

SUMMARY

RECOMMENDATIONS
CHARTER REVIEW COMMITTEE

EXISTING CHARTER

RECOMMENDED CHANGES

CORPORATE POWERS

SECTION 1. ENUMERATED CORPORATE POWERS

Powers enumerated

Model Charter - eliminates enumerating powers but notes powers exist under the constitution and laws of the State as fully and completely as though they were specifically enumerated.

SECTION 2. POWERS NOT EXCLUSIVE

Eliminated the word "enumerated" in the title. Adopted language from the "model charter". The meaning appears to be somewhat the same.

COUNCIL

SECTION 3. POWERS, ELECTION, TERMS, VACANCIES

6 Councilmembers

7 Councilmembers with one being elected at large with his/her term beginning on the first Monday in January, 1998.

Six-month residency requirement in ward - five-year resident of the City.

Must be a registered voter in City or if representing a particular ward must be a registered voter in that ward. **(no residency requirements)**

Elected or appointed members shall not hold any other public office, position or employment except that of notary public or member of the State militia or the reserve of the US armed forces while not on active duty.

Except where authorized by law, no Council Member shall hold any other elected public office or any other City office or employment during the term for which elected to Council. **(Does not mention appointed members)**

No Councilmember can hold any compensated appointive office or employment with the City until one year after the expiration of his term.

Council not prohibited from appointing a former member to represent the City on the governing board of any regional or other intergovernmental agency.

SECTION 5. PRESIDENT AND VICE-PRESIDENT OF COUNCIL

If, within five days of the organizational meeting council cannot agree upon a President or a Vice-President, then a President or Vice President, or both, as the case may be, shall be selected from all the members of such council by lot conducted by the Solicitor.

If, within five days of the organizational meeting Council cannot agree on a President the Councilman at Large shall be the President. **(No provision is made to select a Vice -President, should council not be able to agree)**

SECTION 6. COMPENSATION; EXPENSES (Changed from: SALARY OF COUNCIL MEMBERS AND PRESIDENT OF COUNCIL)

Each member received \$600.00 per year President \$1,000 per year.

No changes made in salary.

Salary is paid in equal monthly installments and members shall give bond of \$1,000.00 which is filed with the Sinking Fund.

Council may determine its own annual salary by ordinance but such ordinance shall not be effective until the beginning of the next elected terms. No member shall receive an increase during his term. **(No provisions are made as to how payment will be received.)**

Each member shall give bond of \$1,000.00 **(does not say where these will be filed)**

No member of Council shall receive any additional compensation or benefits other than the authorized salary, with the exception of PERS benefits as may be provided by general law.

SECTION 7. CITY CLERK

Shall perform such other duties as are given him by this Charter or which may be prescribed by ordinance.

Shall perform such other duties as are provided by this Charter or by Council or by State law.

SECTION 8. RULES OF COUNCIL

The Council shall determine its own rules and order of business and keep a journal of its proceedings.

The Council shall have the power to set additional standards of conduct for its members beyond those specified in the charter....

Shall have the power to compel the attendance of absent members, may punish its members for dis-

Shall have the power to compel the attendance of absent members, and may punish its members for absence or disorderly

orderly behavior and, by vote of not less than all of the members elected to Council less two, may expel a member for disorderly conduct or the violation of its rules.

Five consecutive unexcused absences from a regular meeting vacates the seat.

For every unexcused absence a there shall be deducted a sum equal to 2% of the annual salary of such member.

conduct or violation of its rules.

Three consecutive unexcused absences from a regular meeting vacates the seat.

There is no provision for deducting any sum from a member's salary for unexcused absences.

SECTION 9. QUORUM, VOTING OF MEMBERS

A majority of the members elected to the Council shall constitute a quorum.....

A majority of the members of Council shall constitute a quorum.....

SECTION 9-a. ALTERATION OF WORDS "FOUR MEMBERS"

Changes the words "four members" to "all of the members elected to Council less two".

This section is deleted.

SECTION 10. ORDINANCES IN GENERAL (changed from LEGISLATIVE PROCEDURE)
SECTION 11. AMENDING ORDS. & RES. (combined with Section 10)

All ordinances except ordinances making appropriations and ordinances codifying, revising or rearranging existing ords., shall be confined to one subject.

No ordinance shall contain more than one subject....

The enacting clause of ords. passed by Council shall be, "Be it ordained by the Council of the City of Portsmouth, Ohio". The enacting clause of ordinances submitted by the initiative shall be, "Be it ordained by the people of the City of Portsmouth, Ohio".

The enacting clause shall be "The City of Portsmouth, Ohio hereby ordains..."

Amended ordinances shall indicate matters to be omitted by enclosing it in brackets or by strike out type and shall indicate new matters by under-scoring or by italics.

An ordinance may be introduced by any member at any regular or special meeting

of the Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to each Council Member and to the Mayor, shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate, and shall post the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall follow the posting by at least seven days, may be held separately or in connection with a regular or special Council Meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the Council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter or substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance.

Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

(These recommendations were taken from the model charter)

SECTION 11 WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT

(Present Charter - Section 12)

Defines "emergency" as providing for the immediate preservation of the public peace, property, health or safety and must be set forth in the preamble.

No situation shall be declared by the Council except as defined in this section, and it is the intention of this Charter that such definition shall be strictly construed by the courts.

Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except emergency appropriations. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms..... An affirmative vote of five members shall be required for adoption.

.....Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists....

FYI (In those sections where language from the model charter is being recommended, ordinances are being declared as "adopted" rather than "passed". Other sections not being changed refer to "pass" rather than "adopt".

SECTION 12. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS
(Present Charter - Section 11)

...and all appropriation ords. shall be published in such manner as may be provided by ordinance, but if newspaper publication be specified then each such ordinance and resolution shall be published once in a newspaper printed, and of general circulation in the City.

A Codified Ordinance book is presently certified by the Mayor and the City Clerk.

deleted - replaced with "shall be posted in accordance with Section 10.

Certification is being changed to be the President of Council and City Clerk. (This should have been changed with the change to "Mayor" form of government as the elected Mayor is not the one who signs the ordinances)

THE INITIATIVE AND REFERENDUM
(Presently: THE INITIATIVE Sections 14 - 19; THE REFERENDUM Sections 20 - 26 and INITIATIVE, REFERENDUM AND RECALL PETITIONS Sections 27 -29)

(Proposed: Sections 13 - 19) (these changes are from the model charter)

Does not allow referendums or initiatives on "appropriations"

Referendum & Initiative petitions must be signed by 10% of those who voted at the last regular municipal election.

Does not allow referendums of initiatives on "budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, or levy of taxes" and does not allow an initiative on salaries of City officers or employees."

Referendum & Initiative Petitions must be signed by 15% of the total number of voters at the last regular municipal election.

Petitions found to be insufficient may be amended within 10 days.

Petitions found to be insufficient may be amended within 2 days. If a petition which is found to be insufficient and no intent to amend is filed, or if an amended petition has been found insufficient, the committee may within 2 days file a request that it be reviewed by the Council.

This section has been extremely hard to follow as the proposal combines the initiative and the referendum. The major changes, as far as I can determine, seems to be increasing the signatures on a petition from 10% to 15% and reducing the time to file an amended petition from 10 days to 2 days.

ADMINISTRATIVE SERVICES

SECTION 20 ELECTION, QUALIFICATIONS AND POWERS OF THE MAYOR. (Present Charter - Section 30)

Shall have resided in the City not less than 5 yrs. immediately preceding his election and during the term of his office shall continue to be a resident of the City of Portsmouth, Oh.

Shall be a registered voter of the City and continue to be a resident of the City of Portsmouth, Ohio.

Shall have the qualifications of an elector of the City.

Deleted

Should a vacancy occur the President of Council shall become Mayor for the unexpired term;

Should a vacancy occur the Public Utilities Dir. shall serve as Acting Mayor until his successor is elected;

President of Council shall perform the duties of Mayor during temporary absences or disability.

President of Council shall perform the duties of Mayor during temporary absences or disability.

SECTION 21. DUTIES OF THE MAYOR. (Present Charter - Section 34)

Except as provided in Section 5 of this Charter. (first line)

Deleted

...to attend all meetings of Council except when his removal is under discussion

...to attend all meetings of Council.
(deleted the exception)

SECTION 22. RESPONSIBILITY OF MAYOR - POWERS OF APPOINTMENT AND REMOVAL
(Present Charter - Section 31)

....subject to the civil service
of this Charter....

...subject to the Civil Service provisions
provisions and/or Collective Bargaining
Agreements.

SECTION 23. REMOVAL OF OFFICERS AND EMPLOYEES.
(Present Charter - Section 32)

Changed typo in line nine from "apply"
to "supply". Changed "Director of
Civil Service" (last words in section)
to "Secretary of Civil Service.

SECTION 24. COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS
(Present Charter - Section 33)

Changed the titles "City Auditor" and
"City Solicitor" to "Finance Director"
and Law Director".

**PRESENT SECTION 34 - "DUTIES OF THE MAYOR" - Moved - See proposed
section 21.**

**PRESENT SECTION 35 - "RIGHT OF CERTAIN OFFICES IN COUNCIL" is proposed
to be deleted.**

SECTION 25. ESTABLISHMENT OF DEPARTMENTS
(Present Charter - Section 36)

Department of Finance and
Audits,

Department of Finance,

SECTION 26. ONE PERSON AS HEAD OF TWO OR MORE OFFICES

The Mayor.....may himself act as
head of any department or office;

The Mayor.....may himself act, without
additional compensation, as head of
any department or office;

...the Dept. of Law shall not
thus be joined....

...the Dept. of Law or Finance shall
not thus be joined.....

...and the Mayor shall not act
as head of the Dept. of Finance
or of any office therein.

...and the Mayor shall not act as head
of the Dept. of Finance or the Dept.
of Law.
**(by deleting "any office therein" would
this mean the Mayor could be the head
of the Income Tax Dept.?"**

SECTION 27. NUMBER OF ASSISTANTS AND SUBORDINATES, HOW FIXED.
(Present Charter - Section 38)

Changed "therefor" to "therefore".

SECTION 29. INVESTIGATIONS BY COUNCIL OR MAYOR.

(Present Charter - Section 40)

The Council, the Mayor or any person or committee authorized by either of them, shall have power to.....

The Council and or the Mayor shall have power to....

DEPARTMENT OF LAW

SECTION 30. ELECTION, QUALIFICATIONS AND DUTIES OF THE DIRECTOR OF LAW

(Present Charter - Section 41)

City Solicitor

Law Director

...such assistants and employees shall be appointed and may be removed by the City Solicitor, at will.

...such assistants and employees shall be appointed and shall be removed by Director of Law at will.

DEPARTMENT OF FINANCE - FINANCIAL PROCEDURE

SECTION 31. ELECTION, QUALIFICATIONS AND DUTIES OF

(Present Charter - Section 42)

City Auditor

Director of Finance

...all such employees shall be appointed and may be removed by..

...all such employees shall be appointed and shall be removed by....

There are not now any specific qualifications to be Auditor - not even a residency requirement and no requirements are being proposed.

SECTION 32. MONTHLY STATEMENT BY DIRECTOR OF FINANCE.

(Present Charter - Section 43)

Financial reports to Council by the 10th of the month.

Changed the date to the 15th of the month. (This was suggested by Pat due to the banks changing their closing dates on statements.)

SECTION 33. SPECIAL AUDITS.

(Present Charter - Section 44)

Changes references to "Auditor" and "Solicitor" to "Director of Finance" and "Law Director".

SECTION 35. PURCHASING AND FURNISHING SUPPLIES.

(Present Charter - Section 46)

Changes words "General code of Ohio" to "Ohio Revised Code".

FINANCIAL PROCEDURE

SECTION 36-a. ANNUAL TAX LEVY
(Present Charter - Section 47-a)

This section was adopted 5/5/53 with paragraphs 2 & 3 stipulating enactment and issuance of bond anticipation notes.

Eliminated references to 1953 and stipulation as to how the tax will be enacted and issuance of bond anticipation notes.

So long as this section and these powers are in effect, the levying by Council of a tax on incomes or on payrolls is hereby expressly prohibited.

Deleted

SECTION 36-b. TAX LEVY FOR BONDS AND NOTES.
(Present Charter - Section 47-b)

"Sinking Fund"

Changed to "Bond Payment Fund". (This change was recommended by Pat. According to her the state no longer requires "sinking funds". She would like to retain the committee as a "Bond Payment Committee" who would act in an advisory capacity.)

SECTION 36-c. INCOME TAX AUTHORIZATION
(Present Charter - Section 47-c; 47-d; 47-e)

The following suggested by John Queen, Income Tax Commissioner
Combined the sections making the percentages as follows:
30% of 1% to CIP
70% of 1% to General Fund
100% of 4/10th of 1% - Police and Fire

47-c Last paragraph - "This section shall take effect and be in force as of the date of the certification to the Secretary of State by the Board of Elections.

This section was retained (no longer needed as it applies to when the tax was approved by the voters.

SECTION 37. ANNUAL BUDGET
(Present Charter - Section 48)

Items "(3) & (4)" were eliminated at the suggestion of the Auditor. (Pat said it is impossible to comply with these stipulations and because of the impossibility there is presently no compliance.)

SECTION 40. TRANSFER OF APPROPRIATIONS
(Present Charter - Section 51)

....no such transfer shall be made of the income of earnings of any public utility owned by the City, and receiving no support from taxation, to any other purpose than such utility.

....no such transfer shall be made of any enterprise funds, and receiving no support from taxation, to any other purpose than such enterprise.

SECTION 41. APPROPRIATIONS OF EXCESS REVENUE
(Present Charter - Section 52)

No changes proposed other than changing the references to agree with newly numbered sections.

SECTION 44. PAYMENT OF CLAIMS AGAINST THE CITY
SECTION 45. EXAMINATION AND INVESTIGATION OF CLAIMS
SECTION 46. MONEY REQUIRED TO BE IN TREASURY
(Present Charter - Section 55; 56 & 57)

Change "City Auditor" to "Director of Finance"

SECTION 48. ACCOUNTS OF PUBLICLY OWNED UTILITIES
(Present Charter - Section 59)

Change "sinking fund" to "bond payment fund"

(Present Charter - Section 60 - "Sinking Fund")

Appointments and terms in accordance with general law.

Delete - no longer required by general law (Ohio Revised Code).

MUNICIPAL CIVIL SERVICE COMMISSION

SECTION 51. COMPOSITION, POWERS AND DUTIES
(Present Charter - Section 63)

...in the manner prescribed and the term or terms provided, or which may be hereinafter provided,"

Deleted "or which may be hereinafter provided"

SECTION 52. COMPENSATION ESTABLISHED BY COUNCIL

(Present Charter - Section 76 - there are no sections 64 through 75)

The Council may by ordinance establish a schedule of compensation....

The Council may by ordinance, subject to any collective bargaining agreements, establish a schedule of compensation...

There are no sections 77 through 79 in the present charter

SECTION 58. CANDIDACY FOR ELECTIVE OFFICE PROHIBITED

(Present Charter - Section 85)

Prohibits Councilmembers from holding office if becoming a candidate for another public office.

Includes the Mayor in this prohibition.

PUBLIC HEALTH

SECTION 59. CONTROL OF PUBLIC HEALTH BY CITY

(Present Charter - Section 86)

No changes except to add the following footnote: "Request an investigation be made with regard to combining all boards of health in county in the interest of efficiency and economy"

SECTION 68. BOARD OF REVISION OF ASSESSMENTS

(Present Charter - Section 95)

Board consists of the Mayor, the City Solicitor, the Auditor and 2 citizens appointed by the Mayor.

Removes the Mayor and replaces with the President of Council with the President appointing the 2 citizens.

The Mayor is President of the Board.

The President of Council is the Pres. of the Board.

Eliminates the provision that the two citizens are to be named immediately after January 1, 1976.

DELETES PRESENT CHARTER SECTION 96 - CLAIMS OF DAMAGE

CITY PLANNING COMMISSION

SECTION 86. HOW CONSTITUTED, PROCEDURE AND EMPLOYEES

(Present Charter - Section 114)

This commission includes 2 citizens appointed by the Mayor.

The 2 citizens will be appointed by the President of Council.

SECTION 92. ZONING - BOARD OF APPEALS
(Present Charter - Section 120)

Provided for one, two, three and four year terms with all subsequent terms being four years.

Deleted reference to one, two, three and four years terms as the subsequent terms are in effect.

SECTION 96. CREATION OR CHANGE OF NAME OF STREETS
(Present Charter - Section 124)

In referring to the manner in which summons are required to be made in civil actions, added "in accordance with the Ohio rules of civil procedure" and eliminated the notice for a hearing be published once in one newspaper of general circulation to all persons who cannot be personally served.

APPROPRIATION OF PROPERTY

SECTION 100. FURTHER PROCEEDINGS
(Present Charter - Section 128)

Upon the passage of such ordinance the City Solicitor shall make application to the Court of Common Pleas or to a judge thereof in vacation, or to the Probate Court.

Eliminates "or to a judge thereof in vacation, or to the Probate Court"

FRANCHISES AND PUBLIC UTILITIES

Deletes present Section 141 - Free Carriage of Policemen and Firemen

NOMINATIONS AND ELECTIONS

SECTION 115. PETITIONS FOR PLACE ON PRIMARY ELECTION BALLOT
(Present Charter - Section 144)

- (c) eliminates the provision that each signer of a petition pledges to support and vote for the candidate.
- (h) changes the deadline for filing to be the same as the time established by the State's general election laws.

Establishes a flat filing fee of \$10.00 for members of Council and Council-at-large and \$50.00 for the Offices of Mayor; Law Director and Finance Director.

SECTION 117. ROTATION OF NAMES
(Present Charter - Section 146)

Changed language to be consistent with today's ballots.

SECTION 118. SPECIAL ELECTION OFFICIALS
(Present Charter - Section 147)

The precinct officials at any such election shall be two (2) judges and two (2) clerks..

The precinct officials at any such election shall be one (1) presiding judge and three (3) judges....

provision: not more than one of the judges and not more than one of the clerks shall be members of the same political party.

not more than two of the judges shall be members of the same political party.

THE RECALL

SECTION 121. RECALL PETITION PAPERS
(Present Charter - Section 150)

Changed the word "elector" to "registered voter"

SECTION 122. FILING RECALL PETITION
(Present Charter - Section 151)

A recall petition, if sufficient as originally filed, may be amended as provided in this Charter.

deleted

added: Recall petitions shall be subject to the same conditions as to form, content, and amendments and shall be treated by the City Clerk in the same manner as Initiative and Referendum petitions.

SECTION 124. CANDIDATES TO SUCCEED COUNCILMAN RECALLED
(Present Charter - Section 153)

If, however, an elections is held for the recall for more than two...

Changed the numbers to "four or more".

SECTION 125. BALLOTS IN RECALL ELECTIONS
(Present Charter - Section 154)

Changed the language to be consistent with today's ballots.

SECTION 128. LIMITATIONS ON RECALL PETITIONS
(Present Charter - Section 157)

Changed to include officials who resign as not being eligible for election or appointment to any City Office for a period of two years.

MISCELLANEOUS PROVISIONS

Added a section which creates a Charter Review Commission which will be appointed by Council.