

EMERGENCY ORDINANCE NO. 2022-15

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF MONROE, OHIO, TO PROVIDE FOR GENDER NEUTRAL REFERENCES; REQUIRE COUNCIL PROCEEDINGS ON PUBLIC MEDIA PLATFORMS; INCLUDE ADDITIONAL DUTIES OF THE CITY MANAGER; ADD OR ELIMINATE DEPARTMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, a Charter Review Commission was appointed in accordance with the Charter of the City of Monroe; and

WHEREAS, this Commission has met and reviewed the Charter proposing certain changes to the Charter; and

WHEREAS, these proposed changes have been reviewed by City Council and a portion were accepted and placed on the 2021 General Election ballot; and

WHEREAS, Council has reconsidered the proposed changes and accepted the remaining recommendations by the Charter Review Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: The question of certain amendments of the Charter of the City of Monroe be submitted to a vote of the qualified electors of the City at the general election to be held on November 8, 2022, at the regular places of voting within the City and during regular voting hours. Such ballot for said election shall, at the top thereof, be entitled "City Charter Amendment Ballot" and the question to be submitted on said ballot shall be in words following: "Shall the proposed amendments to the Charter of the City of Monroe to provide for gender neutral references; require Council proceedings on public media platforms; include additional duties of the City Manager; and add or eliminate departments be adopted? or such ballot language as the Office of the Secretary of State of the State of Ohio shall adopt pursuant to the authority granted in Revised Code Section 3505.06. To the left of said wording in boxes with appropriate place for marking, shall appear the words "Yes" and "No" and each voter shall indicate their vote by marking in the place so provided.

SECTION 2: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election in a newspaper of general circulation in the City.

SECTION 3: The Clerk of Council be and is hereby directed to publish the full text of the proposed Charter Amendments, as set forth in Exhibit "A" attached hereto and made a part hereof, once a week for not less than two consecutive weeks in the Journal-News, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided,

all in accordance with Section 9 of Article XVIII, Ohio Constitution and Revised Code Section 731.211.

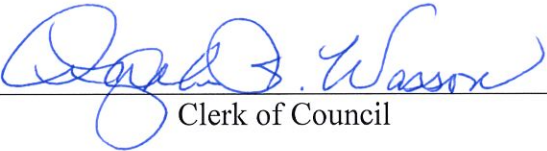
SECTION 4: To pay the costs related to the proposed Charter Amendments and submission thereof to the electors, there is hereby appropriated from the General Fund the sum of \$5,000, or so much thereof as may be needed.

SECTION 5: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to cause the proposed amendments to the Charter of the City of Monroe to be submitted to the electors at the general election provided by law. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: June 28, 2022

ATTEST:

APPROVED:


Clerk of Council


Mayor

"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.


Clerk of Council
City of Monroe, Ohio

Exhibit "A"

NOTICE TO VOTERS

In accordance with Section 12.05 of the Charter of Monroe, a Charter Review Commission was appointed. The following are recommendations for changes in Sections 3.01, 3.03, 4.011, 4.06, 4.09, 6.01, 6.02, 6.03, 6.04, 8.01, 8.04, 10.05, 12.01, and 13.04 of the Charter as submitted by the 2021 Charter Review Commission to provide for general neutral references; require Council proceedings on public media platforms; include additional duties of the City Manager; and add or eliminate departments. The proposed additions appear in italics and items to be omitted are stricken through. The proposed changes are as follows:

Current Charter Language

Section 3.01 - Duties and Responsibilities.

The term of office for the Mayor shall be as provided in Section 4.02 and he/she shall have the following authority:

- (A) Preside at Council meetings when present.
- (B) While presiding over special or regular meetings of the Council the Mayor may vote upon all matters coming before the Council, but in no event shall the Mayor, in the dual capacity as Council member and presiding officer of the Council, cast more than one vote on any action, nor shall he have power of veto.
- (C) To appoint committees of Council and coordinate such committees.
- (D) Act as the ceremonial head of the Municipality but shall have no administrative authority.

Proposed Amendment

Section 3.01 - Duties and Responsibilities.

The term of office for the Mayor shall be as provided in Section 4.02 and ~~he~~/she shall have the following authority:

- (A) Preside at Council meetings when present.
- (B) While presiding over special or regular meetings of the Council the Mayor may vote upon all matters coming before the Council, but in no event shall the Mayor, in the dual capacity as Council member and presiding officer of the Council, cast more than one vote on any action, nor ~~shall he~~ have power of veto.
- (C) To appoint committees of Council and coordinate such committees.
- (D) Act as the ceremonial head of the Municipality but shall have no administrative authority.

Current Charter Language

Section 3.03 – Vice Mayor.

The term of the office of Vice Mayor shall be as provided in Section 4.02 and he/she shall act as presiding officer of the Council in the absence or disability of the Mayor and shall exercise all the powers and duties granted the Mayor by this Charter during the absence or disability of the Mayor. While presiding over special or regular meetings of the Council the Vice Mayor may vote upon all matters coming before the Council, but in no event shall the Vice Mayor, in the dual capacity as Council member and presiding officer of Council, cast more than one vote on any action. In the event that the office of Mayor shall become vacant, the Vice Mayor shall become Mayor for the unexpired term, and the Council shall elect a successor from among the membership of the Council to the office of Vice Mayor for that unexpired term.

Proposed Amendment

Section 3.03 - Vice Mayor.

The term of the office of Vice Mayor shall be as provided in Section 4.02 and ~~he~~/she shall act as presiding officer of the Council in the absence or disability of the Mayor and shall exercise all the powers and duties granted the Mayor by this Charter during the absence or disability of the Mayor. While presiding over special or regular meetings of the Council the Vice Mayor may vote upon all matters coming before the Council, but in no event shall the Vice Mayor, in the dual capacity as Council member and presiding officer of Council, cast more than one vote on any action. In the event that the office of Mayor shall become vacant, the Vice Mayor shall become Mayor for the unexpired term, and the Council shall elect a successor from among the membership of the Council to the office of Vice Mayor for that unexpired term.

Current Charter Language

Section 4.011 - Qualifications.

Each Council member shall have been a resident and qualified elector of the Municipality for at least one year immediately prior to election or appointment and shall continue to be a resident and qualified elector of the Municipality throughout the term of office.

Except as provided by or under this Charter, members of Council shall not hold any other compensated office or position of employment with the Municipality, nor shall they hold any other compensated elected public office.

Any member of Council who shall cease to possess, or who violates, any of the qualifications herein enumerated may be removed from his office, but failure to maintain said qualifications shall not render void or ineffective any action of Council in which such member has participated.

Proposed Amendment

Section 4.011 - Qualifications.

Each Council member shall have been a resident and qualified elector of the Municipality for at least one year immediately prior to election or appointment and shall continue to be a resident and qualified elector of the Municipality throughout the term of office.

Except as provided by or under this Charter, members of Council shall not hold any other compensated office or position of employment with the Municipality, nor shall they hold any other compensated elected public office.

Any member of Council who shall cease to possess, or who violates, any of the qualifications herein enumerated may be removed from his office, but failure to maintain said qualifications shall not render void or ineffective any action of Council in which such member has participated.

Current Charter Language

Section 4.06 - Removal.

The Council shall be the judge of the qualifications of its members. Council may, by two-thirds of its membership, expel or remove any member for failure to meet or maintain qualification of office, or for violation of his oath of office, or for the conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Prior to any such action by Council, the accused member shall be notified in writing of the charge against him at least fifteen days in advance of any hearing upon such charge, and he and counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness in support of such charge. The accused member shall not vote on the question of his removal.

Proposed Amendment

Section 4.06 - Removal.

The Council shall be the judge of the qualifications of its members. Council may, by two-thirds of its membership, expel or remove any member for failure to meet or maintain qualification of office, or for violation of ~~his~~ *said Council member's* oath of office, or for the conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Prior to any such action by Council, the accused member shall be notified in writing of the charge ~~against him~~ at least fifteen days in advance of any hearing upon such charge, and ~~he~~ *the Council member* and counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness in support of such charge. The accused member shall not vote on the question of ~~his~~ *their* removal.

A Councilman ~~member~~ who is absent, without being excused by the majority of the other members of Council, from four consecutive regular meetings of Council, shall automatically vacate ~~his~~ *their* office on the Council.

Current Charter Language

Section 4.09 - Rules and Journal.

Council shall adopt its own rules, regulations or by-laws in so far as they are not set forth in this Charter, and shall keep a Journal of all of its proceedings. The Journal shall be open for public inspection during the Municipal Building's regular office hours.

Proposed Amendment

Section 4.09 - Rules and Journal.

Council shall adopt its own rules, regulations or by-laws in so far as they are not set forth in this Charter, and shall keep a Journal of all of its proceedings. The Journal shall be open for public inspection during the Municipal Building's regular office hours. *In addition, the Journal and all written and digital record of Council's proceedings shall be available on the City website or other public media platform.*

Current Charter Language

Section 6.01 - Appointment; Qualifications.

Council shall appoint the Manager with the approval of a majority for confirmation. If a Manager has not been employed within 180 days after a vacancy occurs, the Mayor may appoint a Manager.

The Manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the Municipality or the State at the time of his appointment, but within six months after this appointment, he shall reside within the Municipality unless such residence requirement is waived by ordinance.

Proposed Amendment

Section 6.01 - Appointment; Qualifications.

Council shall appoint the Manager with the approval of a majority for confirmation. If a Manager has not been employed within 180 days after a vacancy occurs, the Mayor may appoint a Manager.

The Manager shall be appointed solely on the basis of his executive and administrative qualifications. ~~He~~ *The Manager* need not be a resident of the Municipality or the State at the time of his appointment, but within six months after this appointment, he shall reside within the Municipality unless such residence requirement is waived by ordinance.

Current Charter Language

Section 6.02 - Removal.

The Manager may be removed from office by the following procedure:

- (A) A majority of Council may suspend the Manager for a period not to exceed forty-five days by informing the Manager in writing of its reasons for said suspension.
- (B) The Manager may file a written request for a public hearing on his suspension with the Council within seven days notice of suspension.
- (C) If the Manager does not file a written request for a public hearing with the Council his employment will be terminated after fourteen days from the date the Council's suspension letter was received by the Manager.
- (D) If the Manager does request a public hearing from the Council, this hearing shall be held at a Council meeting not earlier than fifteen days nor later than thirty days after the request is filed. If a majority of Council does not vote to overrule the suspension, the Manager's employment will be terminated at that time. If a majority does vote to overrule the suspension, the Manager will be reinstated with back pay.

Proposed Amendment

Section 6.02 - Removal.

The Manager may be removed from office by the following procedure:

- (A) A majority of Council may suspend the Manager for a period not to exceed forty-five days by informing the Manager in writing of its reasons for said suspension.
- (B) The Manager may file a written request for a public hearing on ~~his~~ *the* suspension with the Council within seven days notice of suspension.
- (C) If the Manager does not file a written request for a public hearing with the Council ~~his~~ *the Manager's* employment will be terminated after fourteen days from the date the Council's suspension letter was received by the Manager.
- (D) If the Manager does request a public hearing from the Council, this hearing shall be held at a Council meeting not earlier than fifteen days nor later than thirty days after the request is filed. If a majority of Council does not vote to overrule the suspension, the Manager's employment will be terminated at that time. If a majority does vote to overrule the suspension, the Manager will be reinstated with back pay.

Current Charter Language

Section 6.03 - Acting Manager.

By motion, Council may appoint a qualified administrative officer of the Municipality or other person suitably qualified to exercise the powers and duties of the Manager during his temporary absence, disability or suspension or when a vacancy occurs. After thirty days absence or disability of the Manager, the Council may declare the position vacant.

In the event of a vacancy in the office of Manager, the Council shall designate a person as Acting Manager, who shall exercise all of the powers, duties and functions of the Manager until a Manager is appointed.

Proposed Amendment

Section 6.03 - Acting Manager.

By motion, Council may appoint a qualified administrative officer of the Municipality or other person suitably qualified to exercise the powers and duties of the Manager during ~~his~~ *the Manager's* temporary absence, disability or suspension or when a vacancy occurs. After thirty days absence or disability of the Manager, the Council may declare the position vacant.

In the event of a vacancy in the office of Manager, the Council shall designate a person as Acting Manager, who shall exercise all of the powers, duties and functions of the Manager until a Manager is appointed.

Current Charter Language

Section 6.04 – Powers and Duties.

The Manager shall: be responsible to the Council for the administration of all Municipal affairs placed in his charge by the Charter.

(A) He shall appoint, suspend or remove all Municipal employees and appointed administrative officers provided by law or personnel rules adopted pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(B) He shall direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.

(C) He shall attend Council meetings on request of Council.

(D) He shall see that all laws, provisions of this Charter and acts of Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(E) He shall formulate and arrange contracts, franchises and agreements, and sign all contracts, bonds and notes on behalf of the Municipality, provided proper Council approval has been given.

(F) He shall formulate job descriptions as deemed necessary for the Municipal employees.

(G) He shall perform such other duties as are specified in this Charter or may be required by the Council by ordinances.

(H) He shall make such other reports as the Council may require concerning the operations of Municipal departments, offices and agencies subject to his direction and supervision.

(I) He shall prepare and submit the annual budget, capital program and appropriation ordinance to the Council and be responsible for its administration upon adoption.

(J) He shall keep Council advised of the financial condition and future needs of the City and make recommendations as he may deem advisable.

Proposed Amendment

Section 6.04 - Powers and Duties.

The Manager shall: ~~be responsible to the Council for the administration of all Municipal affairs placed in his charge by the Charter.~~

- (A) ~~He shall a~~Appoint, suspend or remove all Municipal employees and appointed administrative officers provided by law or personnel rules adopted pursuant to this Charter. ~~He m~~May authorize any administrative officer who is subject to ~~his~~ *the Manager's* direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (B) ~~He shall d~~Direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.
- (C) ~~He shall a~~Attend Council meetings on request of Council.
- (D) ~~He shall s~~See that all laws, provisions of this Charter and acts of Council, subject to *the Manager's* enforcement ~~by him~~ or by officers subject to ~~his~~ *the Manager's* direction and supervision, are faithfully executed.
- (E) ~~He shall f~~Formulate and arrange contracts, franchises and agreements, and sign all contracts, bonds and notes on behalf of the Municipality, provided proper Council approval has been given.
- (F) ~~He shall f~~Formulate job descriptions as deemed necessary for the Municipal employees; *encourage and provide staff support for regional and intergovernmental cooperation; and promote partnerships among Council and staff.*
- (G) ~~He shall p~~Perform such other duties as are specified in this Charter or may be required by the Council by ordinances.
- (H) ~~He shall m~~Make such other reports as the Council may require concerning the operations of Municipal departments, offices and agencies subject to ~~his~~ *the Manager's* direction and supervision.
- (I) ~~He shall p~~Prepare and submit the annual budget, capital program and appropriation ordinance to the Council and be responsible for its administration upon adoption.
- (J) ~~He shall k~~Keep Council advised of the financial condition and future needs of the City, and make recommendations as ~~he may~~ *deemed* advisable, *and assist the City Council to develop long term goals for the City and strategies to implement these goals.*
- (K) *Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year; make such other reports as the City Council may require concerning operations; make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy.*

Current Charter Language

Section 8.01 - Creation of Departments.

For the purpose of carrying on the administrative functions of the Municipality, the following departments are hereby established: Department of Finance, Department of Law, Department of Engineering and Inspection, Department of Fire, Department of Parks, Department of Police, Department of Streets and Department of Utilities. The work of the departments of the Municipality shall be distributed among such divisions and bureaus as provided in the Charter and as provided by ordinance. The Council may establish new departments and divisions of the Municipality, and define the powers and functions of each organizational unit. Where the administrative code is silent, the officers and employees of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the State law.

Proposed Amendment

Section 8.01 - Creation of Departments.

For the purpose of carrying on the administrative functions of the Municipality, the following departments are hereby established: Department of Finance, Department of Law, *Department of Public Works*, ~~Department of Engineering and Inspection~~, Department of Fire, Department of Parks, Department of Police, *Department of Development*. ~~Department of Streets and Department of Utilities~~. The work of the departments of the Municipality shall be distributed among such divisions and bureaus as provided in the Charter and as provided by ordinance. The Council may establish new departments and divisions of the Municipality, and define the powers and functions of each organizational unit. Where the administrative code is silent, the officers and employees of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the State law.

Current Charter Language

Section 8.04 - Law Department.

The Law Director shall be the head of the Department of Law. He shall be appointed by a majority vote of the Council and shall serve at the pleasure of the Council. The Law Director must be admitted to the practice of law in the State of Ohio. The Law Director shall be the legal advisor, attorney and counsel for the Municipality, and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of the Council, shall represent the Municipality in all proceedings in Court or before any administrative board or body. He shall perform such other duties consistent with his office, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio. The Law Director shall be the prosecuting attorney on behalf of the Municipality and shall prosecute cases brought before courts of competent jurisdiction; provided, however, that the Law Director may, with the approval of Council, appoint qualified assistants to act on behalf of the Municipality in civil matters and to act as the prosecuting attorney.

Proposed Amendment

Section 8.04 - Law Department.

The Law Director shall be the head of the Department of Law. ~~He~~ *The Law Director* shall be appointed by a majority vote of the Council and shall serve at the pleasure of the Council. The Law Director must be admitted to the practice of law in the State of Ohio. The Law Director shall be the legal advisor, attorney and counsel for the Municipality, and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of the Council, shall represent the Municipality in all proceedings in Court or before any administrative board or body. ~~He~~ *The Law Director* shall perform such other duties consistent with ~~his office~~ *office of the Law Director*, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio. The Law Director shall be the prosecuting attorney on behalf of the Municipality and shall prosecute cases brought before courts of competent jurisdiction; provided, however, that the Law Director may, with the approval of Council, appoint qualified assistants to act on behalf of the Municipality in civil matters and to act as the prosecuting attorney.

Current Charter Language

Section 10.05 - Credit for Tax Paid to Another Municipality.

(A) Where a resident of the City of Monroe is subject to a municipal income tax in another municipality, he or she shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.

Proposed Amendment

Section 10.05 - Credit for Tax Paid to Another Municipality.

(A) Where a resident of the City of Monroe is subject to a municipal income tax in another municipality, ~~he or she~~ *said resident* shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.

Current Charter Language

Section 12.01 – Oath of Office.

Every elected and appointed official of the Municipality shall take and subscribe an oath or affirmation to uphold the Constitution and laws of the United States [and] Ohio; to uphold the Charter, ordinances, resolutions and other laws of the Municipality; and to faithfully discharge the duties and responsibilities of his or her office.

Proposed Amendment

Section 12.01 - Oath of Office.

Every elected and appointed official of the Municipality shall take and subscribe an oath or affirmation to uphold the Constitution and laws of the United States [and] Ohio; to uphold the Charter, ordinances, resolutions and other laws of the Municipality; and to faithfully discharge the duties and responsibilities of ~~his or her~~ *their* office.

Current Charter Language

Section 13.04 - Abolishment of Statutory Offices and Election of First Officers Under Charter.

(B) The first election of officials, including the offices of Mayor, Auditor-Treasurer and seven members of the Council, under this Charter shall be held at a special election on the first Tuesday after the first Monday in November, 1974. The nomination and election for such offices at such special election shall be made in accordance with the provisions of this Charter, as far as provided for, and if not provided for in this Charter, as provided by the general laws of Ohio, and if not provided for in such general laws, as provided by ordinance passed by the legislative authority of the Village then serving under the general statutory form of government.

(1) The person who is elected Mayor at such special election shall take office January 1, 1975, and he, or his successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

(2) The person who is elected to the office of Auditor-Treasurer at such special election shall take office January 1, 1975, and he, or his successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

Proposed Amendment

Section 13.04 - Abolishment of Statutory Offices and Election of First Officers Under Charter.

(B) The first election of officials, including the offices of Mayor, Auditor-Treasurer and seven members of the Council, under this Charter shall be held at a special election on the first Tuesday after the first Monday in November, 1974. The nomination and election for such offices at such special election shall be made in accordance with the provisions of this Charter, as far as provided for, and if not provided for in this Charter, as provided by the general laws of Ohio, and if not provided for in such general laws, as provided by ordinance passed by the legislative authority of the Village then serving under the general statutory form of government.

(1) The person who is elected Mayor at such special election shall take office January 1, 1975, and ~~he~~ *the elected Mayor*, or his successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

(2) The person who is elected to the office of Auditor-Treasurer at such special election shall take office January 1, 1975, and ~~he~~ *the elected Auditor-Treasurer*, or ~~his~~ successor

in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

Section 13.04 - Abolishment of Statutory Offices and Election of First Officers Under Charter.

(B) The first election of officials, including the offices of Mayor, Auditor-Treasurer and seven members of the Council, under this Charter shall be held at a special election on the first Tuesday after the first Monday in November, 1974. The nomination and election for such offices at such special election shall be made in accordance with the provisions of this Charter, as far as provided for, and if not provided for in this Charter, as provided by the general laws of Ohio, and if not provided for in such general laws, as provided by ordinance passed by the legislative authority of the Village then serving under the general statutory form of government.

- (1) The person who is elected Mayor at such special election shall take office January 1, 1975, and ~~he~~ *the elected Mayor*, or ~~his~~ successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.
- (2) The person who is elected to the office of Auditor-Treasurer at such special election shall take office January 1, 1975, and ~~he~~ *the elected Auditor-Treasurer*, or ~~his~~ successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977