

AMENDED ORDINANCE NO. 39-01

By: Jed W. Morison

An Ordinance to authorize the submission to the electors of the City of amendments to the Charter at the next regular Municipal election to be held on November 6, 2001, and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the following amendment to Section 3 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 3. Executive and Administrative Powers. The executive and administrative powers of the City shall be vested in a Mayor and such other administrative officers and boards as may be provided for in this Charter or by ordinance. **The Mayor shall cause to be prepared and submitted to Council a strategic plan for the City, which shall include, but not be limited to, issues of residential and commercial development, infrastructure, finances, safety and community quality of life. Following adoption of a plan by Council, with such changes, if any, as shall be authorized by it after providing the public the opportunity to comment on the plan, the Mayor shall annually issue a report of the progress made in achieving the goals and objectives of the strategic plan. The strategic plan shall be updated as needed by the Mayor, and such updates shall be submitted to Council for review, public comment and adoption.**

Section 2. That the following amendment to Section 8 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 8. Appointment of Other Officers. The Mayor shall have the power to appoint, subject to confirmation by Council, the following officers, to-wit:

- (a) City Attorney.
- (b) Chief of Police.
- (c) Members of the Civil Service Commission.
- (d) Members of the Board of Health.
- (e) Members of the City Planning Commission, if established by Council.
- (f) Members of other boards and commissions, if any, established by Council.
- (g) All other officers, superintendents and heads of administrative departments, whose positions may be created by Council, and for

whose appointment no other provision is made. Unless otherwise provided by this Charter or by ordinance, all appointments made under this subdivision shall be at the pleasure of the Mayor.

No person shall be appointed as a member of any board or commission created by this Charter or by ordinance unless notice of the vacancy to be filled was published at least thirty days prior to the submission of such appointment by the Mayor to Council. Except as otherwise provided by the laws of the State of Ohio, the term of office for members of all boards and commissions created by this Charter or by ordinance shall be three years, each commencing July 1, provided that a vacancy during the term of any member shall be filled for the unexpired term of such office.

Section 3. That the following amendment to Section 11 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 11. Acting Mayor; Succession to the Office of Mayor. If the Mayor dies, resigns or moves from the City, during the term of office, the President of Council shall be the Acting Mayor until the vacancy is filled by the election of a Mayor by a majority vote of Council.

If the Mayor-elect shall die **or move from the City** before assuming office, the Council shall, at its first meeting in the following January, elect a Mayor.

The person so elected in either of the above contingencies shall possess all the qualifications required of a Mayor by this Charter and may serve until the first of January following the next regular Municipal election, at which election, a Mayor shall be elected for the remainder of the unexpired term, or for a four-year term, as the case may be.

If the Mayor is temporarily absent from the City, or shall become unable to perform the duties of office, **the duties of Mayor** shall be performed by the President of Council under the title of Acting Mayor, until the Mayor returns to the City or becomes able to perform said duties. **If the President of Council, while performing the duties of Acting Mayor, is absent from the City, or becomes unable to perform such duties, the duties of Mayor shall be performed by a member of Council elected Acting Mayor for such period by a majority vote of Council.**

Section 4. That the following amendment to Section 20 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 20. Qualifications of Members; Vacancies. All members of Council shall be electors of the City, and any member who ceases to possess this

qualification shall forthwith forfeit the office. **Any vacancy in Council shall be filled by a majority vote of the remaining Council members then in office within sixty days after the vacancy occurs. If the vacancy occurs on or after July 1 of the second year of the term of the vacated office, the person elected by Council shall serve the unexpired term. If the vacancy occurs on or before June 30 of the second year of the term of the vacated office, the person elected by Council shall serve until a successor is certified as elected at the next general Municipal election to serve the balance of the vacated term. If Council fails to fill a vacancy in Council within sixty days after the occurrence of the vacancy, the Mayor shall appoint a person to serve for the period provided in this Section.**

Section 5. That the following amendment to Section 25 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 25. Enactment of Ordinances. Each proposed ordinance or resolution shall be introduced in written or printed form, and the adoption, revision or amendment, and signing thereof, shall be in the manner provided by the laws of the State of Ohio, except as otherwise provided in this Charter. **Unless otherwise provided in this Charter, all actions taken by Council shall be by the affirmative vote of a majority of the members of Council then in office, but in no case less than three members of Council. An ordinance or resolution shall be read on three separate occasions before a vote is taken thereon unless such requirement is suspended by the affirmative vote of not less than six members of Council. An ordinance or resolution may only be enacted as an emergency measure by the affirmative vote of not less than five members of Council. At the meeting at which a vote of Council shall be taken on any ordinance or resolution, Council shall provide an opportunity for public comment thereon before the vote is called. The Mayor shall have the veto power over ordinances and resolutions subject to the limitations and provisions of the statutes of the State of Ohio relating to such powers. Non-legislative actions of Council, including procedural matters and elections among and appointments by Council, may be taken by motion. Council shall by ordinance provide for the publication of the subject matter of all introduced and enacted legislation, provided that the failure to publish such information shall not invalidate any action of Council.**

Section 6. That the following amendment to Section 26 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 26. Fiscal Matters; Operating Budget. **The laws of the State of Ohio of the State of Ohio relating generally to budgets, appropriations, taxation, debts, bonds, assessments, deposit and investment**

of funds and other fiscal matters of the City shall be applicable, except as otherwise provided by this Charter or by ordinance of Council. The fiscal year of the City shall begin on the first day of January. The Mayor and Auditor shall prepare and submit to Council an operating budget in accordance with an annual budget calendar authorized by Council. The operating budget shall provide a complete financial plan of City funds and activities for the ensuing fiscal year which, except to the extent required by law or this Charter, shall be in a form acceptable to Council. Council shall adopt an operating budget for the ensuing fiscal year on or before December 31 of each year. To implement the operating budget as adopted, the Council shall, on or before December 31, also adopt an appropriation ordinance authorizing an appropriation for each program or activity by department or major organizational unit.

Section 7. That the following amendment to Section 32 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 32. Compensation of Council Members; Vacation of Office. Council members may be compensated for their services as such by the payment of salary and/or the receipt of benefits under City sponsored benefit plans. For terms of Council members beginning on the first day of January, 2002, and the remainder of the terms of incumbent Council members in office on the effective date of the amendment of this Section 32, the compensation of Council members, including the cost to the City of any benefits, shall be \$530 per month, being the salary and cost of benefits to which a Council member is entitled in calendar year 2001. For terms of Council members beginning on or after the first day of January, 2004, the annual compensation of Council members, including benefits, if any, shall not be subject to the limitation set forth in the preceding sentence and shall be in an amount established by a non-emergency ordinance of Council passed at least one year prior to the beginning of the term to be thereby affected. In the event that Council fails for any reason to adopt an ordinance establishing the compensation of its members or any ordinance so adopted is rejected by referendum, the annual compensation then in effect shall continue for the succeeding term without further action of Council. Absence of four successive regular meetings shall operate to vacate the seat of a member of Council, unless such absence is authorized or excused by Council.

Section 8. That the following amendment to Section 48 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 48. Composition; Powers and Duties. The Mayor, the Auditor and President of the Council shall constitute the Board of Control which shall have the powers and perform the duties imposed upon boards of control of cities by general law of the State and by ordinances of Council. **The chair of the Finance Committee of Council shall be an alternate member authorized to sit and act as a member of the Board of Control in the absence of a regular member.**

Section 9. That the following amendment to Section 49 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 49. Composition; Terms, Vacancies; Powers and Duties. The Board of Health shall be composed of five members who shall serve without compensation. Their term shall be for **three years**. The members of the Existing Board of Health shall continue in office for the terms for which they were appointed. The Board shall elect one of its members as President.

The Board of Health shall have such powers and perform such duties as may be prescribed by ordinance of Council and by statutes governing boards of health in cities not in conflict with such ordinances.

Section 10. That the following amendment to Article XII of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

ARTICLE XII - CIVIL SERVICE COMMISSION

Section 50. Composition; Terms; Compensation; Officers. **The Civil Service Commission shall consist of three electors of the City. The term of each member shall not exceed three years. They shall receive no compensation for their services. One of the members shall be chosen by the Civil Service Commission as chairperson, and a secretary shall be appointed by the Civil Service Commission members.**

Section 51. Nonclassified Personnel. **The following officers and employees of the City shall be exempt from the classified service:**

- 1. All officers elected under this Charter;**
- 2. All officers and members of boards or commissions whose appointment is subject to concurrence by Council or who are appointed by Council;**
- 3. One secretary or clerk for the Mayor, assistant or clerk for the Auditor and for each board or commission appointed hereunder;**
- 4. The Chief of Police;**
- 5. The heads of any departments or sub-departments, the supervisors or assistant supervisors of any functions, or such other supervisory or management personnel that may be created by Council under this Charter;**

6. All employees whose service is temporary or part time;
7. All unskilled labor positions, designated as such by ordinance of City Council.

Section 52. Classified Personnel. The classified service shall comprise all positions not specifically exempt under Section 51. In the classified service there shall be two classes to be known as the competitive and the non-competitive classes. The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive examination, and the non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character to be determined by the rules of the Civil Service Commission.

Section 53. Continuation of Positions. All persons whose positions were previously exempt from the provisions of former Section 51, paragraph (f), and whose positions are now within the provisions of Section 52, and who have been continually in the service of the City since July 1, 1974, shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions herein.

Section 54. Rules. Subject to approval by City Council, the Civil Service Commission may promulgate and amend such rules, as the Civil Service Commission deems appropriate to promote an efficient civil service system based on merit and fitness. The Civil Service Commission shall enforce the rules it has promulgated or amended.

The Civil Service Commission's rule-making and rule-amending authority extends to rules which are consistent with the laws of the State of Ohio. In addition, the Civil Service Commission may promulgate and amend rules, which deviate from the laws of the State of Ohio with respect to the following matters:

1. The Civil Service Commission's day-to-day operations, office procedures, staff and the qualifications of the Civil Service Commission's staff.
2. The preparation, conduct and grading of competitive and noncompetitive civil service examinations and other selection criteria.
3. The creation, maintenance and expiration of seniority lists and the selection of candidates therefrom.
4. The selection of candidates for promotion.
5. Temporary and exceptional appointments.
6. Transfers and reinstatements.
7. Changes in classification.
8. Job abolishment, layoff, order of layoff and recall, displacement rights and recall lists.

9. Probationary periods.
10. Appeals of members of the Classified Civil Service of the City of Bexley.
11. Record-keeping by the Commission.
12. Establishment, creation, review, and alteration of classification specifications.
13. Procedures for establishment of new, or abolishment of existing, positions in the civil service of the City of Bexley.
14. Procedures for investigation of matters involving the civil service system of the City of Bexley.
15. Any other topic addressed in Chapter 124 of the Ohio Revised Code or as otherwise provided in this Charter.

Section 55. State Law. The Civil Service Commission shall be governed by the laws of the State of Ohio governing civil service in cities to the extent that the laws are not in conflict with this Charter, ordinances of Council passed thereunder, or rules of the Civil Service Commission promulgated or amended pursuant to this Section. In no case shall the Civil Service Commission promulgate, maintain or enforce a rule that is inconsistent with the terms of this Charter.

Section 11. That the following amendment to Section 56 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 56. Composition; Terms. The City Planning Commission shall consist of **five electors** of the City who shall serve without compensation and who, with the concurrence of Council, shall be appointed by the Mayor for terms of **three years**. **The members of the existing City Planning Commission shall continue in office for the terms for which they were appointed.**

Section 12. That the following amendment to Section 59 of the Charter shall be submitted to the electors at the next regular Municipal election to be held on November 6, 2001:

Section 59. Contracting Procedures. Council, by ordinance, shall establish a **threshold amount, notice provisions, and other procedures for competitive bidding**. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold established by Council, the contract shall be competitively bid. No contract shall be divided to avoid the requirements of competitive bidding. By a vote of no less than five members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding, if Council determines that an item is available and can be acquired only from a single source, or if Council

determines that a waiver of the competitive bidding requirement is in the best interest of the City. Contracts for professional services shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by Council if the current operating budget provides sufficient funding for the scope of services in any such contract. Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding. No contract involving the expenditure of money shall be entered into or authorized by the Mayor unless the Auditor or the Auditor's designee shall first certify that funds required for the contract are in the City's treasury or in the process of collection; and funds have been appropriated by Council for the specified purpose and remain unencumbered. The Auditor shall file and record the certification of availability and appropriation of funds in the accounting records of the City and shall furnish a copy to the vendor or contractor. Without the certification, a contractual obligation shall be void and unenforceable against the City unless recognized by Council as a moral obligation. All contracts of the City shall be signed by the Mayor and Auditor.

Section 13. That the Clerk of Council is authorized and directed to certify and file a copy of this Ordinance with the Board of Elections of Franklin County, Ohio not less than 75 days before the day of the next regular Municipal election.

Section 14. That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to submit the proposed amendments to the Board of Elections by 4:00 P.M. on or before the 75th day prior to the next regular Municipal election, and shall go into effect upon its passage and approval by the Mayor.

Passed: 7-24, 2001

Deane H. Porter
President of Council

Attest: Richard A. Lewis
Clerk of Council

Approved: 7/24, 2001



David H. Madison, Mayor

7/24/01 Removed from table -
Passed