

ORDINANCE NO. 32 - 21

By: Monique Lampke

An ordinance to place proposed amendments to the City of Bexley Charter for voter approval on the November 2021 ballot

WHEREAS, the City of Bexley created a Charter Review Commission (CRC) in October 2019; and

WHEREAS, the CRC met regularly from November 2019 through January 2021 to review and consider potential changes to the City Charter; and

WHEREAS, the CRC presented its recommendations to Bexley City Council in February 2021; and

WHEREAS, the Bexley City Council appointed a committee of three council members to review the CRC's recommendations and to make recommendations to City Council on changes to the City Charter based on those recommendations; and

WHEREAS, the City Council committee has made recommendations to City Council concerning the proposed changes to the City Charter that should be placed before the voters; and

WHEREAS, the Bexley City Council approved a prior version of this ordinance (Ordinance 22-21) too early for purposes of placing it on the November 2, 2021 ballot; and

WHEREAS, City Council has voted to rescind original Ordinance 22-21;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That the attached proposed changes to the Bexley City Charter attached hereto be placed on the ballot for the general election scheduled for November 2, 2021 for consideration of the voters of the City of Bexley.

Section 2.

That the Mayor, City Attorney and City Auditor/Council Clerk take the necessary steps to seek approval from the Franklin County Board of Elections to place these proposed changes to the Charter on the November 2, 2021 ballot.

Section 3.

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants for the reason that this Ordinance is required to be immediately effective,

wherefore this Ordinance shall be in force and effect immediately upon its passage by and approval by the Mayor.

Passed July 8, 2021

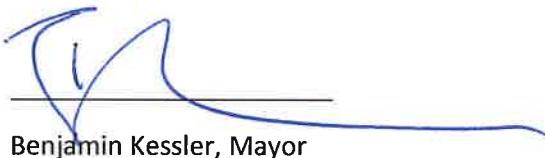


Lori Ann Feibel, President of Council

Attest: William Harvey, 2021

William Harvey, Clerk of Council

Approved: July 8, 2021



Benjamin Kessler, Mayor

First Reading: 7/8/21 - 3 reading requirement suspended

Second Reading:

Third Reading:

The following proposed changes are set forth in the packages that will be voted on separately based on the approval of the Franklin County Board of Elections.

1st BUNDLE:

SECTION 1. Recognition and Intent

The City of Bexley recognizes that institutional racism and discrimination exist and have a painful, historic legacy in our community and in this country, the effects of which continue to place the health and well-being of minority residents at risk. The City of Bexley rejects, discourages, and condemns all forms of racism, discrimination, anti-Semitism, and all hate-based conduct. The City seeks to embrace diversity and to cultivate a welcoming and inclusive environment for all persons. It is the intent of the City of Bexley to work together with community groups, organizations, and individuals to confront racism and discrimination in order to promote diversity, equity, and inclusion.

SECTION 2. Non-Discrimination and Citizen Participation

In the exercise of its powers or in the performance of its duties, the City of Bexley and all of its departments, boards, commissions, committees, and employees shall strive to ensure that no person or group engaged in the conduct of official business or seeking to do business with the City is discriminated against based on race, sex, sexual orientation, gender identity or expression, color, religion or non-religion, ancestry, national origin, age, disability, and familial status or military status. The City's Strategic Plan shall incorporate and maintain strategies to eliminate institutional racism and discrimination, increase the diversity of the community, and to create a welcoming and inclusive environment within the City. Bexley Mayor's Court shall ensure defendants' appearances by the least restrictive means possible in accordance with the Ohio Rules of Criminal Procedure. Bexley encourages citizens to attend public meetings and when appropriate to offer insights, suggestions, comments, or questions to public officials to provide our City government with the richness that can come from the respectful exchange of ideas and urges citizens to be mindful of the needs of government officials to regulate discussion to sustain the orderly, productive work of governing the City.

SECTION 3. Diversity in Hiring and Contracting

The City of Bexley shall commit to actively recruit qualified individuals, including minority and women candidates, for employment in all levels of City government with the goal of reflecting a diverse workforce. When issuing all contracts, the City shall give due consideration to individuals and firms owned or controlled by women and minorities by establishing and maintaining programs and policies which promote fairness and equity.

SECTION 4. Interpretation of Ordinances

The ordinances of the City shall be interpreted consistent with the City's values as set forth in this Section. Specifically, the ordinances of the City shall be interpreted to avoid discriminatory impact on any person on the basis of that individual's race, sex, sexual orientation, gender identity or expression, color, religion or non-religion, ancestry, national origin, age, disability, familial status or military status and to ensure fair and equitable treatment of individuals in their interaction with the City.

Gender Neutral Pronouns and Terminology

The Charter of the City of Bexley shall be amended so that, where applicable, all male and/or female pronouns or terminology in the various sections of the Charter shall be replaced with a gender neutral pronoun or terminology.

2nd BUNDLE:

SECTION 5. Citizen Review Board

The City Council shall provide by ordinance for a Citizen Review Board for the purpose of examining complaints regarding the conduct or policies of the City of Bexley or its employees and shall grant the Citizen Review Board subpoena powers necessary to conduct its work. The Citizen Review Board shall report to City Council at least annually regarding its work and may make recommendations for action by the City.

3rd BUNDLE:

SECTION 13. Appointment of Other Officers.

The Mayor shall have the power to appoint, subject to confirmation by Council, the following officers, to-wit:

- (a) City Attorney.
- (b) Chief of Police.
- (c) Members of the Civil Service Commission.
- (d) Members of the Board of Health.
- (e) Members of city planning and zoning boards, committees, or commissions as established by Council.
- (f) Members of other boards, committees, and commissions, if any, established by Council.
- (g) All other officers, superintendents and heads of administrative departments, whose positions may be created by Council, and for whose appointment no other provision is made.

Unless otherwise provided by this Charter or by ordinance, all appointments made under this subdivision shall be at the pleasure of the Mayor.

No person shall be appointed as a member of any board or commission created by this Charter or by ordinance unless notice of the vacancy to be filled was published at least thirty days prior

to the submission of such appointment by the Mayor to Council. Except as otherwise provided by the laws of the State of Ohio or as necessary to establish staggered terms, the term of office for members of all boards and commissions created by this Charter or by ordinance shall be three years, each commencing July 1, provided that a vacancy during the term of any member shall be filled for the unexpired term of such office. In the case of newly appointed boards or commissions or cases in which the staggering of appointments needs to be restored the Mayor, with the concurrence of Council, may appoint terms shorter than three years.

SECTION 51. Composition; Terms, Vacancies; Powers and Duties.

The Board of Health shall be composed of five members who shall serve without compensation. Their term shall be for three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three years. The members of the existing Board of Health shall continue in office for the terms for which they were appointed. The Board shall elect one of its members as President.

The Board of Health shall have such powers and perform such duties as may be prescribed by ordinance of Council and by statutes governing boards of health in cities not in conflict with such ordinances.

SECTION 52. Composition; Terms; Compensation; Officers.

The Civil Service Commission shall consist of three electors of the City. The term of each member shall not exceed three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three years. They shall receive no compensation for their services. One of the members shall be chosen by the Civil Service Commission as chairperson, and a secretary shall be appointed by the Civil Service Commission members.

SECTION 58. Creation; Composition; Terms.

Council by ordinance shall create one or more boards, committees, or commissions to administer the City zoning code and perform other planning and zoning duties as determined by ordinance of Council. Each such board, committee, or commission shall consist of electors of the City who shall serve without compensation and who, with the concurrence of Council, shall be appointed by the Mayor for terms of three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three years.

4th BUNDLE:

SECTION 14: Removal Power of Mayor

The Mayor, with the concurrence of Council, may at any time remove the City Attorney. The Mayor, with the concurrence of council, may at any time remove any officer, member of any board or commission so appointed under authority of paragraphs (c), (d), (e), or (f) of Section 13 hereof, for inefficiency, neglect of duty, or malfeasance in office, having first given such official

a copy of the charges and an opportunity to be heard in person or by counsel in the official's own defense, before Council, and such removal shall be final.

5th BUNDLE:

SECTION 24: Meetings, President of Council

The four -year term of office for City Council Members will begin on January 1, following their election and shall go until December 31 in the fourth year of their term of service. At 7:00 pm on the first Monday in January following a regular Municipal election, or on the succeeding day if the first Monday is a legal holiday, Council shall meet at the usual place of holding its meetings, and Council shall elect one of its members President, who shall preside at meetings of the Council and perform such duties as presiding officer as may be imposed by Council. In the absence of the President at any meeting, Council shall elect a President Pro Tempore. Thereafter, Council shall meet at such times as may be prescribed by ordinance or resolution, but shall meet at least twice a month, except that Council may designate one month in the summer season for vacation. The Mayor, President of Council, or any four members thereof, may call special meetings of Council upon written notice provided at least six hours in advance of the special meeting. Written notice may be provided electronically via email or similar electronic means commonly used for Council notifications provided the member acknowledges receipt or delivered personally to the member, or left at the member's place of residence. Any request for a special meeting and the notice calling the same shall state the subjects to be considered , and such meeting shall be limited to a consideration of such subjects.

SECTION 66: Time for Holding Elections

Regular Municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years and shall be conducted and the results canvassed and announced by the regular election authorities. Any matter which by the terms of this Charter or ordinance of Council may be submitted to the electors of the City shall be submitted to the electors at the next regular Municipal election if one shall occur not less than sixty nor more than 120 days after its passage or the submission of the required petition or at the next regular State election if one shall occur not less than ninety nor more than 120 days after its passage or the submission of the required petition: otherwise it shall submit the amendment, initiative, or referendum at a special election to be called and held not less than sixty nor more than 120 days after its passage or the submission of the required petition.

SECTION 77: Amendments

Amendments to this Charter may be submitted to the electors of the City by a two-thirds vote of the Council, and shall be submitted by Council upon a petition signed by ten percent of the electors of the City, setting forth any such proposed amendment. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors in accordance with Section 66 of this Charter.

Notice of any proposed amendments shall be given in one of the following ways:

- a) Not less than thirty days prior to the election at which the amendments are to be submitted to the electors, the City Clerk shall mail a copy of the proposed amendments to each elector whose name appears upon the poll of the last regular Municipal or general election.
- b) The full text of the proposed amendments shall be published electronically by the City on whatever available platform or platforms the administration determines reasonably appropriate to reach the greatest number of residents within the City, once a week for not less than two consecutive weeks, in an electronic mailing published by the City, on the City web page if available, and on a platform or platforms the City considers appropriate to distribute the information broadly to the electors, with the first publication being at least fifteen days prior to the election at which the amendments are to be submitted to the electors.
- c) Any other procedure authorized by the general laws of the State applicable to cities.

If such proposed amendments are approved by a majority of the electors voting thereon, they shall become part of the Charter.