

RECORD OF ORDINANCES

Ordinance No. 3672

Passed: July 28,

2020

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE FOR APPROVAL OF AMENDMENTS TO THE CITY CHARTER, SECTION 6.01, OF THE CITY OF WEST CARROLLTON, OHIO.

WHEREAS, the City Council appointed a Charter Review Commission which has met and thoroughly reviewed the West Carrollton City Charter and has submitted recommendations for changes in such Charter to City Council; and

WHEREAS, Article XVIII, Section 9, of the Constitution of the State of Ohio provides that proposed amendments to a city charter may be submitted to the electors by a two-thirds vote of the legislative authority of that city; and

WHEREAS, City Council has considered the recommendations of the Charter Review Commission and desires to place before the electorate of the City of West Carrollton proposed amendment to the Charter at the general election to be held in November of 2020.

NOW, THEREFORE, THE MUNICIPALITY OF WEST CARROLLTON, STATE OF OHIO, HEREBY ORDAINS:

SECTION 1: That the question of the amendment of certain sections of the Charter of the City of West Carrollton shall be submitted upon a separate ballot to a vote of the qualified electors of the City of West Carrollton at the general election to be held on Tuesday, November 3, 2020, at the regular places of voting in the city as determined by the Montgomery County Board of Elections.

SECTION 2: That the question to be voted upon at such election shall be as follows:

1. Shall Section 6.01 of the City Charter which presently reads as follows:

"Section 6.01 – Appointment of City Manager. Appointment of City Manager. The Council shall, by a majority vote of all members of Council, appoint and fix the salary of an officer of the Municipality who shall have the title of City Manager. The City Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications in the profession of city management, as judged by the adequacy of the person's technical training and/or successful experience in public administration. At the time of his/her appointment the City Manager need not be a resident of the Municipality or State, but during his/her tenure of office the City Manager shall reside in the Municipality. No member of Council shall be eligible for appointment as City Manager during the term for which the member of Council has been elected or for one (1) year thereafter."*

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**Note: (This section has been invalidated by R.C. 9.491 and the Ohio Supreme Court's ruling in The City of Lima v. The State of Ohio 2009, 122 Ohio St.3d 155)*

be amended to read as follows:

"Section 6.01 – Appointment of City Manager. Appointment of City Manager. The Council shall, by a majority vote of all members of Council, appoint and fix the salary of an officer of the Municipality who shall have the title of City Manager. The City Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications in the profession of city management, as judged by the adequacy of the person's technical training and/or successful experience in public administration. No member of Council shall be eligible for appointment as City Manager during the term for which the member of Council has been elected or for one (1) year thereafter."

SECTION 3: That the ballot for said election shall be entitled "**PROPOSED CHARTER AMENDS, CITY OF WEST CARROLLTON**" and the questions to be submitted on said ballot shall be in the following words:

Shall the proposed amendment to Section 6.01 of the City Charter which reads as follows:

"Section 6.01 – Appointment of City Manager. Appointment of City Manager. The Council shall, by a majority vote of all members of Council, appoint and fix the salary of an officer of the Municipality who shall have the title of City Manager. The City Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications in the profession of city management, as judged by the adequacy of the person's technical training and/or successful experience in public administration. No member of Council shall be eligible for appointment as City Manager during the term for which the member of Council has been elected or for one (1) year thereafter."

be adopted?

SECTION 4: That the Clerk of Council be, and hereby is, directed to publish the full text of the proposed Charter amendments as set forth above, once a week for not less than two consecutive weeks in the Miamisburg News, a newspaper of general circulation in the City of West Carrollton, with the first publication being at least 15 days prior to the election hereinbefore provided, all in accordance with Section 9 of Article XVIII of the Ohio Constitution and Revised Code Section 731.211. Such publication shall include the date and time of such election.

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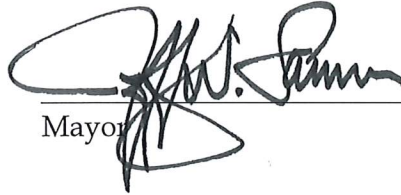
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SECTION 5: That the Clerk of Council be and hereby is, directed to certify a copy of this ordinance to the Board of Elections of Montgomery County, Ohio and to take such other steps as may be required by law to make the necessary arrangements with the Board of Elections of Montgomery County, Ohio for placing the proposed Charter amendments on the ballot.

SECTION 6: That this Ordinance shall take effect from and after the earliest period allowed by law.

July 28, 2020

Passed



Mayor

Attest:



Clerk of Council

Effective Date: August 28, 2020

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C E R T I F I C A T E

The undersigned, Clerk of Council of the City of West Carrollton, Ohio, hereby certifies the Ordinance to be a true and correct copy of Ordinance No. 3672, adopted on the 28th, day of July, 2020.

Clerk of Council

Date: _____