

# Bexley Charter Review Committee

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## COUNCIL PRESENTATION

# Overview of Proposals

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- For purposes of our presentation, we have organized proposals into the following categories:
  - Diversity, Equity and Inclusion
  - Executive Branch (mayor, auditor and city attorney)
  - Council
  - Ethics and recall
  - Commitment to the environment
  - Elections
  - Future charter review
  - General updates/clarifications
- **Note:** References to sections are to the updated, not existing, numbers

# Proposals regarding Diversity, Equity, Inclusion

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- Statement of intent
- Non-Discrimination Article
- Citizen Review Board
- Limiting cash bonds
- Police Department
- Inclusive language

# *Diversity, Equity, Inclusion*

## SECTION 1. Recognition and Intent (new)

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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.

# *Diversity, Equity, Inclusion*

## SECTION 2. Non-Discrimination and Citizen Participation (new)

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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, familial status or military status, or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose. 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.

# *Diversity, Equity, Inclusion*

## SECTION 3. Diversity in Hiring and Contracting (new)

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

# *Diversity, Equity, Inclusion*

## SECTION 4. Interpretation of Ordinances (new)

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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 disparate 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.

# *Diversity, Equity, Inclusion*

## SECTION 5. Citizen Review Board (new)

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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.

# *Diversity, Equity, Inclusion*

## SECTION 8 regarding strategic plan (Revision)

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... The Mayor shall cause to be prepared and submitted to Council a strategic plan for the City, which shall include, but not be limited to, issues of residential and commercial development, infrastructure, finances, safety and community quality of life. Following adoption of a plan by Council, with such changes, if any, as shall be authorized by it after providing the public the opportunity to comment on the plan, the Mayor shall annually issue a report of the progress made in achieving the goals and objectives of the strategic plan. **The 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.** The strategic plan shall be updated as needed by the Mayor, and such updates shall be submitted to Council for review, public comment and adoption.

# *Diversity, Equity, Inclusion*

## SECTION 18. Mayor's Court (addition)

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The Mayor shall have and is hereby required to exercise the same jurisdiction in prosecutions for violations of ordinances of the City and in criminal prosecutions for violations of the laws of the State of Ohio as is conferred by the general laws of the State upon Mayors of cities; and Council may by ordinance regulate the procedure in the Mayor's Court. **Bexley Mayor's Court shall ensure defendants' appearances by the least restrictive means possible in accordance with the Ohio Rules of Criminal Procedure.**

# *Diversity, Equity, Inclusion*

## SECTION 48. Powers and Duties of Chief (Addition)

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The Chief of Police shall exercise such powers and perform such duties as are prescribed by this Charter, by ordinances and resolutions of Council, and by the general laws of the State governing the Police Department of cities, as far as such general laws do not conflict with said Charter, ordinances and resolutions. **The Mayor shall conduct an annual performance review of the Police Department and shall make the review available to the public.**

### ***Note also addition to Section 49:***

During such term of office, the Mayor shall have the right to suspend the Chief of Police for cause, including, but not limited to, incompetence, neglect of duty, moral turpitude, substance abuse or use of an illegal substance, failure to obey lawful orders given by a proper authority, **and any other cause deemed appropriate with concurrence of Council.**

# *Diversity, Equity, Inclusion*

## Broadening inclusive language

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Propose amending Sections 41, 42, and 68 to add “they” or “their” to “he or she” or “his or her” so that these sections read “he, she or they” or “his, her or their”

# Executive branch

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- Additional provision regarding mayor's service
- Removal of city attorney
- Disability of the auditor
- Insurance instead of bonds

## *Executive Branch: New provision regarding Mayor's service*

### SECTION 9. Term and Qualifications of Mayor.

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The Mayor shall be the chief executive officer of the City. No employee of the City shall be eligible to hold office as Mayor. The Mayor shall be elected for a term of four years and shall assume office on the first day of January next following the election and shall serve until a successor is elected and qualified. The Mayor shall be an elector of the City and shall not hold any other public office, except that of notary public or member of the State Militia or of the Federal Military Reserves, and **may serve in any office, position, or capacity to represent the City of Bexley or to further intergovernmental cooperation so long as this service does not interfere with the ability to perform the duties of the mayor.** The Mayor shall have all other qualifications, and be subject to the disqualifications, that are prescribed for the mayors of cities by the laws of the State.

## *Executive Branch: Conforming to Ohio Attorney Ethics Rules*

### SECTION 14. Removal Power of Mayor.

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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, or superintendent or head of any department, so appointed under authority of paragraphs (a), (c), (d), (e), and (f) of Section 8 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 when concurred in by Council shall be final.

*See also Section 44* removing one year term for City Attorney

## *Executive Branch: Disability of Auditor*

### SECTION 39. Successor to Auditor (Addition)

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If the Auditor dies, before beginning or during the term of office, resigns or moves from the City, or is removed or becomes permanently incapacitated from serving as Auditor for any reason whatsoever, a successor shall be elected by Council to serve as such Auditor until the next regular Municipal election, at which time an Auditor shall be elected to serve such unexpired term. **If the Auditor is temporarily incapacitated, Council, at its discretion, may appoint an individual to serve as Auditor until such time as the elected Auditor is able to resume the duties of the Auditor.**

# Council and its business

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- Rules of procedure
- Executive Session
- Council Meeting Times/Swearing In
- Notice of Special Meetings

# *Council: Rules of Procedure*

## SECTION 25. Quorum; Rules; Journal; Public Meetings.

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A majority of all the members elected to Council shall constitute a quorum to transact business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner, and under such penalty as may be prescribed by ordinance. Council shall adopt, by majority vote of its members, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed, or repealed by a majority vote of the members of Council. The Rules shall go into immediate effect unless a later date is specified. The Rules of Council shall provide for the order of business and such other matters as Council shall determine to be necessary for the proper functioning and governing of Council.

# *Council: Executive Session*

## SECTION 17. Right of Mayor and Officials in Council

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The Mayor, the City Attorney and the Auditor shall be entitled to seats in Council. The Mayor shall have the right to take part in the discussion of all matters coming before Council, and the City Attorney and the Auditor shall be entitled to take part in all discussion in Council relating to their respective departments, but neither the Mayor, City Attorney nor Auditor shall have any vote in Council. **City Council may, by a majority vote, exclude the Mayor, the Auditor, and/or the City Attorney from any executive session held in accordance with applicable law for the purpose of discussing the compensation, or investigation of any of the officials, or, in the case of the City Attorney, potential removal from office.**

# *Council: Executive Session*

## SECTION 25. Quorum; Rules; Journal; Public Meetings.

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... All meetings of a public body shall be public meetings open to the public, except Council may provide by ordinance ~~for private deliberations and or~~ executive sessions of a public body for the discussion of matters declared in such ordinance to require and or permit confidentiality. **When Council meets in executive session, it shall decide by motion who should attend such executive session in addition to members of Council, provided a Council member may never be excluded from an executive session.** No action of a public body is valid unless adopted in a public meeting.

*Council: When terms begin*

## SECTION 24. Meetings; President of Council

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**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 p.m. 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, ~~at which time the newly elected members of Council shall assume the duties of their office,~~ and ~~at said meeting~~ 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.

## *Council: Notice of special meetings*

### **SECTION 24. Meetings; President of Council**

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...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, or delivered personally to the member, or left at the member's place of residence.** ~~served personally upon each member, or left at the member's usual place of residence at least six hours previous to the time fixed for such meeting.~~ 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..

# Proposals regarding ethics and recall

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- Amendment of ethics provision
- New recall provision

# *Revision to ethics rule*

## SECTION 62. Conflicts of Interest, Ethics, and Campaign Financing

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Unless otherwise provided in this Charter or by Council, the laws of the State of Ohio pertaining to conflicts of interest, illegal interest in any public contract with the city, criminal misbehavior, ethics, financial disclosure by municipal officers and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this charter.

~~No officer or employee of the City shall have any interest, direct or indirect, in any contract with or for the City, or be interested directly or indirectly in the sale to the City of any supplies, material, service or property, real or personal, except on behalf of the City as an officer or employee, and except when the City appropriates property for public purposes.~~ **For the purposes of this Section, its provisions do not apply when the city appropriates property for a public purpose from any municipal officer or employee.** Any violation of this Section shall constitute malfeasance in office, and any such officer or employee shall thereby forfeit the office or employment.

# *New Recall Provision*

## SECTION 40. Recall of Elected Officials

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- Applies to all elected officials—members of Council, the Mayor and the Auditor—after a year into their term
- Requires signatures of least 25 percent of the number of electors voting at the last preceding regular municipal election
- If the officer does not resign within seven days after the petition is certified, Council shall fix a day for holding a recall special election, not less than thirty days or more than 120 days from the date of the certificate
- If removed, Council replaces per Section 16 (mayor), 23 (Council) or 39 (auditor), and the individual is not eligible for the vacated position.

# Proposals regarding the environment and protection of our community

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- Commitment to the environment
- Public utility property restoration

# *New Environmental Provision*

## SECTION 81. Environment

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The City of Bexley shall preserve and protect our environment.

# *Enhanced Protection for streetscapes*

## SECTION 64. Public Utilities

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All grants or renewal of franchises to construct or operate any public utilities on, under or above the streets of the City shall be in all respects governed by general laws of the State. However, subject to the rights of property holders under the Constitution of Ohio, Council at all times may direct the distribution of space in, over, under or across all streets or public grounds occupied by public utility fixtures, and Council shall have the continuing right to pass reasonable regulations for the operation of City utilities, including the right to require reconstruction, relocation, or discontinuance of appliances used by the utilities in the streets or public grounds as shall in the opinion of Council be necessary. To the fullest extent possible by the general laws of the state, any grant or renewal of franchises to construct or operate any public utilities on, under, or above the streets or rights of way of the City shall require the utility to restore the streets or right of way to their previous condition in the event of construction or maintenance by the utility.

# Ballot Initiatives and Charter Review

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- Clarification of the timing for bringing ballot initiative
- Notice provisions
- Process for future charter review

# Clarifying Timing of Ballot Initiatives

## SECTION 66

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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. ~~at any special election may be submitted at a general Municipal election, but not at any State election.~~

# *Notice of Ballot Issues*

## SECTION 77. Amendments.

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(b) ~~The full text of the proposed amendments shall be published once a week for not less than two consecutive weeks in a newspaper published in the City, with the first publication being at least fifteen days prior to the election at which the amendments are to be submitted to the electors. If no newspaper is published in the City, then such publication shall be made in a newspaper of general circulation within the City.~~ **The full text of the proposed amendment shall be published 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.**

# *Future Charter Review*

## SECTION 79. Charter Review

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~~By the fifteenth day of February in 1998 and by the fifteenth day of February~~Every ten years thereafter, City Council shall ~~may~~ appoint a committee by the fifteenth day of December, which will have no more than 18 months, absent Council approval, to review the City Charter and report to Council ~~by the fifteenth day of December of that year~~ its recommendations concerning possible amendments to update the Charter. Council shall appoint ten members of the committee, and the Mayor shall appoint five members. The composition of the Charter Review Committee shall strive to reflect the diversity of the City of Bexley.

# Other Changes

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- Insurance in lieu of bonds
- Updating/revising provisions to reflect current practice:
  - Strategic planning provisions
  - Payment of funds to county treasury
  - Adding committees

## *Other changes: Insurance instead of bonds*

### SECTION 33. Bonds of Officers and Employees.

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Council shall fix by ordinance the amount of bond to be given by each officer, clerk and employee in each department of the City government, if any be required, which bond shall be given by such officer, clerk or employee with corporate surety authorized to do business in the State to the approval of the Mayor; provided, however, that the bond of the Mayor shall be approved by Council. Premiums on such official bonds shall be paid by the City. **As an alternative to a bond, Council may by ordinance adopt a policy to allow for the use of an employee dishonesty and faithful performance of duty policy of insurance that meets the requirements of the Ohio Revised Code.**

# *Other changes: Update re strategic planning*

## SECTION 58. Creation; Composition; Terms.

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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.** ~~perform the powers and duties of a city planning commission and to administer the City zoning code.~~

## *Other changes: Payment of funds to county treasury*

### SECTION 21. Disposition of Fines and Other Moneys.

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All fines and forfeitures in ordinance cases and all fees collected by the Mayor in either State or ordinance cases, or which are in any manner received, due such Mayor or to the Chief of Police, or other officer of the Municipality, and any other fees and expenses collected, which have been advanced out of the Municipal Treasury, and all money received by such Mayor for the use of the Municipality, shall be paid into the Treasury of the Municipality on a timely basis, as determined by ordinance of Council. At the first regular meeting of Council in each and every month the Mayor shall submit a full statement of all money received, from whom and for what purpose received and when paid into the Treasury. ~~Except as otherwise provided by law, all fines and expenses collected, which have been advanced out of the County Treasury, shall be paid over to the County Treasury on the first business day of each month.~~

# *Other changes: Update re committees*

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- Adding “committees” to “commissions” and “boards” in Sections 8, 13, 53, 58, 59, and 72, as entities that can be appointed to carry on work for the city, to reflect current practice.
- Clarify staggered terms can be created for a new board, commission or committee in Sections 13, 51, 52, and 58.

# Ideas Considered But Not Recommended

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- Eliminating the mayoral form of government
- Term limits
- Eliminating elected auditor
- Elected city attorney
- Other Considerations

# Thank you to:

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- Current and former public officials who have shared their time with the committee
- Committee and commission members who have shared their thoughts and concerns
- Citizens who have offered comments, both verbal and written
- Capital University
- Marc Fishel
- Stacy Grossman
- Elizabeth Ellman
- Debbie Maynard

# Charter Review Committee Members

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Eloise Buker

Mic Foster

Steve Grossman

Becky Guzman

Bethany Hahn-Ambrosius

Ira Kane

Rachael Laing

Larry Long

Sam Marcellino III

Mark Masser

Ed Meritt III

John Offenberg, Chairperson

Jim Wilson, Vice-Chairperson

Stephanie Wilson

Rush Witt, Coordinating Secretary