



CITY OF PATASKALA

ORDINANCE 2021-4398

Passed June 21, 2021

AN ORDINANCE PROPOSING THE AMENDMENT OF SECTIONS 3.02, 3.07, 3.08, 4.10, 4.14, 5.05, 6.02, 6.03, 7.04, 9.01, 10.02, AND 11.01 OF THE CHARTER OF THE CITY OF PATASKALA, DIRECTING THE CLERK OF COUNCIL TO PUBLISH THE PROPOSED CHARTER AMENDMENTS, AND AUTHORIZING THE SUBMITTAL OF THE PROPOSED AMENDMENTS TO THE ELECTORATE

WHEREAS, Section 7.05 of the Charter of the City of Pataskala requires the creation of a Charter Revision Commission; and

WHEREAS, Section 11.06 of the Charter of the City of Pataskala provides the “Charter may be amended by the voters as provided by the Ohio Constitution;” and

WHEREAS, Section XVIII, Section 8 of the Ohio Constitution provides the “ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage;” and

WHEREAS, Art. XVIII, Section 9 of the Ohio Constitution also provides “copies of proposed amendments may be mailed to the electors as hereinbefore provided for copies of a proposed charter, or pursuant to laws passed by the general assembly, notice of proposed amendments may be given by newspaper advertising;”

WHEREAS, R.C. 731.211 allows two methods of giving notice of a proposed charter amendment, including the “full text of the proposed charter amendment shall be published once a week for not less than two consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in R.C. 7.16, with the first publication being at least fifteen days prior to the election at which the amendment is to be submitted to the electors”; and

WHEREAS, the Charter Revision Commission has made recommendations for amendment and deletion of provisions of the City Charter; and

WHEREAS, having completed the charter review process, Council for the City of Pataskala now wants to place the charter amendments before the electorate at the November 2, 2021 general election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

Section 1: As used in Section 2, stricken-through language indicates language that will be deleted from, and underlined language indicates the new language being added to, the sections of the Charter of the City of Pataskala by this Ordinance.

Section 2: It is hereby proposed that Sections 3.02, 3.07, 3.08, 4.10, 4.14, 5.05, 6.02, 6.03, 7.04, 9.01, 10.02, and 11.01 of the Charter of the City of Pataskala, be amended to read as more fully described in the Recommendations attached hereto as Exhibit A and incorporated herein by reference.

Section 3: The Clerk of Council is directed to publish the full text of the proposed charter amendments, as set forth in Section 2, once a week for not less than two consecutive weeks in the *ThisWeek Community News*, *Licking County News*, with the first publication being at least fifteen days prior to the November 2, 2021 general election.

Section 4: The proposed amendments listed and identified in Section 2 shall be placed before the electors of the City of Pataskala, Ohio at the general election to be held on November 2, 2021.

Section 5: Unless summarized as allowed in Section 7, the City Charter Amendment Ballot language on the question to be voted on by the electorate of the City of Pataskala, Ohio shall be as in substantially the following format:

Shall the Charter of the City of Pataskala be amended as recommended by the Charter Revision Commission, as approved by Council of the City of Pataskala, and as advertised twice in the *ThisWeek Community News*, *Licking County News*?

☐ YES (FOR THE AMENDMENTS)

☐ NO (AGAINST THE AMENDMENTS)

Section 6: If the proposed amendments set forth in this Ordinance and placed on the November 2nd ballot receive the affirmative vote of a majority of the electors voting on it, they shall become effective January 1, 2022. and the then-existing sections shall be repealed thereby. The remaining sections of the Charter shall remain unchanged, in effect, and enforceable.

Section 7: The Director of Law and/or Clerk of Council is authorized to summarize the ballot language set forth in Section 5, if requested or required by the Board of Elections, for ballot purposes only.


Section 8: The Clerk of Council is authorized and directed to submit a certified copy of this Ordinance to the Licking County Board of Elections.

Section 9: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 10: This Ordinance shall become effective immediately upon passage, pursuant to Charter Section 4.07(A)(4).

ATTEST:


Kathy M. Hoskinson, Clerk


Michael W. Compton, Mayor

APPROVED AS TO FORM:



Brian M. Zets, Law Director

**RECOMMENDATIONS FROM
THE CHARTER REVIEW COMMISSION
OF THE CITY OF PATASKALA 2020**


Final Report to City Council

November 4, 2020

**Respectfully submitted by the
Pataskala Charter Review Commission**


Stephanie Daugherty, Chairwoman


Mitch Friel, Secretary


Ben Hubble


Steve Helwagen


Martin Eicholtz


Steve Garavuso

Change 1

Original Text

SECTION 3.02 COMPOSITION, TERM AND QUALIFICATIONS.

(A) The Council shall be composed of seven (7) members. Four members of Council shall be elected from wards. Three members of the Council shall be elected at large. Members of Council shall serve four year terms each. The three members of Council elected at large shall serve four-year overlapping terms with the four members of Council elected from wards. The terms of members of Council shall commence on the first day of January following their election.

Updated Text

(A) The Council shall be composed of seven (7) members. Four members of Council shall be elected from wards from which they reside. Three members of the Council shall be elected at large. Members of Council shall serve four year terms each. The three members of Council elected at large shall serve four-year overlapping terms with the four members of Council elected from wards. The terms of members of Council shall commence on the first day of January following their election.

Change 2

Original Text

SECTION 3.02 COMPOSITION, TERM AND QUALIFICATIONS.

(B) Candidates for Council shall have been electors* of the City or any area annexed to the City for at least two years immediately prior to the time they file for office and remain so qualified during their term of office. Members of Council shall not hold any other public office or employment with the City during a term, except they 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 represent the municipality or to further intergovernmental cooperation, and may hold any office permitted by the Charter or the laws of Ohio.

Updated Text

(B) Candidates for Council shall have been electors* of the City or any area annexed to the City for at least two years immediately prior to the time they file for office and remain so qualified during their term of office. Members of Council shall not hold any other public office or employment with the City during a term, except they 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 represent the municipality or to further intergovernmental cooperation, and may hold any office permitted by the Charter or the laws of Ohio. See Section 11.02 of this charter in regards to Conflicts of Interest and Ethics.

Change 3

Original Text

SECTION 3.07 SALARIES OF ELECTED OFFICIALS.

The salaries of all elected officials of the City shall be established by Council by ordinance or resolution to be adopted no later than the last date of filing for election in each odd numbered year which precedes a regular municipal election at which members of the Council are to be elected. The salaries so established shall not be changed to be effective during the current term of office. In the event Council shall fail to establish salaries as required in this Section, the salaries in effect for the prior term shall remain in effect until changed in accordance with this Section.

Updated Text

(A) The salaries of all elected officials of the City shall be established by Council by ordinance or resolution to be adopted no later than the last date of filing for election in each odd numbered year which precedes a regular municipal election at which members of the Council are to be elected. The salaries so established shall not be changed to be effective during the current term of office. In the event Council shall fail to establish salaries as required in this Section, the salaries in effect for the prior term shall remain in effect until changed in accordance with this Section. Elected officials may access the same healthcare benefits that are available to the full time Pataskala City Employees, but the entire cost must be paid by the official. The city will not pay any

cost associated with the plan.

Change 4

Original Text

SECTION 3.08 COUNCIL VACANCIES.

(A) 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 must file their nominating petitions or if two years or less remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve for the unexpired term. If the vacancy occurs at least twenty days prior to the date when candidates for the office of Council member must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, 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 election shall take office on the first day of January following their election.

Updated Text

(A) A vacancy in the Council, as described in Section 3.02 (B), 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 must file their nominating petitions or if two years or less remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve for the unexpired term. If the vacancy occurs at least twenty days prior to the date when candidates for the office of Council member must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, 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 election shall take office on the first day of January following their election.

Change 5

Original Text

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 the Council present and voting on the amendment. An amendment of an ordinance shall not require additional readings unless amended during the final reading. A reading, or readings, as necessary, in addition to the readings prescribed in Section 4.04 of this Charter shall be permitted and required unless the pending ordinance is deemed to comply with Section 4.06

Updated Text

(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 the Council present and voting on the amendment. An amendment of an ordinance shall not require additional readings unless amended during the final reading. A reading, or readings, as necessary, in addition to the readings prescribed in Section 4.04 (Reading Ordinances and Resolutions) of this Charter shall be required unless the pending ordinance is deemed to comply with Section 4.06 (Content of Emergency Legislation).

- Changed "... shall be permitted and required..." to read "... shall be required.."
- Added section titles for easier reading

Change 6

Original Text

SECTION 4.14 PUBLICATIONS OF ORDINANCES AND RESOLUTIONS.

(A) 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.

SECTION 4.14 PUBLICATIONS OF 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 within 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.

Updated Text

- Duplicate paragraphs. Deleted the first version

(A) Each ordinance or resolution shall be published by causing a brief summary thereof to be published in a newspaper of general circulation and posted to all official City websites and social media pages within 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

Change 7

Original Text

SECTION 5.05 POWERS OF CITY ADMINISTRATOR.

(B) The City Administrator shall have the following powers, duties and functions to:

- The duties end at sub paragraph (12)

Updated Text

(B) The City Administrator shall have the following powers, duties and functions to:

(13) Produce an internal formal review of the: Emergency Water Plan, City Disaster Plan, City Comprehensive Plan, and the City Parks and Recreation Plan every five years. Annual updates are still required as needed or mandated.

- Added sub paragraph (13) to address updating critical staff plans

Change 8

Original Text

SECTION 5.05 POWERS OF CITY ADMINISTRATOR.

(D) The City Administrator or his or her designated representative may attend meetings of the Planning and Zoning Commission and the Board of Zoning Appeals with the right to participate at meetings and in discussions, but the City Administrator or his or her designated representative shall not vote on any matter before the Commission.

Updated Text

(D) The City Administrator or his or her designated representative may attend the meetings of all Boards and Commissions and with the right to participate at meetings and in discussions, but the City Administrator or his or her designated representative shall not vote on any matter before the Commission.

Change 9

Original Text

SECTION 6.02 DIRECTOR OF FINANCE.

(E) The Council MAY ~~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.

Updated Text

(E) The Council may provide for an independent Internal Control Audit of all City accounts 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.

Change 10

Original Text

SECTION 6.03 OTHER ADMINISTRATIVE DEPARTMENTS.

(D) The Council may abolish, combine, merge, change or alter any department created or authorized by Division (A) of this Section by ordinance or resolution, except that the Departments of Police Services shall not be abolished, combined or merged.

Updated Text

(D) The Council may abolish, combine, merge, change or alter any department created or authorized by Division (A) of this Section by ordinance or resolution, except that the Departments of Police Services shall not be abolished, combined, merged or defunded.

Change 11

Original Text

SECTION 7.04 PARK AND RECREATION BOARD.

(D) The City Administrator shall have the power and duty to employ a Park Manager subject to the confirmation of such employment by a majority vote of the members of Council. Council may consider input from Park Board. The Park Manager shall be responsible to the City Administrator with recommendations from the Park Board.

Updated Text

(D) The City Administrator shall have the power and duty to employ a Park Manager and/or a Director of Parks and Recreation subject to the confirmation of such employment by a majority vote of the members of Council. Council may consider input from the Park Board. The Park Manager/Director shall be responsible to the City Administrator with recommendations from the Park Board.

Change 12

Original Text

SECTION 9.01 NOMINATIONS.

(A) 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.~~

Updated Text

(A) 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 election laws of Licking County and Ohio and signed by electors of the City.

Change 13

Original Text

SECTION 10.02 RECALL.

(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.

Updated Text

(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 IAW the Ohio Revised Code.

Change 14

Original Text

SECTION 10.02 RECALL.

(D) If the person whose removal is sought shall not resign within five days after the day on which the Clerk's certificate shall have been delivered, Council shall, by ordinance or resolution, fix a day for holding a recall election, which date shall not be less than forty days nor more than sixty days after the date of the Clerk's certification of sufficiency to the Council, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper of general circulation in the City. At such recall election, this question shall be placed upon the ballot: "Shall (naming the person whose removal is sought) be allowed to continue as (naming the office)," with the provision on the ballot for voting affirmatively or negatively. In the event of a majority of the vote is negative, such person shall be removed, the office shall be vacant, and such vacancy shall be filled as provided in this Charter. If the person is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one year following such election. In the event that a recall election is ordered, as provided by this Section, for a ward Council member, only the electors of the ward which such Council member represents shall be entitled to vote upon the issue of recall.

Updated Text

(D) If the person whose removal is sought shall not resign within five days after the day on which the Clerk's certificate shall have been delivered, Council shall, by ordinance or resolution, fix a day for holding a recall election, which date shall not be less than forty days nor more than sixty days after the date of the Clerk's certification of sufficiency to the Council, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper of general circulation in the City and posted to all official City websites and social media pages. At such recall election, this question shall be placed upon the ballot: "Shall (naming the person whose removal is sought) be allowed to continue as (naming the office)," with the provision on the ballot for voting affirmatively or negatively. In the event of a majority of the vote is negative, such person shall be removed, the office shall be vacant, and such vacancy shall be filled as provided in this Charter. If the person is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one year following such election. In the event that a recall election is ordered, as provided by this Section, for a ward Council member, only the electors of the ward which such Council

member represents shall be entitled to vote upon the issue of recall.

Change 15

Original Text

SECTION 11.01 REMOVAL OF OFFICIALS.

(C) The Charging Official, if he or she has reason to believe there is probable cause (as such causes are defined in this Section 11.01) for the removal of an elected official or member of a Board or Commission, shall give notice of the alleged cause for removal and the time, date and place of the commencement of hearing for removal, which shall not be earlier than ten days after the service of the notice to the accused person by personal service, certified mail, or by leaving a copy of such notice at the person's last known place of residence in the City. At such time, date and place and at any adjourned meetings, the Council shall hear, provide an opportunity to the accused person to be heard and present defenses, and determine whether the accused person shall be removed from his or her office. The Council may remove an official for any of the following causes by a two-thirds vote of the members of the Council, provided that if the accused person is a member of Council, such person shall not be counted in determining required majorities:

Updated Text

(C) If after consultation with the Law Director, or their representative, the Charging Official has reason to believe there is probable cause (as such causes are defined in this Section 11.01) for the removal of an elected official or member of a Board or Commission, shall give notice of the alleged cause for removal and the time, date and place of the commencement of hearing for removal, which shall not be earlier than ten days after the service of the notice to the accused person by personal service, certified mail, or by leaving a copy of such notice at the person's last known place of residence in the City. At such time, date and place and at any adjourned meetings, the Council shall hear, provide an opportunity to the accused person to be heard and present defenses, and determine whether the accused person shall be removed from his or her office. The Council may remove an official for any of the following causes by a two-thirds vote of the members of the Council, provided that if the accused person is a member of Council, such person shall not be counted in determining required majorities:

Change 16

Original Text

SECTION 11.01 REMOVAL OF OFFICIALS.

(F) The Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. The Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall be entitled to a public hearing. A record of the proceedings shall be made and preserved. A notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing, and in such an event, the Mayor, or other presiding officer of the Council, may reschedule the time, date and place of the hearing set by the Charging Official to accommodate the publication of the notice. If the hearing is rescheduled, the Mayor or other presiding officer, shall notify the accused person of such fact. Decisions made by the Council under this Section shall be subject to review by the Courts on matters of law and whether the Council acted arbitrarily and without probative evidence to support the grounds for removal.

Updated Text

(F) The Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. The Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall be entitled to a public hearing. A record of the proceedings shall be made and preserved. A notice of such hearing shall be published in one or more newspapers of general circulation in the City and posted to all official City websites and social media pages at least one week in advance of the hearing, and in such an event, the Mayor, or other presiding officer of the Council, may reschedule the time, date and place of the hearing set by the Charging Official to accommodate the publication of the notice. If the hearing is rescheduled, the Mayor or other presiding officer, shall notify the accused person of such fact. Decisions made by the Council under this

Section shall be subject to review by the Courts on matters of law and whether the Council acted arbitrarily and without probative evidence to support the grounds for removal.

