

## EMERGENCY ORDINANCE NO. 2022-16

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF MONROE, OHIO, TO AMEND WHAT IS TO BE ADOPTED BY AN ORDINANCE; PERMIT LEGISLATION TO BE READ BY TITLE ONLY UNLESS OTHERWISE INDICATED; ALL RESOLUTIONS TO BECOME EFFECTIVE IMMEDIATELY; INCREASE THE TIME LIMIT FOR ZONING PUBLIC HEARINGS FROM 30 TO 60 DAYS; ELIMINATE THE REQUIREMENT FOR COUNCIL TO AUTHORIZE OBTAINING BIDS; 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 permit legislation to be read by title only unless otherwise indicated; all resolutions to become effective immediately; increase the time limit for zoning public hearings from 30 to 60 days; and eliminate the requirement for Council to authorize obtaining bids 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 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.

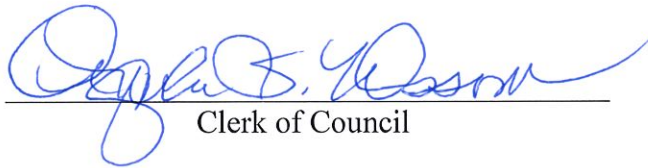
SECTION 4: To pay the costs related to the proposed Charter Amendments and submission thereof to the electors, there is hereby appropriated from the General Fund the sum of \$5,000, or so much thereof as may be needed.

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” E Ord No. 2022-16

### 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 7.01, 7.05, 7.06, 7.07, 7.08, 7.13, and 10.04 of the Charter as submitted by the 2021 Charter Review Commission to amend what is to be adopted by an ordinance; permit legislation to be read by title only unless otherwise indicate; all resolutions to become effective immediately; increase the time limit for zoning public hearings from 30 to 60 days; and eliminate the requirement for Council authorize obtaining bids. The proposed additions appear in italics and items to be omitted are stricken through. The proposed changes are as follows:

#### Current Charter Language

Section 7.01 - Action to be Taken.

Action of Council shall be by ordinance, resolution or motion.

(A) An ordinance is the formal written enactment of Council in the exercise of a governmental power vested by the Constitution or statutes in the Municipality for the regulation of the conduct of its citizens or others subject to its control, and intended to be of permanent duration. Every action of a general and permanent nature; or granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor, shall be taken by ordinance.

#### Proposed Amendment

Section 7.01 - Action to be Taken.

Action of Council shall be by ordinance, resolution or motion.

(A) An ordinance is the formal written enactment of Council in the exercise of a governmental power vested by the Constitution or statutes in the Municipality for the regulation of the conduct of its citizens or others subject to its control, and intended to be of permanent duration. Every action of a general and permanent nature; or granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor, shall be taken by ordinance. *In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:*

1. *Adopt or amend an administrative code;*
2. *Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;*
3. *Levy taxes;*
4. *Grant, renew, or extend a franchise;*
5. *Regulate the rate charged for its services by a public utility;*
6. *Authorize the borrowing of money;*

7. *Convey or lease or authorize the conveyance or lease of any lands of the City;*
8. *Regulate land use and development;*
9. *Amend or repeal any ordinance previously adopted; or*
10. *Adopt, with or without amendment, ordinances proposed under the initiative power.*

### **Current Charter Language**

#### Section 7.05 – Reading.

Each ordinance or resolution shall be read fully and distinctly on two separate days. The Council may, by a vote of five members elected or appointed thereto, dispense with the requirement that an ordinance or resolution be read on two separate days, and authorize the adoption of an ordinance or resolution upon its first reading, and the Council may, by a majority vote of all members elected thereto, dispense with the requirement that an ordinance or resolution be read fully and distinctly for its first or second reading or for both its first and second readings, and authorize such reading or readings to be by title only. Motions to dispense with the requirement that an ordinance or resolution be read on two separate days and motions to dispense with the requirement that an ordinance or resolution be read fully and distinctly may be separately stated and a separate vote be taken on each such motion or they may be combined with a vote taken on one inclusive motion. When combined the motion shall require an affirmative vote of five members for passage.

### **Proposed Amendment**

#### Section 7.05 - Reading.

~~Each ordinance or resolution shall be read fully and distinctly on two separate days. The Council may, by a vote of five members elected or appointed thereto, dispense with the requirement that an ordinance or resolution be read on two separate days, and authorize the adoption of an ordinance or resolution upon its first reading. A resolution requires only one reading and shall be read by its title only. ; and the Council may, by a majority vote of all members elected thereto, dispense with the requirement that an ordinance or resolution be read fully and distinctly for its first or second reading or for both its first and second readings, and authorize an ordinance or resolution be read fully and distinctly. such reading or readings to be by title only. Motions to dispense with the requirement that an ordinance or resolution be read on two separate days and motions to dispense with the requirement that authorize an ordinance or resolution be read fully and distinctly may be separately stated and a separate vote be taken on each such motion or they may be combined with a vote taken on one inclusive motion. When combined the motion shall require an affirmative vote of five members for passage.~~

### **Current Charter Language**

#### Section 7.06 – Vote Requirement for Passage.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by yeas and nays and entered on the Journal, and no ordinance, resolution or motion relative to passage of ordinances, resolutions and motions shall be passed without concurrence of at least four

members of the Council, except that each emergency ordinance or resolution shall require the affirmative vote of at least five members of the Council for its enactment; provided, however, that if such emergency ordinance or resolution shall fail to receive the required five affirmative votes, but receives the necessary majority for passage as a nonemergency ordinance or resolution, it shall be considered passed as a nonemergency ordinance or resolution and shall become effective as hereinafter provided by this Charter. A majority of the members present at any regular or special Council meeting may compel the attendance of absent members.

### **Proposed Amendment**

Section 7.06 - Vote Requirement for Passage.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by yeas and nays and entered on the Journal, and no ordinance, resolution or motion relative to passage of ordinances, resolutions and motions shall be passed without concurrence of at least four members of the Council, except that each emergency ordinance ~~or resolution~~ shall require the affirmative vote of at least five members of the Council for its enactment; provided, however, that if such emergency ordinance ~~or resolution~~ shall fail to receive the required five affirmative votes, but receives the necessary majority for passage as a nonemergency ordinance ~~or resolution~~, it shall be considered passed as a nonemergency ordinance ~~or resolution~~ and shall become effective as hereinafter provided by this Charter. A majority of the members present at any regular or special Council meeting may compel the attendance of absent members.

### **Current Charter Language**

Section 7.07 - Emergency Ordinances and Resolutions.

Each emergency ordinance or resolution shall determine that said ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for such emergency. No ordinance or resolution pertaining to the following matters may be adopted as an emergency measure: zoning classifications, districts or regulations, regulations governing the platting and subdivision of land or the levying of a tax unless such tax shall be necessary to provide or replace Municipal facilities, equipment or buildings and the need for such facilities, equipment or buildings arises out of a public exigency, or the changing of salaries of members of Council.

### **Proposed Amendment**

Section 7.07 - Emergency Ordinances ~~and Resolutions~~.

Each emergency ordinance ~~or resolution~~ shall determine that said ordinance ~~or resolution~~ is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for such emergency. No ordinance ~~or resolution~~ pertaining to the following matters may be adopted as an emergency measure: zoning classifications, districts or regulations, regulations governing the platting and subdivision of land or the levying of a tax unless such tax shall be necessary to provide or replace Municipal facilities, equipment or

buildings and the need for such facilities, equipment or buildings arises out of a public exigency, or the changing of salaries of members of Council.

### **Current Charter Language**

Section 7.08 - Effective Date.

No ordinance or resolution shall go into effect until thirty days following its passage with the following exceptions:

(A) Any emergency ordinance or resolution shall take effect, unless a later time be specified therein, immediately upon its passage.

(B) Any ordinance or resolution providing for the following shall take effect, unless a later time be specified therein, immediately upon its passage:

(1) Appropriation of money.

(2) Annual tax levy for current expenses.

(3) Improvements petitioned for by the owners of the requisite majority of the front footage or of the area of the property benefited and to be especially assessed therefor.

(4) Submission of any question to the electorate or the determination to proceed with an election.

(5) Providing for the approval of a revision, codification, recodification or rearrangement of ordinances and resolutions, or publication thereof in book form.

(C) Motions, except as otherwise provided by Council, shall take effect immediately upon passage.

### **Proposed Amendment**

Section 7.08 - Effective Date.

No ordinance ~~or resolution~~ shall go into effect until thirty days following its passage with the following exceptions:

(A) Any emergency ordinance ~~or resolution~~ shall take effect, unless a later time be specified therein, immediately upon its passage.

(B) Any ordinance ~~or resolution~~ providing for the following shall take effect, unless a later time be specified therein, immediately upon its passage:

(1) Appropriation of money.

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(3) Improvements petitioned for by the owners of the requisite majority of the front footage or of the area of the property benefited and to be especially assessed therefor.

(4) Submission of any question to the electorate or the determination to proceed with an election.

(5) Providing for the approval of a revision, codification, recodification or rearrangement of ordinances and resolutions, or publication thereof in book form.

(C) *Resolutions and* ~~M~~otions, except as otherwise provided by Council, shall take effect immediately upon passage.

### **Current Charter Language**

Section 7.13 - Public Hearing on Zoning Ordinance or Resolution.

Council shall set a date for a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, which hearing shall be within thirty days of receiving the recommendation provided in Section 7.12 within which the Planning Commission is required to return its written recommendations to the Clerk of Council. The Clerk of Council shall cause a notice of said public hearing to be published or delivered in accordance with the Codified Ordinances and Resolutions of the City of Monroe.

### **Proposed Amendment**

Section 7.13 - Public Hearing on Zoning Ordinance or Resolution.

Council shall set a date for a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, which hearing shall be within ~~thirty~~ *sixty* days of receiving the recommendation provided in Section 7.12 within which the Planning Commission is required to return its written recommendations to the Clerk of Council. The Clerk of Council shall cause a notice of said public hearing to be published or delivered in accordance with the Codified Ordinances and Resolutions of the City of Monroe.

### **Current Charter Language**

Section 10.04 – Contracting Procedures.

(A) The Manager shall be the contracting officer for the Municipality and shall award and execute all contracts on behalf of the Municipality.

(B) The Council may authorize the Manager to act as purchasing agent for the Municipality with authority to award and execute contracts not in excess of the limitation provided in Division (C) of this section.

(C) When an expenditure or contract exceeds the amount specified by the laws of Ohio for which work may be accomplished only after advertisement and bidding, the Manager shall be authorized to advertise and seek bids by motion of Council. Said advertisement shall be once a week for at least two weeks in a newspaper of circulation in the Municipality. Following receipt of bids and when authorized and directed by ordinance or resolution passed by Council, the Manager shall make written contract with the lowest and/or best bidder. In those instances and circumstances where contracts and expenditures may be made without advertisement and bidding under the general laws of Ohio pertaining to municipalities, no advertising and bidding shall be required under the Charter, and the general laws of Ohio, if any, applicable in such instances and circumstances shall be followed.

(D) When it becomes necessary to make alterations or modifications to any work project, such changes shall be made only upon the order of the Manager. No such order shall be effective until the price to be paid for the work or materials, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Manager on behalf of the Municipality.

### **Proposed Amendment**

#### Section 10.04 - Contracting Procedures.

(A) The Manager shall be the contracting officer for the Municipality and shall award and execute all contracts on behalf of the Municipality.

(B) The Council may authorize the Manager to act as purchasing agent for the Municipality with authority to award and execute contracts not in excess of the limitation provided in Division (C) of this section.

(C) When an expenditure or contract exceeds the amount specified by the laws of Ohio for which work may be accomplished only after advertisement and bidding, the Manager shall be authorized to advertise and seek bids ~~by motion of Council~~. Said advertisement shall be once a week for at least two weeks in a newspaper of circulation in the Municipality. Following receipt of bids and when authorized and directed by ordinance or resolution passed by Council, the Manager shall make written contract with the lowest and/or best bidder. In those instances and circumstances where contracts and expenditures may be made without advertisement and bidding under the general laws of Ohio pertaining to municipalities, no advertising and bidding shall be required under the Charter, and the general laws of Ohio, if any, applicable in such instances and circumstances shall be followed.

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