

LEGAL NOTICE

Proposed Charter Amendments City of Trotwood, Ohio

Notice is hereby given that the proposed amendments to the Charter of the City of Trotwood, Ohio, will be submitted to a vote of the electors of the municipality at the general election to be held on the 2nd day of November, 2021. The proposed amendments are to read as follows, with new language in **bold** and underlined and deletions in ~~striketrough~~:

SECTION 3-4: REMOVAL AND VACANCIES

- (A) **Vacancies.** The office of a Council Member or Council Member-Elect shall become vacant upon death, resignation, forfeiture, or removal from office in any manner authorized by this Charter.
- (B) **Forfeiture of Office.** Council shall be the judge of the election and qualification of its members. Council may punish or expel any member for gross misconduct, or for malfeasance, misfeasance, or nonfeasance in office, or upon conviction of a felony or other crime involving moral turpitude while in office, or for disorderly conduct, or violation of its rules during the term of office. No expulsion shall take place without the concurrence of six (6) members, nor until the member shall have been notified of the charge and been given a hearing in front of Council, unless the member waives the right to the hearing. Any vacancy created upon the expulsion of a member shall be filled as provided for in this Charter. In addition to these provisions, absence from three (3) consecutive regular meetings of Council shall operate to vacate the seat of a Council Member unless the absence is excused.
- (C) **Filling of Vacancies.** Vacancies in the office of a Council Member shall be filled within sixty (60) days following the occurrence of the vacancy by the vote of the majority of the remaining members of Council. If Council fails to fill any vacancy within sixty (60) days following the occurrence of the vacancy, the power of the Council to fill the vacancy shall lapse; and the Clerk of Council, by the authority of the Charter, shall request the Board of Elections of Montgomery County to hold an election to fill the vacancy. Such election shall be held at the next general election or special election already scheduled, and such general or special election shall occur at least seventy-five (75) days after the date of the request to the Board of Elections by the Clerk of Council. The individual elected in such election shall take office immediately following the election certification by the Board of Elections and shall serve the balance of the unexpired term.

An appointee under this section shall qualify under the provisions of this Charter, and if more than two (2) years remain of the unexpired term at the time of appointment, the appointee shall serve until a successor for the term is certified at the next November municipal election whether in an odd or even year, which occurs at least one hundred (100) days after his or her appointment (so as to allow nominating petitions to be filed by the ninety (90) day deadline before such an election). That election shall be held to determine what person is elected to serve for the balance of the unexpired term. If at the time of appointment less than two (2) years remain of the unexpired term, the appointee shall serve the remaining term without election.

SECTION 3-5: SALARIES COMPENSATION

- (A) The Council Members first elected under this Charter shall receive a salary of \$250.00 annually. The first Mayor to serve under this Charter shall receive a salary of \$1,000.00.
- (B) A Compensation Board is hereby created which shall, **every five (5) years, study and recommend any changes to determine the salaries compensation of the Mayor and Council Mmembers. The first review shall occur in 2025.** The Compensation Board shall consist of ~~five~~ **seven (7)** members who are registered electors of the City appointed by the **Mayor Council and subject to confirmation confirmed** by Council by resolution. **Each member of Council will have the right to name one (1) member.** ~~Three of members of the Compensation Board shall serve for two years and two for three years, to take office within 30 days after the effective date of this Section. Thereafter, members of the Compensation Board shall be appointed to serve for three years and until their successors have been appointed and have qualified. The Compensation Board will cease to function ninety (90) days following the delivery of the Board's report to the Mayor and Council.~~ One member of the Board shall represent organized labor, one shall be representative of business, two shall be members of the city's citizen participation organizations and one shall represent the community at large. The seat of a member of the Board shall be forfeited if such member fails to maintain the qualifications of an elector of the City, and a replacement **shall be named by the Council Member who made the original appointment.** ~~shall be appointed in the manner previously prescribed.~~ No Council Member or employee of the City or members of the immediate family of a Council Member or employee shall be eligible to be a member of the Compensation Board.
- (C) The Compensation Board shall ~~from time to time~~ elect a Chairperson from its membership. Within **forty-five (45)** days of its creation, ~~and every odd numbered year thereafter,~~ the Compensation Board shall meet to consider the ~~salary and~~ compensation of the Mayor and Council Members. **The Compensation Board shall be provided by the Finance Director, a summary of the past five (5) years wage increases for the non-union employees of the City together with the budget projections for future non-union wage increases. The Compensaton Board will also be provided the current budget.**
- (D) No later than ~~November~~ **June** 1 of each year that the Compensation Board meets, the Compensation Board shall prepare a report to Council setting forth its recommendations for the Mayor and Council Members. Council shall, within **thirty (30)** days of receiving the report, either approve it by ordinance or, in the event a majority of the Council is not in favor thereof, reject it. The recommendations may not be amended or modified. In the event a recommendation submitted by the Compensation Board is rejected, **Council may request** the Compensation Board ~~may, but is not required to,~~ reconvene and submit a revised report to Council. In the case of rejections, the existing salary shall prevail. In the case of approvals, the salaries shall go into effect on January 1 of the next year **for any Council Member starting a new term of office. In-term pay increases are not allowed.**
- (E) The Mayor and Council Members, in addition, shall receive their actual and necessary expenses incurred in the performance of their official duties.

SECTION 3-10: CLERK OF COUNCIL

The Council shall appoint a Clerk of Council, also to be known as the Municipal Clerk, for an indefinite term, whose duty it shall be to keep the journal and other records of the Council and to perform such other duties as the Council may require.

Council, in its discretion, may assign the duties of the Municipal Clerk to some other regular employee of the municipality.

The Council may remove the Clerk of Council by the affirmative vote of ~~four (4)~~ **five (5)** of its members.

SECTION 4-4: ENACTMENT OF ORDINANCES

Ordinances shall be adopted in the following manner:

- (A) Upon adoption of a motion requesting the same at any Regular or Special meeting, the Law Director shall draft the requested ordinance for submission at Council's next meeting.
- (B) The ~~Municipal~~ Clerk **of Council** shall distribute a copy of the Law Director's drafted **drafted or approved ordinance** to each ~~C~~eouncil ~~M~~member and to the City ~~M~~anager, and shall **further** have copies **of the same** on file in **the** Clerk's office for public examination; **In addition, the Clerk shall post the same in such public places as Council may designate and shall publish a brief summary of the proposed ordinance in accordance with the publication requirements prescribed by Section 10-8 of this Charter, a newspaper of general circulation in the Municipality. Such The Clerk's publication of the proposed ordinance shall state that copies of the proposed ordinances are available at the office of the Municipal Clerk of Council for inspection during regular business hours, and shall further shall specify the time, date and place for a public hearing thereon.**
- (C) Not less than one week following such publication **of the proposed ordinance, a public hearing shall be held thereof, which upon the proposed ordinance. The public hearing may be held separately from, or in conjunction connection with, any regular or special meeting of Council and may be adjourned from time to time. All persons interested in the proposed ordinance shall be given an opportunity to be heard by Council at the scheduled public hearing.**
- (D) **At the public hearing, Thereupon, the Council may adopt or reject the proposed ordinance or the proposed ordinance as amended. If the proposed ordinance is amended and adopted, a brief summary of the adopted ordinance as amended, shall be published by the Clerk of Council in accordance with the publication requirements prescribed by Section 10-8 of this Charter.**
- (E) As soon as practical after the adoption of any ordinance, the ~~Municipal~~ Clerk **of Council** shall have a copy **of the ordinance** or a summary thereof, as directed by the Council, published in **accordance with the publication requirements prescribed by Section 10-8 of this Charter, newspaper of general circulation or public media forums allowed by law in the Municipality together with a notice of its adoption. The Clerk shall make and retain a certificate as to the time, place and method by which the legislation is published, which certificate shall be prima facie evidence that the ordinance, or a summary thereof, was published as required herein. Failure to publish any ordinance, or to make and retain the certificate required by this section, shall not invalidate the ordinance. In the event the Clerk of Council discovers that an ordinance was not published, or that the certification required was not prepared as required herein, the Clerk of Council may publish said ordinance and/or prepare the certification at that time.**
- (F) At no time shall a proposed ordinance be required to be read aloud in its entirety; reference thereto by title alone shall suffice.

SECTION 4-6: EMERGENCY ORDINANCES

To provide for the immediate preservation of the public peace, health, ~~or~~ safety, **welfare of the City, public interest, or to provide for special emergencies in the operation of municipal services**, the Council may adopt 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 as hereinafter provided under emergency appropriations~~. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances, generally, except that the preliminary motion for preparation by the Law Director and public notice of a brief summary of the proposed ordinance **by publication as prescribed by Section 10-8 of this Charter**, ~~in a newspaper or public media forum of general circulation in the Municipality~~ shall not be necessary, and 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 emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 4-7: ~~EMERGENCY~~ **ANNUAL** APPROPRIATIONS

~~To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of the section on emergency ordinances. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.~~

At the meeting of the Council at which the revised final budget estimates for the appropriation ordinance are submitted, the Council shall adopt the estimates as submitted, or as amended, as the appropriation ordinance of the City of Trotwood for the ensuing fiscal year.

The appropriation ordinance shall become effective upon adoption and shall constitute an appropriation for the budgeted items and approval of the work projects without further legislation.

The annual appropriation ordinance and any amendments to the annual appropriation shall be passed by ordinance with an affirmative vote of five (5) members of the Council and shall become effective upon adoption.

Provided Council expenses are approved in the annual appropriation ordinance or in an amendment to the annual appropriation ordinance, no resolution except as may otherwise be required, shall be required to be approved by Council to expend or pay necessary and reasonable expenses of a Council Member incurred in the performance of their official duties.

SECTION 5-6: REMOVAL

The Council may remove the Manager by the affirmative vote of ~~four (4)~~ **five (5)** of its members. In any case of removal, the former Manager shall be paid all sums due pursuant to any contractual agreement they may have with the City, or in the event there is no contract, the former Manager shall be paid any unpaid

balance of their salary and benefits and in addition, so much separation allowance as the Council may determine to be justified under the circumstances; provided such separation allowance shall not be less than an amount equal to their salary and benefits for a two (2) month period.

SECTION 7-2: APPEALS FROM BOARDS AND COMMISSIONS

Any person, firm or corporation, or any officer, department, board or agency of the Municipality ~~or any interested elector of the Municipality~~ who has been aggrieved or affected by any decision of any board or commission, may appeal such decision to the Council. The appeal shall be perfected by filing notice of intent to appeal with the chairman of the board of commission within ten (10) days after journalization of the decision and by filing a petition of appeal with the Clerk of Council within ten (10) days thereafter. The petition of appeal shall include a summary of the decision being appealed and the grounds of such appeal. A decision shall be deemed journalized when the minutes of the board or commission incorporating such decisions have been approved at its next meeting.

Council shall hold a public hearing on such appeal not later than thirty (30) days after such appeal petition has been filed and by majority vote shall affirm, reverse or modify the decision of the board or commission. This ~~Appeal~~ process excludes appeals from decisions of the Civil Service Commission, as Civil Service Commission appeals must be made directly to the Montgomery County Common Pleas Court pursuant to the provisions of Chapter 2506, of the Ohio Revised Code apply. ~~All~~ ~~Such~~ ~~decisions~~ ~~by~~ ~~Council~~ ~~concerning~~ ~~appeals of decisions of boards and commissions~~ are ~~shall be~~ final, subject, however, to the provisions of Chapter 2506, of the Ohio Revised Code.

SECTION 7-3: POWERS AND DUTIES OF PLANNING COMMISSION

The Planning Commission shall act as the platting commission of the Municipality, and, as such, shall administer such subdivision ordinances as Council may enact.

It shall adopt and recommend to the Council a comprehensive general plan for the physical development of the Municipality, which shall include the location of public ways, property, bridges, utilities, buildings, parks, playgrounds, and recreation areas. The comprehensive general plan shall show all existing school locations in the Municipality and shall show the projected locations of new schools as determined by the Board of Education. ~~It~~ The Planning Commission shall prepare and recommend to Council, ordinances creating areas, zones and districts of permitted and excluded uses, including rules, regulations, restrictions and limitations governing the design, height, floor area and size of structures, area and size of lots, size of yards, courts, open spaces, use and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residences, parks, playgrounds, and other uses or purposes as will promote the general welfare of the Municipality and its inhabitants. Any such restrictions which are designed primarily for population control shall be reasonable in scope and shall not unduly affect ~~unduly~~ the marketability of any land.

The Planning Commission may recommend the rezoning of land on its own motion or on application by any interested party. However, Before the Planning Commission shall recommend to Council the rezoning of any lands, it shall hold a public hearing on the question. The Planning Commission shall cause notice of the public hearing to be published in accordance with the publication requirements prescribed by Section 10-8 of this Charter, which publication shall be no less than one (1) week before the scheduled public hearing and shall contain a summary of the question being reviewed, as well as the time, date and place of the hearing. ~~to be published in a newspaper of — general circulation within the corporate limits of the Municipality, a notice of the public hearing. Such notice shall be published in one or more newspapers or other~~

~~printed publication regularly distributed and of general circulation in the City or public media forums allowed by law at least ten (10) days prior to the public hearing and shall contain a summary of the question and the time and place of the public hearing.~~

In addition to the Planning Commission's duties described above, the Planning Commission ~~It~~ shall make a base map to be titled the "Official Map of the Municipality of Trotwood."

In the performance of its function, the Planning Commission may enter upon any land and make examination and surveys, and place and maintain necessary monuments and marks thereon.

SECTION 10-8: PUBLICATION

Unless otherwise required by the general laws of Ohio, the Ohio Constitution, other provision of this Charter and/or the Trotwood Codified Ordinances, the publication of all legislation and proposed legislation, public hearing notices, and all other matters and events requiring publication by the City, shall be effectuated by two of the two following methods:

- (1) By publication on the City's website for a period of time not less than one week;**
- (2) By posting the item to be published in not less than three (3) public places, as such public places shall be determined by the Council, for a period of time not less than one week; or**
- (3) By publishing the item in a newspaper of general circulation.**