

June 26, 2020

**TO:** Mayor and City Council Members, City of Louisville, OH

**FROM:** Larry Collins, City Manager & Members of the City of Louisville Charter Review Commission-Robert Nau, Chairperson; Angie Burick; Rick Flory; Demond Germany; Erika Siegfried; Mark Sigler; Dave Thorley; Tiffany Justice (staff member); Andy Turowski (staff member)

**SUBJECT:** Recommendations for City Charter Revisions & Updates

Attached please find for your consideration and adoption a proposed version of the updated City of Louisville City Charter. The City Charter Commission, as appointed by you, and guided by legal counsel, spent a great deal of time over the past several months individually and collectively reviewing and debating changes that the commission believes will, in various ways, accomplish at least four objectives:

- improve city government efficiency and effectiveness;
- update the document to reflect generally accepted, contemporary municipal government practices;
- align the Charter with current applicable state law; and
- provide for future on-going review and revision of the city charter at specified intervals.

While you each have received a “Red-Lined” version of the complete charter showing the proposed changes in context, we provide below a summary of those changes and the rationale behind each one.

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## ARTICLE II THE COUNCIL

### SECTION 4. PRESIDING OFFICER, MAYOR-COUNCIL MEMBER.

The Mayor-Council Member shall preside at meetings of the Council, and shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor-Council Member shall be authorized to sign on behalf of the City the employment agreement by and between the City and the appointed City Manager following the appointment prescribed within this Charter. The Mayor-Council Member shall perform all the general judicial duties and have such jurisdiction in civil and criminal cases as provided for by the legislature of this State for mayors. ~~The~~ At its organizational meeting each January, the Council shall elect from the Council Members ~~an Assistant Mayor-Council Member a Vice Mayor~~ who shall act as Mayor-Council Member during the absence or disability of the Mayor-Council Member, and if a vacancy occurs shall become Mayor-Council Member for the completion of the unexpired term. When the ~~Assistant Mayor-Council Member~~ Vice Mayor performs the duties of the Mayor-Council Member he/she shall receive the salary of Mayor-Council Member and Mayor-Council Member shall receive the salary of Council Member.

**Rationale for Recommended Change:** Simple update of terminology. Research of other city charters indicated the term “Vice Mayor” is the contemporary and more frequently used term defining this position within municipal government.

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## **SECTION 5. POWERS.**

All the powers of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council shall have power to:

[SUBSECTIONS 1-14 UNCHANGED]

~~(15) Serve as a Board of Control to accept all bids, award all contracts, approve all expenditures that exceed the statutory sum not requiring bids for a statutory city in the State of Ohio.~~

**Rationale for Recommended Change:** Improves efficiency and aligns local practice with state statutes. This language and practice, as it indicates, is for statutory cities in Ohio. We are a charter city under Article XVIII, Section 3 the Ohio Constitution. This language, when applied under the charter form of government, creates unnecessary and duplicative processes for the purchase of capital programs and projects. In the municipal form of government, Council adopts and approves an annual capital improvement plan as part of the annual appropriation process. Then, specific expenditures are brought before council again for approval on an individual basis after bids are received so as to secure council approval to actually spend the money for the items(s).

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## **SECTION 9. VACANCIES IN COUNCIL.**

Vacancies in Council shall be filled by election by the remaining members of Council for the unexpired term. If Council fails ~~within thirty days~~ to fill such vacancy within thirty (30) days after it shall have occurred, the Mayor-Councilman shall fill it by appointment within the next thirty (30) days. Should an incoming member die, resign, or be disqualified between election and the time for taking office, the vacancy shall be filled by the newly elected Council by January 31 of the year immediately following the election, and if Council fails to do so, then the Mayor-Council Member shall fill it by appointment within the next thirty (30) days. Each Council member elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until the beginning of the term of a successor elected for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term at the next regular Municipal election if such election shall occur more than two (2) years prior to the expiration of the unexpired term and if the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.

**Rationale for Recommended Change:** Clarifies the language and process and attaches a timeline to the various actions prescribed for filling Council vacancies so they are taken in a timely manner so as to avoid unnecessary prolonged vacancies while buttressing the democratic process by providing for an election to fill a vacancy that arises earlier in a term.

## SECTION 11. CITY CLERK.

The Council shall ~~elect~~appoint an officer of the City, who shall have the title of City Clerk, who shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions, shall serve as Secretary and Clerk of the Civil Service and Planning Commissions, and shall perform such other duties as shall be required by this Charter or by ordinance. All duties and powers imposed and vested by the general laws of this State upon the auditor of a city, not specifically or impliedly revoked or superseded by this Charter, shall be assumed and performed by the City Clerk.

**Rationale for Recommended Change:** modernization to reflect actual practice and eliminate possible confusion that the position is an elected one.

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## SECTION 12. ~~INTRODUCTION OF COUNCIL INTO OFFICE AND ORGANIZATIONAL MEETING;~~ MEETINGS OF COUNCIL.

~~The first meeting of each newly-elected Council~~(A) For purposes of organization, for introduction of newly-elected Council Members into office or other proper duties, the Council shall ~~be held at 7:30~~meet at 7:00 p.m. on the first Monday in January ~~next following its election,~~ after which the Council shall meet regularly on the first and third Monday of each calendar month at ~~7:30-7:00~~ p.m. until changed by ordinance. All meetings of the Council, except executive sessions called and conducted as provided in ~~the~~ this section, shall be open to the public. Whenever a regular scheduled meeting falls on a legal holiday the meeting shall be held on the following day. The Council may by ordinance provide for the calling of special meetings.

(B) Executive sessions of the Council, from which the public and the news media may be excluded, may be held for only ~~the following~~ those purposes as authorized by general law and for such other purposes as may hereafter be authorized by general Ohio law, including:

[SUBSECTIONS 1-6 UNCHANGED]

(7) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that:

(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Ohio Revised Code Chapter 715, 725, 1724, or 1728, or Sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and

(b) A unanimous quorum of the public body determines, by roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

~~An~~ Except as otherwise provided in this Charter an executive session of the Council may be held only at a regular or special meeting of the Council, upon the affirmative vote, by roll call,

of a majority of the members of the Council, on a motion specifying the purpose or purposes for which such executive session is to be held. At such executive session no other matters shall be considered or discussed, nor shall any votes be taken.

**Rationale for Recommended Change:** Clarifying language and changes to meeting times to reflect actual practice. Also includes most current language from Ohio Open Meetings Law regarding permitted reasons for executive sessions of City Council.

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**SECTION 14. RULES OF PROCEDURE, JOURNAL AND EXPULSION OF MEMBERS.**

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection. Any councilman may, after unexcused absence from three consecutive regular meetings, be removed by a majority vote of the remaining members of Council and any councilman shall, after absence from five consecutive regular meetings, be removed and his office declared vacant.

**Rationale for Recommended Change:** Clarifying language.

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**SECTION 15. ORDINANCES, RESOLUTIONS AND MOTIONS.**

Council legislative action shall be by ordinance or resolution. In addition to such acts of the Council as are required by statute or by this Charter to be by ordinance, ~~every act of the Council shall act by ordinance when~~ establishing a fine or other penalty, ~~or~~ providing for the expenditure of funds other than as provided in Article III, Section 2 of this Charter, or for the contracting of indebtedness, or granting a franchise, or ~~to sell or lease~~ selling or leasing real estate, or ~~to create~~ creating, ~~abolish or reorganize~~ abolishing or reorganizing any departments or offices, ~~or to fix~~ fixing the compensation of officers, shall be by ordinance ~~employees or elected officials of the City, or establishing permanent or general rules of conduct or government~~. The enacting clause of all ordinances shall be, "The Council of the City of Louisville, State of Ohio, hereby ordains:".

Where action by Council is not required to be by ordinance, Council may act by resolution or motion. Resolutions may be adopted by Council to address specific matters of a temporary nature, or to authorize administrative acts, or to express the position or opinion of Council, and do not establish permanent or general rules of conduct. All resolutions shall require but one reading and no publication, and shall take effect immediately upon their adoption. A motion may be used to propose specific action when an ordinance or resolution is not required.

**Rationale for Recommended Change:** Clarifying language for when it is appropriate to use each of the parliamentary legislative actions. Relocates various sections of the City Charter to places all legislative processes at a singular location within the document (such as importing former Art. II, Section 22 into Art. II, Section 15).

**SECTION 16. PROCEDURE FOR PASSAGE OF ORDINANCES AND FIRST READING.**

Every ordinance, except emergency ordinances, shall be introduced in ~~writing~~ electronic, digital, written or printed form and in the form in which it is to be finally passed, and after passage on first reading a digest of the ordinance which substantially expresses the purpose and terms of the ordinance shall be published at least once in a newspaper of general circulation in the City, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall be at least three days prior to the time the ordinance is considered for final passage. In addition to or in lieu of newspaper publication Council may, by ordinance, provide for City website posting of an ordinance after its passage on first reading, in which event the posting shall be accompanied by a notice of the time and place when and where the ordinance will be given a public hearing and be considered for final passage, which shall be not less than three days after the posting of the ordinance on the City website.

After passage on first reading a copy of every ordinance shall be posted within 24 hours in a conspicuous place in City hall for public inspection.

**Rationale for Recommended Change:** Recognizes and allows the use of modern technology to notify citizens regarding ordinances and changes thereto.

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**SECTION 17. SECOND READING AND PUBLIC HEARING.**

At the time and place so advertised, or posted on the City's website if Council has provided therefor, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read by title only, unless the Council by majority vote requires that it be read in full, and after such reading all persons interested shall be given an opportunity to be heard.

**Rationale for Recommended Change:** Recognizes and allows the use of modern technology to notify citizens regarding ordinances and changes thereto.

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**SECTION 18. FURTHER CONSIDERATION AND FINAL PASSAGE.**

After such hearing, the Council may finally pass such ordinance with or without amendment, except that if it shall make an amendment which constitutes a substantial ~~change of substance~~, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once, together with a notice of the time and place when and where such amended ordinance will be further considered, which publications shall be at least three days prior to the time stated. At the time so advertised or at any time and place to which such meeting shall be adjourned, the amended ordinance shall be read by title only, unless the Council by majority vote requires that it be read in full, and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions. The second passage of any ordinance pursuant to this Charter shall be final, and no further passage shall be required.

**Rationale for Recommended Change:** Clarifying language to eliminate possible confusion of interpretation.

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**SECTION 21. EMERGENCY ORDINANCES.**

When necessary, for the preservation of the public peace, health, welfare or safety, the Council, by an affirmative vote of three-fourths of the members elected or appointed thereto, may adopt an emergency ordinance which shall take effect upon passage. Such emergency ordinance shall set forth and ~~define the specific facts~~ clearly and specifically describe the emergency necessitating ~~the emergency~~ immediate effect. Such emergency ordinances shall require no public hearing and both the first and second readings may be passed at the same meeting. Such emergency ordinances shall be published as other ordinances after final passage, except that such requirement for publication shall not postpone the immediate taking effect of such ordinance as provided herein.

~~SECTION 22. RESOLUTIONS.~~

~~Where action by Council is not required to be by ordinance Council may act by resolution or motion. All resolutions shall require but one reading and no publication, and shall take effect immediately upon their adoption.~~

Whenever the Council is by law or provision of general ordinances required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, other than the first such ordinance or measure in the series, such ordinances or measures shall require no public hearing and both the first and second readings may be passed at the same meeting. Further such ordinance or measure shall take immediate effect upon passage, and the requirement for publication shall not postpone the immediate taking effect of such ordinance.

Ordinances or measures providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be specially assessed for the cost thereof, as provided by general law or general ordinance, shall require no public hearing and both the first and second readings may be passed at the same meeting. Further they shall take immediate effect upon passage and the requirement for publication shall not postpone their immediate taking effect.

**Rationale for Recommended Change:** Clarifying language explaining the basis for the declaration of an emergency and its effective date. Also includes language to reflect Ohio Revised Code provisions simplifying legislative processes related to public improvements and appropriations for current expenses, under ORC 731.30.

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**ARTICLE III  
THE CITY MANAGER**

**SECTION 2. POWERS AND DUTIES.**

The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:



[SUBSECTIONS 1-5 AND 7 UNCHANGED]

(6) Sign all contracts and bonds for and on behalf of the Municipal corporation. Within the amounts budgeted for and appropriated by the Council, the City Manager may make purchases and enter into contracts for the Municipality up to twenty-five thousand dollars (\$25,000) without necessity of further action of the Council.

**Rationale for Recommended Change:** Improves operational efficiency by allowing the city manager to handle certain limited purchases and agreements expediently for items already approved by City Council in the annual budget appropriations. Beyond this amount, City Council approval is still required. Note: The State of Ohio limit is \$50K.

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**SECTION 3. ASSISTANT CITY MANAGER; ABSENCE OF CITY MANAGER.**

The City Manager may ~~designate by letter filed with the City Clerk a qualified administrative officer of the City to perform his duties during his temporary absence or temporary disability not exceeding thirty days. In the event of failure of the Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the Manager until he shall return or his disability shall cease.~~ appoint an Assistant City Manager, subject to the approval of a majority of the members elected or appointed to the Council. The Assistant City Manager shall be responsible for the daily management and leadership of such specific City departments, and shall have such other duties and assignments, as may be designated by the City Manager. The Assistant City Manager may function as the City Manager during the City Manager's temporary absence. During any period of vacancy in the office of City Manager, or an absence exceeding sixty (60) days, the Council may by resolution make a temporary appointment to fill such vacancy during the interim until a permanent appointment is effective.

**Rationale for Recommended Change:** Better aligns Charter with current practice; eliminates ambiguity.

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**ARTICLE V  
DEPARTMENT OF LAW**

**SECTION 3. POWERS AND DUTIES.**

The Director of Law shall be the chief legal adviser of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. He shall represent the City in all legal proceedings. He or his assistant shall be the Prosecutor in the Mayor's Court or police court. It shall be his duty to perform all services incident to his position as may be required by statute, by this Charter ~~or by,~~ or the City Administrative Code, or other ordinance. All the employees of the Department of Law except the Director, ~~his-any~~ assistant or deputy-, and his-the Director's confidential secretary shall be in the classified service.

**Rationale for Recommended Change:** Better aligns Charter with current practice and updates language; eliminates ambiguity.

**ARTICLE VI  
DEPARTMENT OF FINANCE**

**SECTION 3. POWERS AND DUTIES.**

The Director of Finance shall be the chief fiscal officer and shall have charge of the administration of the financial affairs of the City and to that end ~~he~~ shall have authority and shall ~~be required to:~~ fulfill the duties of the office as provided in the City Administrative Code or as may otherwise be required under Ohio law.

- ~~(1) — Compile the current expense estimates for the budget for the City Manager;~~
- ~~(2) — Compile the capital estimates for the budget for the City Manager;~~
- ~~(3) — Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;~~
- ~~(4) — Maintain a general accounting system for the City government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the City government to be made daily or at such intervals as he may deem expedient;~~
- ~~(5) — Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;~~
- ~~(6) — Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;~~
- ~~(7) — Make all special assessments for the City government, and give such notice of taxes and special assessments as may be required by law;~~
- ~~(8) — Collect all taxes, special assessments, license fees and other revenues of the City for whose collection the City is responsible, and receive all money receivable by the City from the State or Federal government, or from any court, or from any office, department or agency of the City;~~
- ~~(9) — Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the Council, or, if no such resolution be adopted by the City Manager, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the City and shall be accounted for and credited to the proper account;~~
- ~~(10) — Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange;~~
- ~~(11) — Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the City government;~~
- ~~(12) — Approve all proposed expenditures. Unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made.~~



**Rationale for Recommended Change:** Updates language and process by allowing job requirements to be listed in City's Administrative Code, so that needed changes in areas such technology, certifications, education, etc. can be made by ordinance rather than requiring a Charter amendment.

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**~~SECTION 7. ACCOUNTING SUPERVISION AND CONTROL.~~**

~~The Director of Finance shall have power and shall be required to:~~

~~(1) — Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the City government;~~

~~(2) — Examine and approve all contracts, orders and other documents by which the City government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligation shall become due and payable;~~

~~(3) — Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the City government and with the advice of the Department of Law determine the regularity, legality and correctness of such claims, demands or charges;~~

~~(4) — Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the City government apart from or subsidiary to the accounts kept in his office.~~

**Rationale for Recommended Change:** Updates language and process by allowing job requirements to be listed in City's Administrative Code, so that needed changes in areas such technology, certifications, education, etc. can be made by ordinance rather than requiring a Charter amendment.

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**ARTICLE VII  
DEPARTMENT OF PERSONNEL**

**~~SECTION 6. ELIGIBILITY OF FIREMEN IN ANNEXED AREAS FOR CITY FIRE DEPARTMENT.~~**

~~Any person holding a position in a township fire department or a private fire company, and which department or company has its station located in an area annexed to the City, and who shall have served in such position for a period of at least six months, shall be eligible for appointment to the City Fire Department as a fireman without preliminary or working tests or examination and without regard to any age requirement unless he is found physically unfit to perform the duties of a fireman by a licensed physician designated by the Council. The cost of said examination shall be paid by the City.~~

~~Any person receiving an original appointment under this provision and who shall have served in the prior fire department or company for at least one year shall be eligible for promotional examinations from and after his appointment.~~

**Rationale for Recommended Change:** No longer applicable as Ohio Labor laws require that such matters be bargained between the parties.

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**ARTICLE X  
GENERAL PROVISIONS**

**SECTION 6. ~~PUBLICITY OF PUBLIC RECORDS.~~**

Unless restricted by ordinance all records and accounts of every office, department or agency of the City shall be public records open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the City Manager, consistent with Ohio law, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

**Rationale for Recommended Change:** Verbiage updates resulting in greater transparency.

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**SECTION 7. ~~PERSONAL INTEREST IN CONTRACTS.~~**

No member of the Council or any officer or employee of the City shall have a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material, supplies or services. Any violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the Council.

**Rationale for Recommended Change:** Verbiage updates to more commonly-used term, resulting in greater transparency.

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**SECTION 14. AMENDMENTS TO THE CHARTER.**

Amendments to this Charter may be submitted to the electors of the City by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council, and shall be submitted to the electors of the City by the Council when a petition signed by not less than ten percent (10%) of the electors of the City, based upon the total vote cast at the last preceding general municipal election, setting forth any such proposed amendment shall have been filed with the City in accordance, in each case, with the provisions of the Ohio Constitution. The amendment shall be submitted to the electors at the next regular primary or general election, if one shall occur not less than sixty (60) days, nor more than one hundred twenty (120) days after its passage or filing; otherwise the Council shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.

If any such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of this Charter at the time fixed in the amendment or, if no time is fixed therein, upon its approval by the electors; provided, however, that in the event that two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

**Rationale for Recommended Change:** Provides the methods and processes by which the City Charter may be amended pursuant to the Ohio Constitutional provisions which prescribe this process (Article XVIII, Sections 8-9).

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## **SECTION 15. CHARTER REVIEW.**

In January, 2025, and each five (5) years thereafter, or sooner if deemed necessary in a resolution passed by Council, the City Manager shall appoint, subject to confirmation by the affirmative vote of a majority of the members elected or appointed to Council, five (5) electors of the Municipality, not holding other municipal office or employment, as members of a Charter Review Commission. Such Commission shall review the Charter and recommend to Council such amendments, if any, to this Charter, as in its judgment are desirable. The Council may by a two-thirds (2/3) vote of its members submit any such proposed amendments to the electors at the next regular primary or general election occurring at least sixty (60) days after Council shall so vote. The members appointed to said Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

**Rationale for Recommended Change:** Provides for future on-going review and revision of the city charter at specified intervals and specifies the composition of future Charter Change Commissions.