

2021 Proposed Charter Changes- Working Draft

SECTION 3.01 ELECTION AND TERM.

The Mayor shall be elected at every second municipal election for a term of four (4) years, which term shall commence and the Mayor shall assume office on January 2 next following the Mayor's election, and shall hold office until the Mayor's successor is elected and qualified.

A nonpartisan primary election for the Mayor shall be held prior to the above-mentioned municipal election and the two persons receiving the most number of votes in the primary election shall be the candidates for the municipal election.

In the event of a vacancy as described in Section 3.07, the elected successor to the Mayor shall assume office immediately upon certification by the Board of Elections for the balance of the unexpired term. (Amended Nov. 2, 1976.) (Amended Nov. 7, 2006.)

SECTION 3.02 QUALIFICATIONS.

The Mayor for two (2) years prior to the date of the Mayor's filing the Mayor's declaration of candidacy for election with the Board of Elections and continuing through the Mayor's term of office shall be a continuous qualified elector of this Municipality.

The Mayor shall hold no other public office except that of a notary public or member of the State Militia. The Mayor shall not be otherwise employed by, nor shall the Mayor hold any other municipal office in this Municipality. The office of Mayor shall be a full-time occupation, and Council shall provide commensurate compensation. The Mayor shall hold no other employment. (Amended Nov. 3, 1981.) (Amended Nov. 7, 2006.) (Amended Nov. 8, 2016.)

SECTION 4.03 QUALIFICATIONS.

A Council member elected at large for one (1) year prior to the date of the Council member's filing the Council member's declaration of candidacy for election with the Board of Elections and continuing through the Council member's term of office shall be a continuous qualified elector of this Municipality. Each member of Council elected from a ward for one (1) year prior to the date of the Council member's filing the Council member's declaration of candidacy for election with the Board of Elections and continuing through the Council member's term of office shall be a continuous qualified elector of the ward from which the Council member seeks election or is elected.

A Council member shall hold no other elected public office, any other compensated office or employment with the Municipality, or other public office or public employment which could be in conflict with the office of Council member, except as provided in Sections 3.06 and 4.18 of this Charter. If a Council member shall file a declaration of their candidacy, or shall in fact become a candidate, for any other Council office of the Municipality other than the office then held, such announcement or such candidacy shall constitute an automatic resignation of the office then held,

and the vacancy thereby created shall be filled pursuant to this Charter in the same manner as other vacancies for such office are filled.

A Council member shall not have, directly or indirectly, any interest in the profits or emoluments of any contract, work, or service with or for the Municipality as provided by general law. (Amended Nov. 3, 1981.) (Amended Nov. 7, 2006.) (Amended Nov. 8, 2016.)

SECTION 4.04 PRESIDENT, AND VICE PRESIDENT OF COUNCIL.

At the first regular meeting of Council in January of each year as provided in Section 4.10, Council shall, by majority vote, elect from its membership a President of Council and a Vice President of Council, each to serve for a term of one (1) year.

The President of Council, or, in the President of Council's absence, the Vice President of Council, shall preside at all meetings of Council.

The President and Vice President of Council, neither by virtue of holding such offices nor in performing the duties of Acting Mayor as provided in Section 3.06 of this Charter, shall be deprived of their powers and rights or be relieved of any of their duties or obligations as members of Council. (Amended Nov 7, 2006)

SECTION 4.13 PUBLIC NOTICE.

Public notice, as required by law, or by this Charter, or by ordinance, shall be given for resolutions and ordinances by requiring the Clerk to post them for thirty (30) days after passage by Council in a conspicuous place in the Municipal building. (Amended Nov. 6, 2007.)

SECTION 4.18 DEPARTMENTS, BOARDS AND COMMISSIONS.

Council may establish additional departments, boards and commissions as the needs of the Municipality may require, and, except for those established herein, may abolish or combine in any manner as it deems necessary.

Where organization, powers, and duties of departments, boards and commissions are not expressly provided herein, they shall be as provided by the resolution or ordinance of Council. (Renumbered Nov. 8, 1966.)

SECTION 5.01 CREATION OF DEPARTMENTS.

The administrative functions of the City shall be carried on by a Department of Finance, a Department of Public Service and Engineering; a Department of Parks and Recreation, a Department of Human Resources, a Department of Planning and Development, a Department of Emergency Management, a Department of Technology, a Department of Court Services, a Department of Public Safety and such other departments as may be created by ordinance. (Amended Nov. 7, 2006.)

SECTION 5.13 DIVISION OF POLICE DEPARTMENT. (Redline Submitted by PD)

The ~~Division of~~ Police ~~Department~~ shall consist of a Chief of Police and such other officers and personnel as the Director of Public Safety shall deem advisable. The Chief of Police and all officers and personnel shall be appointed by the Director of Public Safety subject only to applicable Civil Service provisions of this Charter. ~~As otherwise more fully set out in this Charter, at the time the Civil Service provisions of this Charter go into effect, all members of the Police Department who have served their six (6) months probationary period and an additional period of not less than ninety (90) days, shall be automatically placed under the applicable Civil~~

~~Service provisions in the appropriate category and classification without being required to take an examination for the position held at that time. Until such time as the Civil Service provisions of this Charter are put into effect, all members of the Police Department shall have tenure in accordance with the applicable statutes of the Revised Code of Ohio, now or hereinafter in effect concerning tenure of police officers in a city, and the removal of any police officer during this period may be accomplished only in accordance with the applicable statutes of the Revised Code of Ohio concerned with the removal of police officers in a city. (Amended Nov. 8, 1966.) (Amended Nov. 7, 2006.)~~

SECTION 5.14 DIVISION OF FIRE DEPARTMENT. (Redline Submitted by PD)

At the present time the Municipality is protected by law by the Fire Department of ~~the Township of Mifflin and Jefferson Townships~~. This arrangement shall continue under the Charter unless changed, abrogated or cancelled by the Constitution or Laws of the State of Ohio, or by ordinance passed by Council of this Municipality. ~~Prior to the time that any of the above conditions come to pass, Council shall determine the most appropriate means of providing fire protection to the residents of Gahanna.~~ Such choices available to Council may include, but shall not be limited to, establishing a municipal fire department, contracting with another jurisdiction or company for fire service, or entering into a joint fire district.

If Council establishes a municipal fire department, the newly established fire department shall consist of the fire chief and such other officers, firefighters, and personnel as the ~~Director of Public Safety legislative body~~ shall deem advisable. ~~The Fire Chief shall be appointed pursuant to applicable civil service provisions. Vacancies for the positions of other officers and firefighters shall be filled by first offering employment, not necessarily to an equivalent position, to full-time paid members of the fire department of the Township of Mifflin who have been so employed for at least six months prior to the date the newly established fire department is created and who have made application for employment. Applications may be filed within sixty (60) days of the date the vacancy is first created. Such employees shall be hired without regard to the provisions of section 13.02 of this charter or any other requirement regarding the original appointment of employees to a fire department. If there are individuals who are entitled to employment in accordance with this section of the charter and the vacancies in the newly established fire department are insufficient to permit the employment of all such individuals applying for employment, the persons having the greatest length of service with the fire department of the Township of Mifflin shall be entitled to first fill the vacancies as they occur. Such individuals shall not be required to take or pass any civil service examination before being employed by the newly established fire department and shall, upon their employment, be automatically covered under the applicable civil service provisions. After all members of the fire department of the Township~~

~~of Mifflin eligible for employment under this section have either been employed or have failed to apply for employment with the newly established fire department, future vacancies in the fire department shall be filled by competitive civil service examination in accordance with the provisions of this Charter and, if applicable, state law. (Amended Nov. 5, 1991.)~~

SECTION 5.15 RULES FOR THE ADMINISTRATION GOVERNMENT OF THE DIVISIONS OF POLICE AND FIRE DEPARTMENTS. (Redline Submitted by PD)

The Director of Public Safety shall make and publish, with the approval of ~~the Mayor Council~~, written rules for the ~~government~~ administration of the ~~divisions of Police and Fire Departments, and the conduct and discipline of members thereof.~~ (if the Municipality has its own Division of Fire. (Renumbered Nov. 8, 1966.)

SECTION 11.03 PLANNING COMMISSION - POWERS AND DUTIES. (Redline Submitted by Director of Planning)

The Planning Commission shall have the power and duty to advise the Council concerning the preparation of plans, ~~and maps, zoning code, and similar documents that provide the development standards~~ for the future physical development and harmonious improvement of the Municipality; to ~~approve variances to the standards of the zoning code; evaluate the planning and design, location, removal, relocation and alteration of new, renovated, or expanded structures; any public building or structure and public property; the location, widening, extension and vacation of streets, alleys, public ways, parks, playgrounds, recreation areas and other public places; the approval of plats for the subdivision of lands; the approval of conditional uses; to recommend to the Council rezoning of lands; the regulation and restriction of the location of buildings and other structures and of premises to be used for trade, industry, residence, or other specified uses; the regulation and limitation of heights of buildings or other location of buildings or other structures to be erected or altered; regulation of the bulk and location of buildings and other structures to be erected or altered, including the percentage of lot occupancy, set back building lines, and the area of yards, courts and other open spaces;~~ and such other powers and duties as may be imposed upon it by resolution or ordinance of Council. (Amended Nov. 5, 1996.)

SECTION 11.05 PUBLIC HEARINGS BY COUNCIL.

Council shall hold a public hearing on each resolution or ordinance enacting, amending, or repealing zoning regulations, and shall give thirty (30) days public notice of the time and place thereof by posting in the Municipal Building.

Except as provided below, written notice of the hearing shall also be mailed by the Clerk of Council, at least twenty (20) days before the date of the public hearing, to the properties within and contiguous to the area which is the subject of the proposed resolution or ordinance.

Where the subject of such public hearing involves fifty (50) or more of the property owners of the Municipality, then written notice to owners of the hearing, as provided in the preceding paragraph, shall not be required. (Renumbered Nov. 6, 2007.)

SECTION 11.06 ACTION BY COUNCIL.

When the Planning Commission makes a recommendation to Council for change in, or addition to, any zoning ordinance, Council shall study each such recommendation; and action shall be taken by Council within ninety (90) days after receiving said recommendation, in accordance with Section 11.05 of this Charter, unless the Council votes at its next regular meeting following expiration of the ninety (90) day period for an additional sixty (60) days' extension beyond the ninety (90) day period. If the period is so extended, Council shall take action on such recommendation prior to the expiration of such extension of sixty (60) days. (Amended Nov. 3, 1981.)

SECTION 18.01 NOMINATIONS.

There shall be no primary election for selection of candidates for any elective office of this Municipality, unless required by State statute or otherwise required by this Charter. Nominations for each elective municipal office shall be made by petition only, on the standard forms provided by the Board of Elections for the nomination of nonpartisan candidates, filed with such Board at least ninety (90) days before the day of election.

Each petition for the nomination of a candidate for office shall be signed by not less than fifty (50) and no more than one hundred (100) qualified electors of the Municipality entitled to vote on the position for which the candidate seeks election. Each candidate shall file a separate petition; group petitions shall not be used.

Nothing in this section shall be construed to prohibit the holding of a caucus by interested electors for the purpose of selecting nominees for elective offices. (Amended Nov. 3, 1981.)

SECTION 21.01 SUBMISSION TO ELECTORS.

Council may, by affirmative vote of five (5) or more of its members, submit to the electors any proposed amendment to this Charter; or, upon petition signed by not less than ten percent (10%) of the electors of the Municipality setting forth any proposed amendment to this Charter, Council shall submit such proposed amendment to the electors in accordance, in each instance, with the provisions of the Constitution of Ohio and this Charter. (Renumbered Nov. 8, 1966.)

SECTION 22.01 COMPOSITION AND TERM.

In January, 1996, and each five (5) years thereafter, there shall be appointed a commission of seven (7) qualified electors of this Municipality holding no other office or appointment to this municipality, as members of a Charter Review Commission to serve until their

duties as provided in section 22.02 are completed. The members shall serve without compensation.

The Council shall have four (4) appointments to this Commission and the Mayor shall have three (3) appointments to this Commission. (Amended Nov. 7, 1995.)