

RECORD OF ORDINANCES

Ordinance No. 3820

Passed: January 27, 2026

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE FOR APPROVAL OF AMENDMENTS TO THE CHARTER OF THE CITY OF WEST CARROLLTON, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the West Carrollton 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 amendments to the Charter at the primary/special election to be held in May of 2026; and

WHEREAS, for the immediate preservation of the public peace, health, safety, and welfare of the residents of the City of West Carrollton and to promote more efficient governmental operations, City Council has determined that it is necessary that this ordinance take immediate effect.

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

SECTION 1: 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 primary/special election to be held on Tuesday, May 5, 2026, at the regular places of voting in the city as determined by the Montgomery County Board of Elections.

SECTION 2: The questions to be voted upon at such election shall be as follows:

1. Shall section 4.06 (5) of the City Charter, which presently reads as follows:

"Section 4.06. Vacancies, Creation of. Once elected and sworn in, a member of Council may vacate the office:

(5) By failure to attend three (3) consecutive regular meetings of Council without being excused by the Council; or

be amended to read as follows:

"Section 4.06. Vacancies, Creation of. Once elected and sworn in, a member of Council may vacate the office:

(5) By failure to attend three (3) regular meetings of Council in a calendar year without being excused by the Council; or"

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2. Shall section 5.02 of the City Charter, which presently reads as follows:

"Section 5.02. Introduction of Ordinances. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Municipality of West Carrollton, Ohio, Hereby Ordains..." Any ordinance which repeals or amends an existing ordinance or part of the municipal code shall set out in full the ordinance, section or sub-section to be repealed or amended, or shall have copies of such ordinance, section or sub-section attached to such proposed ordinance and if necessary for further clarification, shall indicate matter to be omitted by enclosing it in brackets or by strikeout type or shall indicate new matter by underscoring or by italics.

At least five (5) days prior to each regular meeting of Council, the Clerk of Council shall post in the five (5) most public places in the Municipality, as determined by Council, an agenda of the forthcoming Council meeting with a brief description of the ordinances to be considered at such meeting. All persons interested in such ordinances shall have the opportunity to be heard thereon."

be amended to read as follows:

"Section 5.02. Introduction of Ordinances. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Municipality of West Carrollton, Ohio, Hereby Ordains..." Any ordinance which repeals or amends an existing ordinance or part of the municipal code shall set out in full the ordinance, section or sub-section to be repealed or amended, or shall have copies of such ordinance, section or sub-section attached to such proposed ordinance and if necessary for further clarification, shall indicate matter to be omitted by enclosing it in brackets or by strikeout type or shall indicate new matter by underscoring or by italics.

At least five (5) days prior to each regular meeting of Council, the Clerk of Council shall post an agenda on the City's website and in the Civic Center of the forthcoming Council meeting with a brief description of the agenda items to be considered at such meeting. All persons interested in such agenda items shall have the opportunity to be heard thereon."

3. Shall section 5.05 of the City Charter which presently reads as follows:

"Section 5.05. Publication of Ordinances. Within ten (10) days after passage, ordinances of a general nature, or providing for public improvements shall be published one time, in summary form, in any English newspaper of general circulation in the Municipality or by posting copies thereof for at least fifteen (15) days in not less than five (5) of the most public places within the Municipality, as determined by Council. Such summary shall consist of a brief statement of the purpose and effect of the ordinance. Copies of all ordinances shall be made available by the Clerk of Council for public reference or for purchase at a reasonable price."

be amended to read as follows:

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"Section 5.05. Publication of Ordinances. Within ten (10) days after passage, ordinances of a general nature, or providing for public improvements, shall be published one time, on the City's website and in the Civic Center for public view. Copies of all ordinances shall be made available by the Clerk of Council for public reference or for purchase at a reasonable price."

4. Shall section 5.08 of the City Charter which presently reads as follows:

"Section 5.08. Resolutions. Action by Council which is not required by this Charter to be taken by ordinance, may be taken by resolution. Such a resolution shall be in writing and shall be introduced by a member of the Council, and may be adopted by a viva voce vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. However, the Clerk of Council shall record resolutions in a separate book, which shall be a public record."

be amended to read as follows:

"Section 5.08. Resolutions. Action by Council which is not required by this Charter to be taken by ordinance, may be taken by resolution. Such a resolution shall be in writing and may be adopted by a viva voce vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. However, the Clerk of Council shall record resolutions in a separate book, which shall be a public record."

5. Shall section 7.05 of the City Charter which presently reads as follows:

"Section 7.05. Central Purchasing. The Council shall establish a purchasing agency either as a separate office or as a division of one of the departments created by this Charter, whose duty it shall be to contract for, purchase, store and distribute all supplies, printing, materials, equipment and contractual services required by an agency of the Municipality, within the appropriations made by Council. The Council may designate the City Manager as Purchasing Agent, but in any case the City Manager shall be responsible for supervising the purchasing function."

be amended to read as follows:

"Section 7.05. Central Purchasing. The City Manager shall be responsible for supervising the City's purchasing function."

6. Shall section 7.10 of the City Charter which presently reads as follows:

"Section 7.10. Department of Law - Law Director. The Law Director shall be the head of the Department of Law. 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 other offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of Council, shall

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represent the municipality in all proceedings in Court or before any administrative board or body. The Law Director shall perform such other duties consistent with the office, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio unless otherwise provided by ordinance of Council. The Law Director shall be the prosecuting attorney on behalf of the Municipality and shall prosecute cases brought before courts of competent jurisdiction.

The Council may provide for such assistants and special counsel to the Law Director as shall be deemed advisable. All assistants shall be responsible to the Law Director and when authorized by the Law Director, may exercise all or any part of the powers and duties granted to the Law Director in this section. Special counsel may be selected by the Council or the Law Director, as determined by the Council; and such special counsel may perform those powers and functions as authorized by and in the manner provided by the Council."

be amended to read as follows:

"Section 7.10. Department of Law - Law Director. The Law Director shall be the head of the Department of Law. 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. A law firm as well as an individual attorney may serve as the Law Director.

The Law Director shall be the legal advisor, attorney and counsel for the Municipality and for all other offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of Council, shall represent the municipality in all proceedings in Court or before any administrative board or body. The Law Director shall perform such other duties consistent with the office, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio unless otherwise provided by ordinance of Council. The Law Director may serve as the prosecuting attorney on behalf of the Municipality and prosecute cases brought before courts of competent jurisdiction.

The Council may provide for such assistant prosecutors and special counsel to the Law Director as shall be deemed advisable. All assistant prosecutors shall be responsible to the Law Director and when authorized by the Law Director, may exercise all or any part of the powers and duties granted to the Law Director in this section. Special counsel and assistant prosecutors may be selected by the Council or the Law Director, as determined by the Council; and such special counsel may perform those powers and functions as authorized by and in the manner provided by the Council."

7. Shall section 10.02 (5) of the City Charter which presently reads as follows:

"Section 10.02. Exempt Positions. The civil service shall include all positions in the municipality except:

(5) The Secretary to the City Manager;"

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be amended to read as follows:

"Section 10.02. Exempt Positions. The civil service shall include all positions in the municipality except:

(5) The Executive Assistant to the City Manager;"

SECTION 3: The ballot for said election shall be entitled "Proposed Charter Amendments, City of West Carrollton" and the questions to be submitted on said ballot shall be in the following words:

"The City of West Carrollton proposes amending the following West Carrollton City Charter Sections: Section 4.06 Vacancies, Creation of; Section 5.05 Introduction of Ordinances; Section 5.05 Publication of Ordinances; Section 5.08 Resolutions; Section 7.05 Central Purchasing; Section 7.10 Department of Law; and Section 10.02 Exempt Positions.

Shall the proposed charter amendments, as reported by the Charter Commission of the City of West Carrollton be adopted?"

SECTION 4: 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 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.

SECTION 5: 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, no later than 4:00 p.m. on February 4, 2026, 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: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7: This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity to timely submit these proposed Charter Amendments to the Montgomery County Board of Elections for placement on the ballot for the primary/special election to be held on May 5, 2026, so as to facilitate administration, daily operation and avoid practical and legal entanglements. Upon an affirmative vote of at least five (5) members of Council, this ordinance shall take effect immediately upon passage pursuant to Section 5.04 of the West Carrollton City Charter.

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Ruth M. Borchert
Mayor

Attest: Tracy Moore
Clerk of Council

Effective Date: January 27, 2026