determination about which sections we thought needed to be considered for changes. As we progressed through the process, we added some other sections based on discussions, survey results and input from others.

The Commission grouped the items into 3 groups.

- Recommended Charter changes (Ballot Initiatives) defined as Consistency Changes, Grammatical Changes or Policy Changes;
- Recommended Council Action by ordinance, resolution or changes to Council rules; and,
- No Action or Recommended Change

The 2015 Charter Review Commission strongly encourages Pataskala City Council to enact these proposals and to work vigorously to promote their passage by the voters.

II. Background

The Charter Review Commission was appointed by City Council under authority of the Charter to convene this commission. Our first organizational meeting was February 9, 2015, during which the Commission met to conduct research and develop its proposals.

Key procedural elements of our review process included:

- Publicizing the existence and work of the Commission (print media, website, and word of mouth).
- Survey Questionnaire developed and created on the City website.
- Consultation with City employees, Mayor and the City attorney.
- Review of previous charter commission reports and taped sessions.
- Conduct review and comparison of numerous charters and organizational charts from other Ohio cities.

A. Basic Process

The Commission reviewed the entire Charter, Charters from other cities, and the previous reports from the 2005 and 2010 Charter Commissions, along with interviews, a community survey and responses from City employees, commissions and others.

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Items were listed that were of interest and categorized according to the classification noted above, as to review or not to review.

The Commission Chairperson then assigned sections to members who collected more information about those sections based upon the further investigations. The Commission met over several meetings and discussed the findings. After reviewing all sections, the Committee categorized each section as 1) potential Charter Changes, which would require passage by vote of the community; 2) items that could be resolved by Council ordinance, resolution or rule; or 3) no change recommended.

The Charter Commission created this report, as well as proposed as a red-line version of the City Charter and a table of recommended changes, and documented our findings.

III. Recommendations and Rationale

The rationale guiding the Commission's work can be summed up briefly: The current Pataskala Charter is working well—the 2015 Charter Review Commission would not propose change to the existing City Charter without a full review and affirmative vote of the Charter Review Commission.

IV. Charter Revision Recommendations

A. Charter Section(s) – 2.04(A)1, and 2.04 (A)5; Page 6 Existing Language

- | | |
|-----|--|
| (A) | In carrying out any lawful function or power of the municipality, the Council may, by a majority vote of its members, authorize the execution of contracts or in any manner provide for cooperation or joint action, between the municipality and:

(1) Political Subdivisions, special districts, instrumentalities.....
(5) Councils of government or other instrumentalities consisting..... |
|-----|--|

Commission Question: Should intergovernmental cooperation and execution of contracts should be encouraged for the greater good of the community?

Commission Recommendation:

Address this question with Commission recommendation in 2.04 (B). See Below. Each provision was found to address different entities.

Discussion and Rationale

- (1) Deals with units of state government.
- (5) Deals with units allowed by state, other states, or federal government.

B. Charter Section(s) – 2.04(B); Page 6 Existing Language

- | | |
|-----|--|
| (B) | The powers granted by this section shall be liberally construed to authorize intergovernmental cooperation, but shall..... |
|-----|--|

Commission Question: Should intergovernmental Cooperation and execution of contracts should be encouraged for the greater good of the community?

Commission Recommendation:

A wording change adding “and encourage” after authorize would provide Council with direction.

Commission Recommended Language: 2.04 (B) page 6: The powers granted by this section shall be liberally construed to authorize and encourage intergovernmental cooperation, but shall not.....

Discussion and Rationale

Change recommended to demonstrate and to affect the image that the City is a willing partner, focused on the greater good of the Community.

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C. Charter Section(s) – 3.02 (A); Page 7 Existing Language

SECTION 3.02 COMPOSITION, TERM AND QUALIFICATIONS. (A) The Council shall be composed of seven members. Four....Council elected from wards. The terms of members of Council shall commence on the first day of January next following their election.

Commission Question: Do we want the language and/or terms used in the Charter to be consistent?

Commission Recommendation:

A wording change from add (7) after seven; Delete “next” before “following” would make the language and terms consistent.

Commission Recommended Language: 3.02 (A) page 7: The Council shall be composed of seven (7) members; The terms of the members of Council shall commence of the first day of January following their election.

Discussion and Rationale:

Clarify requirements to hold elected office and make requirements consistent throughout Charter.

D. Charter Section(s) – 3.02(B); Page 8 Existing Language

SECTION 3.02 COMPOSITION, TERM AND QUALIFICATIONS. (B) Council shall have been electors of the City or any area annexed to the City for at least two years the time they file for office and during their term of office.
--

Commission Question: Do we want the language and/or terms used in the Charter to be consistent?

Commission Recommendation:

By inserting “Candidates for” prior to Council, “(2)” after two, “immediately prior” to the time, and “remain so qualified” during their term of office keeps Charter qualifications consistent. The definition of electors will help clarify who is eligible to hold offices.

Commission Recommended Language: 3.02 (B) page 8: Candidates for Council shall have been electors* of the City or any area annexed to 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.

*Electors as defined in the Ohio Revised Code Section 3501.01(N).

Discussion and Rationale:

Define consistent qualifications for holders of elected office.

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E. Charter Section(s) – 3.03(A); Page 8 Existing Language

SECTION 3.03 WARDS AND BOUNDARIES (A) Upon the availability of decennial census information from the federal government, the Council at the next regular meeting Council meeting shall appoint a Commission consisting of seven members who are electors of the City to divide or redivide the City into four wards.....

Commission Question: Do we want the language and/or terms used in the Charter to be consistent?

Commission Recommendation:

Insert number (7) after seven; add “during their term of office” after City to make consistent.

Commission Recommended Language: 3.03(A) page 8: Upon the availability of decennial census information from the federal government, the Council at the next regular Council meeting shall appoint a Commission consisting of seven (7) members who are electors of the City during their term in office to divide or redivide the City into four wards...

Discussion and Rationale:

Make residency and eligibility to vote requirements consistent for all boards and commissions.

F. Charter Section(s) – 3.04; Page 8 Existing Language

SECTION 3.04 CLERK OF COUNCIL. The Council shall appoint, by a majority vote of its members, a person to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of the Council and may be removed without cause by a majority vote of the members of Council. The Clerk of Council.....resolution. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision of the Administrator. The Council, by ordinance....Charter.
--

Commission Question: Should language and terms for suspension or removal from office be consistent?

Commission Recommendation:

Insert of “suspended or” prior to removed, and insert of “City” prior to Administrator for consistency.

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Commission Recommended Language: 3.04 page 8: The Council shall appoint, by a majority vote of its members, a person to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of the Council and may be suspended or removed without cause by a majority vote of the members of Council. The Clerk of Council.....resolution. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision of the City Administrator. The Council, by ordinance....Charter.

Discussion and Rationale:

Provide consistent language with other sections of Charter with similar purpose and identify administrator.

G. Charter Section(s) – 3.05(A); Page 9 Existing Language

SECTION 3.05 COUNCIL MEETINGS. (A) The Council shall determine, by the affirmative vote of a majority vote of its members, the frequency, dates and times of regular meetings in order to properly....least eleven months of each year.
--

Commission Question: What type of vote is required for Council to take action.

Commission Recommendation:

Deletion of “the affirmative vote of a” would be the vote necessary for Council action in this Section.

Commission Recommended Language: 3.05 (A) page 9: The Council shall determine, by majority vote of its members, the frequency, dates and times of regular meetings in order to properly....least eleven (11) months of each year.

Discussion and Rationale:

Majority vote is sufficient language for this section.

H. Charter Section(s) –3.05(B); Page 9 Existing Language

SECTION 3.05 COUNCIL MEETINGS. (B) Special meetings of the Council may be called, for any purpose,shall not apply. Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting.
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Commission Question: Should there be a method to cancel a special meeting if circumstances changed.

Commission Recommendation:

The addition of line, end of second paragraph, after word “meeting”. “Special meetings may be cancelled beforehand by whomever initially called for such special meeting” would achieve the ability to cancel the special meeting.

Commission Recommended Language: 3.05 (B) page 9: Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announce by the presiding officer need not receive notice of the special meeting. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. Special meetings may be cancelled beforehand by whomever initially called for such special meeting.

Discussion and Rationale:

Clarification of cancellation procedure for special meetings and by whom.

I. Charter Section(s) – 3.05(D); Page 9 Existing Language

SECTION 3.05 COUNCIL MEETINGS (D) All meetings of the Council and of other Boards and Commissions of the Municipality shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

Commission Question: Should Charter terms and grammar be consistent.

Commission Recommendation:

Consider deleting capital letters of Boards and Commissions; Change ‘Municipality’ to ‘City’.

Commission Recommended Language: 3.05(D) page 9: All meetings of the Council and of other boards and commissions of the City shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

Discussion and Rationale:

Charter consistency of language and punctuation.

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J. Charter Section(s) – 3.06; Page 9 Existing Language

<p>3.06 COUNCIL ORGANIZATION AND RULES</p> <p>The Council shall be a continuing body, but shall meet in the Council Chamber at its first meeting in January of each year for the purpose of organization. Council shall adopt, by the affirmative vote of a vote of majority vote of its members, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed or repealed by the affirmative vote of a majority vote of the members of Council.</p>
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Commission Question: What type of Council vote is necessary to adopt rules of procedure?

Commission Recommendation:

Deleting “ the affirmative vote of a vote of” prior to “majority” and deleting “the affirmative vote of a” prior to “majority” and delete “of Council” after “members” in amended, changed or repealed” line. Change “the” to “its” prior to members.

Commission Recommended Language: 3.06 page 9: The Council shall be a continuing body, but shall meet in the Council Chamber at its first meeting in January of each year for the purpose of organization. Council shall adopt, by majority vote of its members, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed or repealed by majority vote of its members.

Discussion and Rationale:

Charter language consistent with language set forth in Section 3.05(A) for setting meeting rules. This will provide necessary vote for this section.

K. Charter Section(s) – 3.08(A); Page 10 Existing Language

<p>SECTION 3.08 COUNCIL VACANCIES</p> <p>(A) A vacancy in the Council shall be filled by the affirmative vote of a majority vote of the remaining members of the Council. If the vacancy occurs subsequent to twenty days before the date when candidates for the office of Council member.....The person elected for the unexpired term at the next regular municipal election shall take office on the first day of January following his election.</p>

Commission Question: What type of vote is necessary and should the language and terms be consistent?

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Commission Recommendation:

Deletion of second “vote” affirmative and replacement of “his” with “their” in last line.

Commission Recommended Language: 3.08(A) page 10: A vacancy in the Council shall be filled by the affirmative vote of a majority of the remaining members of the Council. If the vacancy occurs subsequent to twenty days before the date when candidates for the office of Council member.....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.

Discussion and Rationale:

The needed vote for this section and consistent language for this section.

L. Charter Section(s) – 4.01; Page 10 Existing Language

SECTION 4.01 FORM OF ACION BY COUNCIL Paragraph 3: Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted....officers and employees and Members of Boards and Commissions, and as otherwise provided in this Charter.

Commission Question: Is spelling and grammar usage consistent?

Commission Recommendation:

Removal of capital letter for members of boards and commissions in first sentence.

Commission Recommended Language: 4.01 page 10: Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted....officers and employees and members of boards and commissions, and as otherwise provided in this Charter.

Discussion and Rationale

Maintains consistency of charter language and is grammatically correct.

M. Charter Section(s) – 4.02; Page 10 Existing Language

SECTION 4.02 INTRODUCTION OF ORDINANCES AND RESOLUTIONS Any member of Council may introduce any ordinance or resolution, at a regular or special meeting. Ordinances shall be in written or printed form when introduced and shall contain a concise title.
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Commission Question: Is printed necessary now?

Commission Recommendation:

Removal of “or printed” in last sentence will remove the requirement of printed notice.

Commission Recommended Language: 4.02 page 10: Any member of Council may introduce any ordinance or resolution, at a regular or special meeting. Ordinances shall be in written form when introduced and shall contain a concise title.

Discussion and Rationale:

Removal of printed notice requirement would make consistent with Section 4.01, 2nd paragraph and 4.04, last line.

N. Charter Section(s) – 4.05; Page 11 Existing Language

SECTION 4.05 VOTE REQUIRED FOR PASSAGE The vote on the question of passage of each ordinance, resolution and motion shall be taken by a roll call of members to be entered on the journal, or other record of proceedings of the Council, The adoption of an ordinance requires the affirmative vote of a majority of the members of council as set forth in this Charter.

Commission Question: Should grammar and punctuation be corrected?

Commission Recommendation:

Replace “,” after Council with “.” Capitalize “council”.

Commission Recommended Language: 4.05 page 11: The vote on the question of passage of each ordinance, resolution and motion shall be taken by a roll call of members to be entered on the journal, or other record of proceedings of the Council. The adoption of an ordinance requires the affirmative vote of a majority of the members of Council as set forth in this Charter.

Discussion and Rationale:

Correction of grammar and consistency of charter punctutation.

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O. Charter Section(s) – 4.10(A); Page 12 Existing Language

SECTION 4.10 AMENDMENT

(A) A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of Council present and voting on the amendment, and such amendment shall not require additional readings of the ordinance or resolution.

Commission Question: Should the Charter ensure that ordinances receive serious debate in entirety before the final reading?

Commission Recommendation:

Consider removal of “,” and “and” after amendment. Capitalize “shall”. Insert “.” after amendment.

Then add 2nd sentence: “An amendment of an ordinance shall not require additional readings unless amended during the final reading.”

Add last sentence: “A reading, or readings, as necessary, in addition to the reading prescribed in Section 4.04 of this Charter shall be permitted and required if the pending ordinance or resolution is amended during the final reading unless the pending ordinance is deemed to comply with Section 4.06.”

Commission Recommended Language: 4.10(A) page 12: A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of Council present and voting on the amendment. An amendment of an ordinance shall not require additional readings of the ordinance or resolution. A reading, or readings, as necessary, in addition to the reading prescribed in Section 4.04 of this Charter shall be permitted and required if the pending ordinance or resolution is amended during the final reading unless the pending ordinance is deemed to comply with Section 4.06.

Discussion and Rationale:

Grammatical correction. Addition of sentence would establish requirement for clean ordinance reading unless emergency legislation. Concern that change made at a final reading could lead to significant changes without real public notice and an opportunity of being fully vetted. This provision does not affect emergency ordinances under Section 4.06.

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P. Charter Section(s) – 4.10(B); Page 10 Existing Language

SECTION 4.10 AMENDMENT

(B) Any ordinance or resolution, or the codified ordinances or resolutions of the City, may be amended by the passage of subsequent ordinances or resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereof; or repeal existing sections of parts thereof. The Division does not prevent repeals by implication.

Commission Question: Are Charter sections referred to in a consistent manner?

Commission Recommendation:

Consider addition of language after Division, “This Division (B) of this Section.....”

Commission Recommended Language: 4.10(B) page 10: Any ordinance or resolution, or the codified ordinances or resolutions of the City, may be amended by the passage of subsequent ordinances or resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereof; or repeal existing sections of parts thereof. The Division (B) of this Section does not prevent repeals by implication.

Discussion and Rationale:

Correction will clarify cited division.

Q. Charter Section(s) – 4.11(B); Page 10 Existing Language

SECTION 4.11 ZONING MEASURES

(B) A concurring vote of at least two-thirds of the membership of Council shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall an ordinance be considered as having passed unless it received at least a majority vote of the members of Council.

Commission Question: What type of vote should be required by Council for zoning measures?

Commission Recommendation:

Insert “an affirmative vote by” before “a majority of the members of Council”, and delete “vote” after “majority” as necessary vote required on this section.

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Commission Recommended Language: 4.11(B) page 10: A concurring vote of at least two-thirds of the membership of Council shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall an ordinance be considered as having passed unless it received at least an affirmative vote by a majority of the members of Council.

Discussion and Rationale:

Correction for Charter consistency.

R. Charter Section(s) – 4.12(B); Page 10 Existing Language

SECTION 4.12 ADOPTION OF TECHNICAL CODES

(B) The ordinance or resolution adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance or resolution. In such cases, publication of the standard ordinance or code shall not be requires, but at least two copies of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons. If the standard ordinance or cost is amended after its adoption by reference by the Council, the Council may adopt the amendment or change by incorporation by reference under the same procedure as is established herein for the adoption of the original standard ordinance or code.

Commission Question: What language is necessary to encourage electronic notice and access for community members.

Commission Recommendation:

Removal of “at least two” prior to copies, and “kept at all times in the office of” prior to Clerk of Council. Remove “and available for reference by interested persons” after Clerk of Council. Insert “available for review by interested persons with” prior to the Clerk of Council. Insert period after Clerk of Council will accomplish necessary electronic notice.

Addition of third sentence: “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.” prior to “If the standard ordinance”.

Commission Recommended Language: 4.12(B) page 10: The ordinance or resolution adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance or resolution. In such cases, publication of the standard ordinance or code shall not be requires, but copies of such code shall be available for review by interested persons with the

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Clerk of Council. 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. If the standard ordinance or cost is amended after its adoption by reference by the Council, the Council may adopt the amendment or change by incorporation by reference under the same procedure as is established herein for the adoption of the original standard ordinance or code.

Discussion and Rationale:

Correction would provide for greater access through electronic means while preserving access at the City offices during normal business hours.

S. Charter Section(s) – 4.13; Page 13 Existing Language

SECTION 4.13 CODIFICATION

Second Paragraph: The Clerk of Council shall cause a notice of such proposed action by the Council to be published one time in a newspaper of circulation in the City....shall be necessary. Council may, from time to time, provide....are maintained in the Office of the Clerk of Council. A current....over the codification process.

Commission Question: What type of language is necessary to encourage electronic notice and access for community members.

Commission Recommendation:

Insert after published one time "pursuant to Council rule," and delete "in a newspaper of circulation in the City";

Delete 2nd sentence and insert "Copies of actions of Council shall be maintained and available for review on the office of the Clerk of Council will accomplish necessary electronic notice.

Commission Recommended Language: 4.13 page 13: The Clerk of Council shall cause a notice of such proposed action by the Council to be published one time pursuant to Council rule, at least seven days prior to Council's action, and not further publication shall be necessary. Copies of actions of Council shall be maintained and available for review in the office of the Clerk of Council. A current service supplementing the.....over the codification process.

Discussion and Rationale:

Correction would update and provide clarification.

T. Charter Section(s) – 4.14(A); Page 13 Existing Language

SECTION 4.14 PUBLICATION OR ORDINANCES AND RESOLUTIONS
(A) Each ordinance or resolution Shall be published by causing a brief summary thereof to be published in a newspaper of general circulation with the City once a week for two consecutive weeks. Council may from time to time, provide for alternate methods of publication including publication by electronic means when determined appropriate so long as full-text copies of actions of Council are maintained in the Office of the Clerk of Council.

Commission Question: What type of notice is necessary and what type of public access should be provided by the City?

Commission Recommendation:

Revise 1st, 2nd and 3rd sentences to read: Each ordinance or resolution shall be published by causing a brief summary 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.

Commission Recommended Language: 4.14(A) page 13: Each ordinance or resolution shall be published by causing a brief summary by number and title, noticed within the City once a week for two (2) 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.

Discussion and Rationale:

Correction will update and clarify process for publication and access.

U. Charter Section(s) – 5.01(A); Page 13 Existing Language

SECTION 5.01 THE MAYOR
(A) The Mayor shall be elected for a term of office of four years, with all the powers, duties and functions provided by this Charter. A candidate for the office of Mayor shall be an elector of the City or an area annexed to the City for at least two years prior to the time of filing for office shall be elected to the office of Mayor.

Commission Question:

Is it necessary to have a start date of a newly elected Mayor.

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Commission Recommendation:

Insertion of “commencing on first day of January following their election..”.

Deletion of “a candidate” , “an”, “shall be”, and “to the office of Mayor” in the second sentence; and,

Insert “Candidates’, “2”, “immediately”, “and if”, and “shall remain so qualified during the term of office.” Is needed to define a start date.

Commission Recommended Language: 5.01(A) page 13: The Mayor shall be elected for a term of office of four years, commencing on the first day of January following their election, with all the powers, duties and functions provided by this Charter. Candidates for the office of Mayor shall be electors of the City or an area annexed to the City for at least two (2) years immediately prior to the time of filing for office, and if elected shall remain so qualified during the term of office.

Discussion and Rationale:

Correction would make consistent with Council terms and provide clarification.

V. Charter Section(s) – 5.02; Page 13 Existing Language

SECTION 5.02 POWERS OF MAYOR

(A) The Mayor shall preside at all meetings of the Council but shall not vote except that the Mayor vote on any matter, other that the appointment for removal or suspension of any person appointed, suspended or removed by the Mayor, in the event of a tie vote among the members of the Council. The mayor shall....and resolutions. The Mayor shall not have any power to veto ordinances or resolutions passed by the Council.

Commission Question: Should Charter clarify Mayor's Court and magistrate authority inherent in Mayor's office?

Commission Recommendation:

Insert in last sentence “or motions” before passed by Council.

Insert new second and third sentence, as below will clarify these inherent powers.

Commission Recommended Language: 5.02 page 13: The Mayor shall preside at all meetings of the Council but shall not vote except that the Mayor vote on any matter, other that the appointment for removal or suspension of any person appointed, suspended or removed by the Mayor, in the event of a tie vote among the members of the Council. The Mayor shall have the right

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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. The Magistrate serves at the pleasure of the Mayor and can be suspended or removed from office without cause by either the Mayor or by the Council by a two-thirds (2/3) vote of its members without the consent of the Mayor. The mayor shall....and resolutions. The Mayor shall not have any power to veto ordinances or resolutions or motions passed by the Council.

Discussion and Rationale:

Clarify power for Mayor's Court; Clarify appointment and action toward Magistrate and existing practice. Correct for consistent practice. Language would set out the process, method, appointment and oversight of the Mayor's court.

W. Charter Section(s) – 5.02(B); Page 14 Existing Language

SECTION 5.02 POWERS OF MAYOR (B) 3 rd Paragraph: In the event...such responsibilities. In the event...responsibilities of Mayor.
--

Commission Question: Should Charter be corrected regarding grammatical and/or punctuation errors?

Commission Recommendation:

Capitalize "Mayor", "Director of Law", and "Council" throughout Section 5.02(B) to make consistent.

Commission Recommended Language: 5.02(B) page 14: In the event of the scheduled absence of the Mayor, the president and vice-president of Council, the Mayor shall select from Council a member to exercise the powers, duties and functions of Mayor until such time as the Mayor, president or vice-president of Council can assume such responsibilities. In the event of the unscheduled absence of the Mayor, the president and vice-president of Council, the Director of Law shall assume the duties and functions of Mayor until such time as the Mayor, president or vice-president of Council can assume the duties and responsibilities of Mayor.

Discussion and Rationale:

Correction consistent with charter language.

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X. Charter Section(s) – 5.03; New Section Existing Language

SECTION 5.03 MAYORAL VACANCIES

Commission Question: What happens should Mayor position become vacant temporarily or permanently?

Commission Recommendation:

Insertion of New Section will provide direction for filling of vacancy.

Commission Recommended Language: 5.03 New Section:

(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 regular municipal election and qualified to serve for the remainder of the unexpired term. The person elected for the unexpired term at the next regular municipal elections shall take office on the first day of January following their election.

(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. Any member of Council may introduce any ordinance or resolution, at a regular or special meeting. Ordinances shall be in written form when introduced and shall contain a concise title.

Discussion and Rationale:

Correction would make consistent with provisions and action with vacancy of Council members.

Y. Charter Section(s) – 5.04 through 5.05; Renumber

SECTION 5.04 CITY ADMINISTRATOR
SECTION 5.05 POWERS OF CITY ADMINISTRATOR

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Commission Recommendation:

Re-number of Section for Addition of SECTION 5.03

Commission Recommended Correction: As Cited

Z. Charter Section(s) – 5.04(A); Page 15 Existing Language

SECTION 5.04 CITY ADMINISTRATOR (A) The City Administrator shall be the chief...City and the state laws.

Commission Question: Should the Mayor have power to remove City Administrator without cause?

Commission Recommendation:

Insertion of “without cause” prior to “by the Mayor” to resolve this issue.

Commission Recommended Language: 5.04(A) page 15: (A) The Mayor shall appoint a City Administrator who shall take office upon confirmation by the Council by a majority vote of its members. The City Administrator shall serve at the pleasure of the Mayor and the 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 (2/3) vote without the consent of the Mayor.

Discussion and Rationale:

Provide means to remove City Administrator without cause.

AA. Charter Section(s) – 5.04(E); Existing Language

SECTION 5.04 CITY ADMINISTRATOR (E) The City Administrator shall become a resident of the City within six months after his or her confirmation by the Council, unless the Council shall waive this residency requirement by ordinance or resolution. The City Administrator may not hold any other office or position with the City, unless the Council approves by a two-thirds vote of its members.
--

Commission Question: Are residency requirements for City employees inappropriate?

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Commission Recommendation:

Remove first sentence.

Commission Recommended Language: 5.04(E): (E) The City Administrator may not hold any other office or position with the City, unless the Council approves by a two-thirds (2/3) vote of its members.

Discussion and Rationale:

Prohibited by Supreme Court.

BB. Charter Section(s) – 5.05(A), (B1), (C); Existing Language

<p style="text-align: center;">SECTION 5.05 POWERS OF THE CITY ADMINISTRATOR</p> <p>(A) The City Administrator shall be the chief executive and administrative officer of the City. He or she shall be responsible to and subject to control, supervision and direction of the Mayor for the administration of all municipal affairs placed in the City Administrator's charge by or under this Charter, the ordinances or resolutions of the City and the state laws.</p> <p>(B) The City Administrator shall have the following powers....1) except as otherwise provided for by or under this Charter, subject to the provisions of this Charter pertaining to the Merit System.</p> <p>(C) The City Administrator shall provide staff support to the Mayor through his office or independent from his or her office....the Clerk of Council.</p>
--

Commission Question: Is this language consistent?

Commission Recommendation:

- A) Add "and acts of Council" after "Mayor" in second sentence
- B) Delete "for and "under";
- C) add "or her" after "his"

Commission Recommended Language: 5.05(A) page 15:

- (A) The City Administrator shall be the chief executive and administrative officer of the City. He or she shall be responsible to and subject to control, supervision and direction of the Mayor and acts of Council for the administration of all municipal affairs placed in the City Administrator's charge by or under this Charter, the ordinances or resolutions of the City and the state laws.
- (B) The City Administrator shall have the following powers, duties and functions to:
- (1) Appoint, promote and, when he or she deems it necessary for the good of the service, suspend or remove or otherwise discipline all subordinate employees and appointive administrative officers, ex-

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cept as otherwise provided by this Charter, subject to the provisions of this Charter pertaining to the Merit System.

(C) The City Administrator shall provide staff support to the Mayor through his office or independent from his or her office as determined by the Mayor. The City Administrator, when requested by the Mayor or Clerk of Council on behalf of the Council shall provide additional staff support to the Council and/or the Clerk of Council.

Discussion and Rationale:

Clarification and consistent language.

CC. Charter Section(s) – 6.01(A); Page 16 Existing Language

SECTION 6.01 DIRECTOR OF LAW

(A) Except as provided in Section 12.03 of this Charter, the Department of Law shall be under the supervision, direction and control of the Director of Law, who shall be appointed by the Mayor and confirmed by a majority vote of the Council and shall serve at the pleasure of the Council.

Commission Question: Is there a need for standardization of the oversight of the City Directors.

Commission Recommendation:

Delete reference to “Section 12.03”, “Department”;

Add “Director”, “both Mayor and Council”, “Council by”, and “its members”.

Insert new second sentence as below.

Commission Recommended Language: 6.01(A) page 16:

(A) The Director of Law shall be under the supervision, direction and control of both the Mayor and Council, who shall be appointed by the Mayor and confirmed by Council by a majority vote of its members. 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 (2/3) vote of its members without the consent of the Mayor.

Discussion and Rationale:

Clarification for all Directors and consistent language. Purpose is to endure a consistent and known process for suspension or removal of City directors and the filling of a vacancy.

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DD. Charter Section(s) – 6.01(B); Page 16 Existing Language

SECTION 6.01 DIRECTOR OF LAW

(B) The Director of Law need not be an elector or resident of the City, but shall be an attorney-at-law duly authorized...State of Ohio.

Commission Question: Should Charter be amended to reflect consistency with Directors and state law.

Commission Recommendation:

Delete “need not be an elector or resident of the City, but” and insert “The Director of Law shall be an attorney-at-law duly authorized to practice law in the State of Ohio.

Commission Recommended Language: 6.01(B) page 16: (B) The Director of Law shall be an attorney-at-law duly authorized to practice law in the State of Ohio. The Director of Law shall not hold any other incompatible public office, under the laws of Ohio, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter, the ordinances or resolutions of the City or the laws of Ohio.

Discussion and Rationale:

No residency requirement for position. Consistency.

EE. Charter Section(s) – 6.01(E); Page 16 Existing Language

SECTION 6.01 DIRECTOR OF LAW

(E) In the event of a vacancy in the office of the Director of Law,...appointment. The Director of Law shall...his or her temporary absence or disability and, in the event of a vacancy, until the vacancy is filled as provided in this Division. The Acting Director of Law shall exercise the powers, duties and functions of the Director of Law under this Charter.

Commission Question: Should Charter clarify what happen in event Law Director is unable to serve beyond 45 day absence?

Commission Recommendation:

Insert “.” after disability. Delete “and,” and “an” prior to “extended” and capitalize ‘In’. Delete “under this Charter”.

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Add “an extended absence or disability beyond forty-five (45) consecutive days”, and “be confirmed or removed from exercising”, and “as provided in the Section”.

Commission Recommended Language: 6.01(E) page 16: (E) In the event of a vacancy in the office of Director of Law, 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 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. In the event of 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.

Discussion and Rationale:

Clarification and consistent language.

FF. Charter Section(s) – 6.02(A); Page 16 Existing Language

<p>SECTION 6.02 DIRECTOR OF FINANCE</p> <p>(A) Except as provided in Section 12.03 of this Charter, the Department of Finance shall be under the supervision, direction and control of the Director or Finance, who shall.....of its members. The Director of Finance shall serve at the pleasure of the Mayor....by a majority vote of its members.</p>
--

Commission Question: Should Charter clarify how to handle removal of Finance Director?

Commission Recommendation:

Delete reference to Section 12.03. Insert “The Director”, “Mayor and Council”, “and confirmed by”, “suspended or”, “without cause”, “with the consent of the Council granted”, “, or by Council by a two-thirds (2/3) vote of its members without the consent of the Mayor” will accomplish.

Commission Recommended Language: 6.02(A) page 16: (A) 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. The Director of Finance shall serve at the pleasure of the Mayor and Council and may be suspended or removed without cause by the Mayor with the consent of the Council granted by a majority vote of its members, or by Council by a two-thirds (2/3) vote of its members without the consent of the Mayor.

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Discussion and Rationale:

Clarification and consistent language with other Directors.

GG. Charter Section(s) – 6.02(B); Page 16 Existing Language

SECTION 6.02 DIRECTOR OF FINANCE (B) The Director of Finance...of the office. The Mayor and the Council...the Director of Finance. The Director of Finance need not be an elector or resident of the City. The Director of Finance shall not hold any other public office, except he or she may hold office in a political party or be a delegate to a political party convention,...and the laws of Ohio.

Commission Question: Should Charter be consistent with State Law regarding residency requirements?

Commission Recommendation:

Deletion of entire third sentence will accomplish consistency.

Commission Recommended Language: 6.02(B) page 16: (B) The Director of Finance shall be qualified by training or experience to carry out the powers, duties and functions of the office. The Mayor and the Council shall be the sole judges of the qualifications of the Director of Finance. The Director of Finance shall not hold any other public office, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter, ordinance or resolution and the laws of Ohio.

Discussion and Rationale:

No residency requirement.

HH. Charter Section(s) – 6.02(D); Page 16 Existing Language

SECTION 6.02 DIRECTOR OF FINANCE (D) New Section

Commission Question: Should Charter clarify how vacancy of a Director of Finance is handled?

Commission Recommendation:

Insertion of New Section for Director of Finance Vacancy will clarify how a vacancy is handled.

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Commission Recommended Language: 6.02(D) page 16: (D) 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 as Acting Director of Finance in the event of his or her temporary absence or disability . In the event of an extended absence or disability beyond forty-five (45) consecutive days, the Acting Director shall be confirmed or removed from exercising the powers, duties and functions of the Director of Finance as provided in this Section.

Discussion and Rationale:

Clarification.

II. Charter Section(s) – 6.02(E); Page 16 Existing Language

SECTION 6.02 DIRECTOR OF FINANCE (E) New Section

Commission Question: Should there be an additional audit required by Council?

Commission Recommendation:

Insertion of New Section for Independent Control Audits will fulfill a desire that finances are transparent and monitored at a higher level.

Commission Recommended Language: 6.02(E) page 16: (E) 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.

Discussion and Rationale:

Recommendation requires Council to provide for an independent audit every 6 years to establish an additional layer of financial review.

JJ. Charter Section(s) – 6.03(E); Page 17 Existing Language

SECTION 6.03 OTHER DEPARTMENTS (E) The departments and division of the City, and their administrative heads, shall...duties and functions as provided: in this Charter; by ordinance or resolution; and as provided by the general laws of Ohio, provided such general laws are not inconsistent with this Charter or the ordinances and resolutions of the City.
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Commission Question: Should Charter language be corrected and/or consistent?

Commission Recommendation:

Delete “:” after “as provided”, then insert “by” prior to “this Charter”, delete “in”, insert “,” after resolution to accomplish.

Insert “;” after “Ohio”, then add “except if” prior to “such general laws”.

Commission Recommended Language: 6.03(E) page 17: (E) The departments and divisions of the City, and their administrative heads, shall have those powers, duties and functions as provided by this Charter, by ordinance or resolution, and as provided by the general laws of Ohio; except if such general laws are inconsistent with this Charter or the ordinances or resolutions of the City.

Discussion and Rationale:

Correction of grammar and consistent language.

KK. Charter Section(s) – 6.04(A); Page 18 Existing Language

SECTION 6.04 ACTING DEPARTMENT AND DIVISION HEADS

In the event of a vacancy or the temporary absence or disability of the head of any administrative department or division authorized or created pursuant to Section 6.03 of this Charter, the Mayor in the case of police and fire and the City Administrator, other than with respect to police and fire and the Park Director, may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

Commission Question: What about vacancies in other departments?

Commission Recommendation:

Delete “,” after “City Administrator”.

And delete “and the Park Director” will provide consistency.

Commission Recommended Language: 6.04(A) page 18: In the event of a vacancy or the temporary absence or disability of the head of any administrative department or division authorized or created pursuant to Section 6.03 of this Charter, the Mayor in the case of police and fire and the City Administrator, other than with respect to police and fire may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

Discussion and Rationale:

Grammar correction and update to reflect previous Charter revisions.

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LL. Charter Section(s) – 7.01(C); Page 19 Existing Language

SECTION 7.01 MERIT SYSTEM (C) Composition and Terms. The Personnel Board of Review shall consist of five (5) persons currently registered to vote in the City of Pataskala who shall serve overlapping three-year terms and shall be appointed by a majority vote of the members of Council. The first appointments....and one shall be appointed for a one year term.

Commission Question: Should terms and qualifications be consistent with other Boards?

Commission Recommendation:

Delete “currently registered to vote in” and “of Pataskala”.

Insert “who are electors of” prior to “the City” and “during their term of office,” prior to “who shall serve” will make consistent.

Commission Recommended Language: 7.01(C) page 19: (C) Composition and Terms. The Personnel Board of Review shall consist of five (5) persons who are electors of the City during their term of office, who shall serve overlapping three (3) year terms and shall be appointed by a majority vote of the members of Council. The first appointments under this Charter of Board Members shall be as follows: two (2) shall be appointed for three (3) year terms, two (2) shall be appointed for two year terms and one shall be appointed for a one year term.

Discussion and Rationale:

Clarification and consistent language.

MM. Charter Section(s) – 7.02(A); Page 19 Existing Language

SECTION 7.02 PLANNING AND ZONING COMMISSION (A) There is hereby created a Planning and Zoning Commission consisting of seven (7), persons currently registered to vote in the City of Pataskala to be appointed by the Mayor and confirmed by a majority vote of the members of the Council. Members of the Planning and Zoning Commission shall serve overlapping four-year terms of office.
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Commission Question:

- 1) Are the terms and appointments of office consistent?
- 2) Should the appointment procedure be changed?

Commission Recommendation:

Delete “currently registered to vote in” and “of Pataskala”. Delete “the” prior to “members”.

Insert “who are electors of” prior to “the City” and “during their term of office” prior to “to be appointed”. Insert “Council by” prior to “a majority vote” and “its” prior to “members”.

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Commission Recommended Language: 7.02(A) page 19: (A) There is hereby created a Planning and Zoning Commission consisting of seven (7), persons who are electors of the City during their term of office to be appointed by Council by a majority vote of its members. Members of the Planning and Zoning Commission shall serve overlapping four (4) year terms of office.

Discussion and Rationale:

Consistent language among Sections. By changing the appointment procedure to have Council appoint will promote more geographic diversity and increase the candidate pool.

NN. Charter Section(s) – 7.03(A); Page 19 Existing Language

SECTION 7.03 BOARD OF ZONING APPEALS

(A) There hereby created a Board of Zoning Appeal consisting of five (5) persons currently registered to vote in the City of Pataskala to be appointed by the Mayor and confirmed by a majority vote of the members of the Council. Members of the Board shall serve for overlapping four year terms of office.

Commission Question:

- 1) Are the terms and appointments of office consistent?
- 2) Should the appointment procedure be changed?

Commission Recommendation:

Delete “currently registered to vote in” and “of Pataskala”. Delete “the” prior to “members”.

Insert “who are electors of” prior to “the City” and “during their term of office” prior to “to be appointed”. Insert “Council by” prior to “a majority vote” and “its” prior to “members”.

Commission Recommended Language: 7.03(A) page 19: (A) There is hereby created a Board of Zoning Appeals consisting of five (5) persons who are electors of the City during their term of office to be appointed by Council by a majority vote of its members. Members of the Board shall serve for overlapping four (4) year terms of office.

Discussion and Rationale:

Clarification and consistent language. By changing the appointment procedure to have Council appoint will promote more geographic diversity and increase the candidate pool.

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OO. Charter Section(s) – 7.03(C); Page 20 Existing Language

SECTION 7.03 BOARD OF ZONING APPEALS
(C) The Board may make advisory recommendations to the Council and the Planning and Zoning Commission concerning zoning matters as it believes to be in the best interest of the City. The board shall have such other powers, duties and functions consistent with this Charter, as provided by the Municipality’s ordinances and resolutions.

Commission Question:

- 1) Are the terms and appointments of office consistent?
- 2) Should the appointment procedure be changed?

Commission Recommendation:

Insert “of Zoning Appeals” after “Board”. Capitalize “Board” in 3rd sentence. Replace “Municipality’s” with “City’s”.

Commission Recommended Language: 7.03(C) page 20: (C) The Board of Zoning Appeals may make advisory recommendations to the Council and the Planning and Zoning Commission concerning zoning matters as it believes to be in the best interest of the City. The Board shall have such other powers, duties and functions consistent with this Charter, as provided by the City’s ordinances and resolutions.

Discussion and Rationale:

Clarification and consistent language with other Boards. By changing the appointment procedure to have Council appoint will promote more geographic diversity and increase the candidate pool.

PP. Charter Section(s) – 7.04(A); Page 20 Existing Language

SECTION 7.04 PARK AND RECREATION BOARD
(A) There is hereby created a Park and Recreation Board consisting of five (5) person currently registered to vote....majority vote of its members. Two of the members...to such Districts. Members of the Board shall serve for overlapping fur year terms of office.

Commission Question: Should terms and qualifications for the Park and Recreation Board be consistent?

Commission Recommendation:

Delete “currently registered to vote” and “of Pataskala”, “subject to” and “action”.

Insert “who are electors of” prior to “City, and “during their term of office” prior to “to be appointed”, and correct as below will make consistent.

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Commission Recommended Language: 7.04(A) page 20: (A) There is hereby created a Park and Recreation Board consisting of five (5) persons 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. Two of the members shall be appointed from among persons recommended by the boards of education of the school districts serving the City as follows: one from the Southwest Licking Local School District and one from the Licking Heights Local School District, or the successor to such Districts. Members of the Board shall serve for overlapping four-year terms of office.

Discussion and Rationale:

Clarification and consistent language with other Boards.

QQ. Charter Section(s) – 7.04(B,C,D); Page 20 Existing Language

SECTION 7.04 PARK AND RECREATION BOARD
(B) The Park and Recreation Board shall advise the City Administrator and City Council on the operation and maintenance of the City's Parks and Recreation Programs and shall have such authority in the operation and maintenance of the City Parks and Recreation programs as is provided by Council.
(C) New Paragraph
(D) New Paragraph

Commission Question: What should be the new oversight structure of the Parks and Recreation Department?

Commission Recommendation:

(B) Delete "The Park and Recreation Board....as is provided by Council", insert as below.

Consider insertion of New Section(s) as below to establish new structure.

Commission Recommended Language: 7.04 (B,C,D) page 20:

(B) The Park and Recreation Board shall elect one of its own members as chairman to serve a term of one (1) 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.

(C) 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.

(D) The Board shall have the power and duty to employ a Director subject, however, to the confirmation of such employment by a majority vote of the members of Council, and such other employees as are necessary to execute its duties and shall develop, control, equip, and manage playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers and any

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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.

Discussion and Rationale:

(B) Allows for Council to oversee Park and Recreation Board through ordinances and resolutions.

(C) and (D) Allows Park and Recreation Board to be independent of City Administrator and to hire Director

RR. Charter Section(s) – 7.05(A); Page 20 Existing Language

SECTION 7.05 CHARTER REVIEW COMMISSION

(A) Beginning with January 1, 2005 and each five years thereafter, the Council shall appoint a Charter Review Commission consisting of seven (7) persons registered to vote in the City of Pataskala to serve for a term of one year, ending December 31, of the same year as the term commences.

Commission Question: Is there a need to review period for future Charter commissions to permit adequate time for the Commission to discuss issues and promote community feedback.

Commission Recommendation:

Replace 1st sentence with “Beginning with the first Council meeting in October 2019” prior to “and each”, replace “registered to vote” with “who are electors of”, delete “of Pataskala”, insert “during their term of office” is the needed updated parameters.

Commission Recommended Language: 7.05(A) page 20: (A) 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 (1) year.

Discussion and Rationale:

Provide enough time for those to be appointed and make their recommendations to Council prior to cut off date for Board of Elections.

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SS. Charter Section(s) – 7.05(B); Page 20 Existing Language

SECTION 7.05 CHARTER REVIEW COMMISSION
(B) The Commission shall review the provisions of the Charter and shall make written recommendations, if any, to the Council for revisions to the Charter. The Council may cause any of the recommendations to be submitted to a vote of the electors by way of Charter amendment.

Commission Question: Is the language and terms used consistent with other sections?

Commission Recommendation:

Insert “of the City” after “electors”. Replace 2nd sentence as below will provide consistency.

Commission Recommended Language: 7.05(B) page 20: (B) The Commission shall review the provisions of the Charter and shall make written recommendations, if any, to the Council for revisions to the Charter. The Council may cause any of the recommendations to be submitted to a vote of the electors of the City by way of Charter amendment.

Discussion and Rationale:

Clarification and consistent language.

TT. Charter Section(s) – 7.06(A); Page 20 Existing Language

SECTION 7.06 ORGANIZATION, VACANCIES
(A) Unless otherwise....,shall.

Commission Question: Is grammar consistent?

Commission Recommendation:

After boards and commissions, insert “,”.

Commission Recommended Language: 7.06(A) page 20.

(A) Unless otherwise provided in this Charter, each of the City's boards and commissions, whether created by this Charter or by ordinance or resolution, shall:

Discussion and Rationale:

Consistency and grammar.

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UU. Charter Section(s) – 7.06(A,2); Page 21 Existing Language

SECTION 7.06 ORGANIZATION, VACANCIES (A) 2: Take action by motion, and a majority vote....to take action. A majority of the members...a quorum. All members...electors of the City.
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Commission Question: Is there a need for consistency for terms and qualifications for these vacancies?

Commission Recommendation:

Insert “appointed to office under Sections 7.01 through 7.05 of this Charter” after “commissions” and “during their term in office” after “City” to provide consistency.

Commission Recommended Language: 7.06(A,2) page 21: (2) Take action by motion, and a majority vote of the members of the board or commission shall be necessary to take action. A majority of the members shall constitute a quorum. All members of boards and commissions, appointed to office under Sections 7.01 through 7.05 of this Charter shall be electors of the City during their term of office.

Discussion and Rationale:

Clarification and consistent language.

VV. Charter Section(s) – 7.06(A,3); Page 21 Existing Language

SECTION 7.06 ORGANIZATION, VACANCIES (A) 2: Adopt rules for calling....open meetings law.
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Commission Question: Is there a need for consistent terms and qualifications?

Commission Recommendation:

Add “as well as” after “special meetings”, change “government” to “governance”, add “.” after commission”.

Capitalize “However”, delete “and” after “ordinances”, and insert “or” in last sentence.

Commission Recommended Language: 7.06(A,3) page 21: (3) Adopt rules for calling regular and special meetings, as well as the conduct and governance of the board or commission. However, the rules shall not conflict with the provisions of this Charter or ordinances or resolutions of the City, and shall be in conformity with Ohio's open meetings law.

Discussion and Rationale:

Consistent language and grammar.

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WW. Charter Section(s) – 7.06(B); Page 21 Existing Language

SECTION 7.06 ORGANIZATION, VACANCIES (B) Unless....., if any.
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Commission Question: Does appointing authority need clarification?

Commission Recommendation:

Insert “or Council” after “Mayor” will clarify.

Commission Recommended Language: 7.06(B) page 21: (B) Unless otherwise provided in this Charter, a vacancy during the term of any member of a board or commission created by this Charter or by ordinance or resolution shall be filled for the unexpired term, if any, in the manner authorized for an original appointment; provided that if such appointing authority shall fail to fill the vacancy by appointment within sixty days, the Mayor or Council shall fill the vacancy by appointment for the unexpired term, if any.

Discussion and Rationale:

Clarify appointing authority.

XX. Charter Section(s) – 7.06(C); Page 21 Existing Language

SECTION 7.06 ORGANIZATION, VACANCIES (C) Unless otherwise authorized under this Charter, members of boards and commissions shall hold no other office or position of employment with the City.

Commission Question: Does this subsection need clarified to provide consistency for members of the Boards?

Commission Recommendation:

Delete portion of sentence “unless” through “Charter,”. Capitalize “Members”, Insert “appointed to office under Sections 7.01 through 7.05” prior to “shall” and “during their term of office” will provide clarification.

Commission Recommended Language: 7.06(C) page 21: (C) Members of boards and 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.

Discussion and Rationale:

Clarification and consistent language.

YY. Charter Section(s) – 8.02(C); Page 22 Existing Language

SECTION 8.02 CONTRACTING POWERS AND PROCEDURES
(C) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contract, they shall be made only upon the order of the City Administrator. No such order shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the City Administrator on behalf of the City. Modifications or alterations in contracts shall not require advertising and competitive bidding.

Commission Question: Should Charter contain language to limit expenditures of City Administrator for amended contracts?

Commission Recommendation:

Delete from “No such order” through end of section. Insert “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.” To provide necessary limitation of City Administrator authority.

Commission Recommended Language: 8.02(C) page 22: (C) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contract, they shall be made only upon the order of the City Administrator. 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.

Discussion and Rationale:

Clarification what alterations to contract can be made by the City Administrator without approval by Council.

ZZ. Charter Section(s) – 9.01; Page 22 Existing Language

SECTION 9.01 NOMINATIONS
Nominations for all elected...of the City. Nominating petitions...gubernatorial election.

Commission Question: Should language be consistent for elected offices?

Commission Recommendation:

Insert “for all elected offices in the City” prior to “shall be held” in second sentence.

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Replace “,” after City with “.” at end of second sentence. Capitalize “I” for “In the case of”. Insert “petitions for” prior to members in third sentence. Insert “at-large or” prior to “from wards” in fourth sentence. Add “such signatures gathered shall” prior to “equal”.

Delete “electors of the ward,”. Delete “ing” from “voting” and replace with “ed” in last sentence. Insert “who” prior to “voted”. Add “1%” after one percent and “3%” after three percent for consistency.

Commission Recommended Language: 9.01, page 22:

SECTION 9.01 NOMINATIONS.

Nominations for all elected offices of the City shall be made by non-partisan petition only and no primary election shall be held to nominate officers of the City. Nominating petitions for all elected offices of the City shall be in the form determined by the election authorities provided under the general laws of Ohio and signed by electors of the City. 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.

Discussion and Rationale:

Clarification and consistent language.

AAA. Charter Section(s) – 9.02; Page 23 Existing Language

SECTION 9.02 REGULAR MUNICIPAL ELECTIONS The regular municipal elections...provided in this Charter.

Commission Question: Should terms and language be consistent throughout the Charter?

Commission Recommendation:

Delete “voters” and insert “electors of the City” prior to “, shall be” will provide consistency.

Commission Recommended Language: 9.02, page 23:

SECTION 9.02 REGULAR MUNICIPAL ELECTIONS.

The regular municipal elections for all elected offices, and for issues to be presented to the electors of the City, shall be held on the dates and at the times fixed by the election laws of Ohio for general statutory plan cities, except that all such offices shall be elected to terms of office as provided in this Charter.

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Discussion and Rationale:

Clarification and consistent language.

BBB. Charter Section(s) – 10.02(B); Page 23 Existing Language

SECTION 10.02 RECALL (B) If the elected official...(entire section) regular municipal election.
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Commission Question: Should recall procedure be amended, changed or repealed?

Commission Recommendation: Purpose is to change recall election requirements in order to reflect the survey data that the process, due to cost and activation.

Delete “fifteen” and “15”, and again “fifteen” and “15”. Replace with “twenty” and “20”, and again “twenty” and “20” will accomplish this recommendation.

Commission Recommended Language: 10.02(B) page 23: (B) If the elected official shall have served six months of his or her term, an elector or electors of the City may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of a named elected official or officials. No petitions for the recall of an elected official may be circulated until such written notice of intent is served upon the Clerk of Council. Not later than thirty days after service of such notice of intent on the Clerk of Council, such persons may file, with the Clerk of Council, a petition demanding the removal of an elected official. Separate petitions shall be filed for each elected official sought to be removed by recall. The Clerk shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. 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. Such petition shall be signed by at least that number of electors which equals twenty percent (20%) in number of the electors voting at the last preceding regular municipal election, provided, if the petition is filed demanding the removal of a ward Council member, such petition shall be signed by at least that number of electors from such ward which equals twenty percent (20%) in number of the electors voting in such ward at the last preceding regular municipal election.

Discussion and Rationale:

Consensus after reviewing other Charters and discussion with similar City administrations.

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CCC. Charter Section(s) – 11.06; Page 26 Existing Language

SECTION 11.06 AMENDMENT OF CHARTER
This Charter may be amended by the voters as provided by the Constitution of Ohio.

Commission Question: Should Charter language be consistent?

Commission Recommendation:

Insert “of the City” after “voters” to be consistent.

Commission Recommended Language: 11.06, page 26: This Charter may be amended by the voters of the City as provided by the Constitution of Ohio.

Discussion and Rationale:

Consistent language.

DDD. Charter Section(s) – 11.08; Page 26 Existing Language

SECTION 11.08 OATH OF OFFICE
The following oath or affirmation, or some other suitable oath or affirmation, shall be signed by each elected officer and filed with the Council.

Commission Question: Should appointed officials be required to take oath of office?

Commission Recommendation:

Insert “or appointed” after “elected” and “Clerk of” after “the”.

Commission Recommended Language: 11.08, page 26: The following oath or affirmation, or some other suitable oath or affirmation, shall be signed by each elected or appointed officer and filed with the Clerk of Council.

Discussion and Rationale:

Clarification both elected and appointed officials must sign oath and file with Clerk of Council.

EEE. Charter Section(s) – 11.08; Page 27 Existing Language

SECTION 11.08 OATH OF OFFICE
(After Oath) Failure to take the oath or affirmation.... (whole Section)filed with the Council.

Commission Question: Should Charter language and terms be consistent?

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Commission Recommendation:

Insert “Clerk of” prior to “Council”, insert “45” after “forty-five”, and insert “Clerk of” prior to “Council” for consistency.

Commission Recommended Language: 11.08, page 27: Failure to take the oath or affirmation shall not cause a loss of qualifications for and the holding of an elected office unless the officer shall refuse or fail to sign an oath or affirmation and to file it with the Clerk of Council within forty-five (45) days after notice is given by the Clerk of Council that a signed oath or affirmation has not been filed with the Clerk of Council.

Discussion and Rationale:

Consistent language.

FFF. Additional Issues: Recommendations for Action Elsewhere

The Commissions also discussed a number of items that did not rise to the level of a change to the City Charter, but would benefit from Council consideration. These were items that surfaced through Commission and community members’ comments and survey data.

- 1) Economic Development Strategy: Commission explored ways to highlight the importance of economic development and associated job creations and tax relief efforts in the Charter; however, each attempt to include provisions to encourage or address these issues crossed the line between the form of government and basic structure toward the area of administration and day to day operations.
- 2) Yearly Personnel Reviews: The Commission recommends that the Council take action to ensure that the City employees are receiving yearly reviews. Survey indicated the community expects a yearly review of employees, one not necessarily tied to an increase in compensation but rather the quality of work being performed. The Commission agreed that this was a good practice rather than a Charter issue.
- 3) Income Tax Dedicated to Capital Projects: Discussion was had to earmark a certain percentage of income tax revenue to yearly capital projects. The City of Columbus was used a benchmark. Upon review, it was noted that the City of Columbus utilizes a process of preference for bond payoff related for infrastructure projects. The Commission recommends the City’s finance committee determine if there are lessons that can be learned and applied to Pataskala to ensure ongoing investment in city infrastructure.
- 4) Nondiscrimination Policy: The Commission is recommending that Council take action to evaluate the current nondiscrimination policy. The Commission discussed concerns in areas regarding hiring, firing, zoning applications, use of public parks and appointments to Boards and Commissions. Any policy that Council would review or recommend should conform to all local, state and federal laws.

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GGG. *Changes to Charter Declined*

The Commission discussed but declined to make changes after reviewing Article III and Article V of the Charter as to the following issues:

- 1) Strong versus Weak Mayoral form of government
- 2) Mayoral Veto Power
- 3) Term Limits

V. Attachment A – Summary of Revisions