



Charter Review Commission  
February 26, 2019 Regular Meeting Minutes  
Village Hall

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**Call to Order:**

The meeting was called to order by Chair Cooke at 4:00 p.m.

**Roll Call:**

Andy Cooke, Chairperson	P
Patrick Weyers, Vice Chair	P
Debra Lowery	P
Bill Carleton	P
Johnna Evans	P
Mary Fee	P
Glenn Redick	P

Council/Staff members present: Council Member Matt Shull, Finance Director Bethany Staats, Mitch Banchefsky, Law Director, and Jennifer Mason, Clerk of Council.

**Approval of the January 22, 2019 meeting minutes:**

Chair Cooke asked if members had reviewed the proposed December 18, 2018 meeting minutes. Clerk Mason reported that she corrected the spelling of Member Redick's name in several locations. On page 3 of the minutes, she reworded to make it clearer that New Albany had a sergeant on staff, who also had a law degree, who assisted with FOP negotiations. She corrected an article number under Approval of Revisions. Member Fee moved to adopt the January 22, 2019 meeting minutes as corrected. Member Carleton seconded and all members voted to adopt the minutes as corrected.

**Approval of the Agenda:**

Member Carleton moved to approve the agenda. Member Redick seconded and all members voted to approve the agenda.

**Hearing of Visitors:**

Finance Director Bethany Staats was present and addressed the CRC regarding an additional revision as set forth below.

**Approval of Revisions:**

**Section 9.04(F):**

Finance Director Bethany Staats recommended a further change to Article IX, specifically, 9.04(F) Certification of Funds. Law Director Mitch Banchefsky provided a

revised memorandum which had the new proposed language for Certification of Funds highlighted, "Except as otherwise provided by council..." The remainder was unchanged from the prior memo, "...no contract involving the expenditure of money shall be entered into or authorized by the Manager unless the Director of Finance or designee shall first certify that."

Director Staats explained that section 9.04 applied when a purchase order (PO) was requested. Currently, the city required a PO for every single dollar spent, including normal utility payments, debt payments, bank fees, all of which were routine in nature. The city set aside a fixed budget, and certain accounts were only spent on their designated categories. Putting a PO out there for these items created unnecessary work. Staff wanted to allow council, through review and approval of a financial policy, to allow some categories to not require a purchase order.

Law Director Banchefsky stated exempt items could be minor and routine, like paper and pencils. Director Staats told the CRC some municipalities had a procurement policy allowing for anything under \$7,500 to not require a PO. New Albany was not duplicating that policy and likely would not for a while. However, she wanted to give council the ability to change the PO procedure or other financial policy, and allow for council and staff to budget for those expenditures in ways where a PO may not be necessary.

Law Director Banchefsky asked and Finance Director Bethany Staats confirmed that there could be a threshold below which a PO would not be required or a type of purchase which would not require a PO. Director Staats was interested in changing the procedure for utility bills, debt payments, recurring fees, and other routine payments. Once the city got proficient with its new accounting software, she suggested \$200 as a possible threshold. Under the current policy, she signed off on POs for \$12. Law Director Banchefsky told the CRC that the proposed language was consistent with other charter provisions which gave council discretion to make determinations.

Member Fee offered that Plain Township had a similar policy. Vice Chair Weyers asked if POs were being lumped under the definition of a contract. Director Staats replied that, the way the Ohio Revised Code (ORC) was written, every dollar spent was, essentially, a contract. No expenditures of any public funds would be without a contract. A PO was the contract in the absence of a formal contract. She had to place a Fiscal Officer's Certificate on every dollar that went out. Law Director Banchefsky told the CRC that the Fiscal Officer's Certificate stated that New Albany had the funds or the funds were in the process of collection. Without a certification, in extreme cases, the city wouldn't have to spend the money.

Vice Chair Weyers asked if there should be a cap on the amount council could authorize. Director Staats opined that, as the city's budget grew, and considering the changes that New Albany had seen in the last 20 years, she would rely on council to make the top threshold decision. Vice Chair Weyers thought there should be an easier way to define

a PO differently than a contract in the city's documents so that staff didn't have to go to such great lengths to pay bills. Director Staats stated there were other municipal charters which were silent on fiscal policy and left it all up to council. If the CRC wanted to keep the existing language in 9.04(F), and be in line with the ORC, Director Staats wanted council to have more flexibility to determine what should follow the ORC exactly and what would constitute an exception. Secretary Lowery asked for clarification of what the CRC was considering.

Secretary Lowery moved to accept the proposed language as proposed in section 9.04(F), "Except as otherwise provided by council....". Chair Cook seconded, and six members voted yes and one member voted no (Weyers) to approve the proposed additional revision to Article IX. Revision was approved.

**Section 8.07(B):**

Member Fee moved to make the one recommended change to section 8.07(B) Classified and Unclassified Service, "...at or below the level of sergeant...". Member Carleton seconded and all members voted to approve the change.

**Section 10.01(B)(2):**

Member Carleton followed up on section 10.01(B)(2) General Rules for Boards and Commissions where the word "compensation" should have been deleted. Law Director Banchefsky confirmed that word was supposed to be deleted and the "T" in "terms" would then be capitalized. The CRC previously approved the change, however, it didn't show up in the revision memo.

Member Carleton moved to approve the final revisions to Articles IX Taxation, Borrowing, Budgeting and Contracting Procedures and X Boards and Commissions. Member Evans seconded. Chair Cooke solicited additional conversation, if needed. No other comments were offered. All members voted to approve the revisions to Articles IX and X.

**Articles XI, XII, XIII & XIV:**

Law Director Banchefsky pointed out some additional needed changes to his revision memo on Article XI: Elections, Recall, Initiative, and Referendum with the CRC. He proposed a change to Section 11.02(D) Filing, Examination, and Amendment of Petition. On page 3 of the memo, the sentence should have read, "Within twenty (20) days after the day on which the petition is filed, the Clerk of Council shall determine, **subject to the verification by the Board of Elections**, whether or not it meets the requirements of this Section."

Law Director Banchefsky told the CRC on page 7, under 14.01, the suggested modification should have read, "...and became effective January 1, 2020." Finally, on page 8, the suggested modification should have read, ""...effective March 1, 2000, January 1, 2010, and January 2020 respectively..."

Law Director Banchefsky reviewed Article XI Elections, Recall, Initiative, and Referendum, and summarized what the current language specified. The section gave council full authority to set election dates. It was less expensive to use existing primary and regular election dates. The language allowed council to spend money on election issues, but not on political candidates. Law Director Banchefsky did not recommend any modifications for Section 11.01.

Under Section 11.02, Law Director Banchefsky drew the CRC's attention to the highlighted 11.02(C) Recall Petition Form, which stated that a recall petition "...shall be signed by at least that number of electors equal to twenty-five (25%) of the electors voting at the last preceding regular municipal election." He did not see a reason to change the language, but noted that the city's population had grown, and the percentage was worth reconsideration.

Secretary Lowery asked and Law Director Banchefsky answered that New Albany had not had a recall petition experience. Vice Chair Weyers asked and Law Director Banchefsky confirmed that it only took 25 valid signatures on a petition to run for city council. Law Director Banchefsky stated that it was easy to get on the ballot, but he did not recommend making it easy to remove an elected official. That could lead to a constant state of new elections and disruption. Vice Chair Weyers wanted to recommend a lower percentage than the 25%. Member Redick preferred to keep the number high to make it difficult to removed elected persons. Vice Chair Weyers did not think recall should be a daily occurrence, but also did not want to make it improbable or impossible. Member Evans pointed out it was 25% of voters at the last election, which was a much smaller number than 25% of the city's total population. She expressed that it should be harder to remove someone than to get on the ballot. Vice Chair Weyers asked and Council Member Shull gave his thoughts about typical voter turnout in New Albany. The CRC and staff discussed what range the number should be when depending on voter turnout. Law Director Banchefsky told the CRC that 25% was a common recall threshold.

Law Director Banchefsky continued to review 11.02 provisions. Per 11.02, the Clerk of Council was to review the petition and signatures and, if some were found to be invalid, give the petitioner 10 more days to amend the petition. At that point, council would fix a day for holding a recall election on a general or primary election date.

For section 11.03 Initiative and Referendum, Law Director Banchefsky reviewed and summarized the existing language. He had no recommend modifications.

For Article XII General Provisions, Law Director Banchefsky reviewed the existing language with the CRC. He had no recommended modifications.

For Article XIII Charter Review Commission, Law Director Banchefsky reviewed the existing language with the CRC. He only recommended changing “Village” to “City.” Reviewing the charter was an every ten years exercise. He had no recommended modifications.

For Article XIV Transitional Provisions, Law Director Banchefsky recommended taking out some of the history and simplifying it to say when the newly revised charter would be approved and effective. He suggested removing the history portion because it turned up in a later section.

Member Carleton asked what would happen if the voters did not approve the revised charter. Law Director Mitch Banchefsky answered that the 2010 charter would remain in place with no changes.

Under section 14.02, Law Director Banchefsky noted that New Albany had already become a city, so the language providing for that change was no longer necessary. He recommended updating this history per the language in the memo. Member Redick brought up that the mention of “Charters” could be singular and read “Charter” since it was a single document which was being revised. Law Director Banchefsky agreed that it was a single charter and the “s” was removed. Vice Chair Weyers suggested replacing “Revised Charters” with “and its revisions” or “as revised” to smooth out the language. Clerk Mason suggested a comma after “2011” and Members Fee and Redick agreed.

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Member Redick asked how the voters would see these revisions. Law Director Banchefsky stated, in the last round, the Board of Elections first said each change needed to be on the ballot individually. That would have taken a lot time for voters to read, and possibly resulted in inconsistencies where a change could be approved in one section and not another. Law Director Banchefsky was in touch with attorney Tim Lickleider, council for the Franklin County Prosecutor’s Office and representative for the Board of Elections. Mr. Lickleider was in the middle of some briefs but would be calling Law Director Banchefsky in a week or so to set up a meeting.

Law Director Banchefsky told the CRC that council had to approve the CRC’s recommendation by ordinance. The approved ordinance could go on the city’s website and be advertised to residents. The city had to send out to all electors a copy of the proposed charter language. Secretary Lowery recalled a mailing and a newspaper ad in 2010.

Law Director Banchefsky told the CRC, as soon as he got confirmation from the Board of Elections, he could draft the ballot language. August 7, 2019 was the deadline for filing with the Franklin County Board of Elections.

Law Director Banchefsky planned to have a memo to the Charter Review Commission at the next meeting. Then there would be a comprehensive memo that would be submitted to council with accompanying legislation. He suggested that the CRC could attend the council meeting *en masse* or just the chair. Certainly, anyone was welcome to attend. Council could have questions.

The CRC discussed other upcoming presentations to council.

The CRC discussed voter turnout in 2017 and ran more rough math for what a recall would require.

**Other Business:**

None.

**Poll public for comment:**

None.

**Poll members for comment:**

None.

**Adjournment:**

Member Fee moved to adjourn. Chair Cooke seconded. The meeting was adjourned at 4:54 p.m.

Signed:



Andrew Cooke, Chair



Debra Lowery, Secretary

3/26/19  
Date

Attachment to  
minutes



## Memorandum

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TO: The New Albany Charter Review Commission

FROM: Mitch Banchefsky, Law Director  
Jennifer Mason, Council Clerk

DATE: February 11, 2019

MEETING: February 26, 2019

RE: Meeting #7 – Approved Revisions to Articles IX & X

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### **Article IX: Taxation, Borrowing, Budgeting and Contracting Procedures**

#### **Section 9.01 Taxation, Borrowing, Budgeting, and Contracting Procedures:**

The laws of the State of Ohio relating generally to budgets, appropriations, taxation, debt, bonds, assessments, deposits and investment of funds and other fiscal matters of the City shall be applicable, except as otherwise provided in this Charter or by Council.

#### **Section 9.02 Fiscal Year:**

The fiscal year for the City for budgeting, accounting, and all other similar purposes shall be the calendar year.

#### **Section 9.03 Operating Budget and Appropriation Ordinance:**

In addition to the annual tax budget required by the Ohio Revised Code, the Manager, in consultation with the Director of Finance, shall by the first scheduled Council meeting in November submit to Council a proposed operating budget for the ensuing fiscal year. The Manager shall prepare, revise, and adjust the budget estimates for submission to Council. Council shall adopt a balanced budget.

The proposed operating budget shall contain, or be accompanied by a recommended appropriation ordinance. Council shall, by December 21<sup>st</sup> of every year, adopt both the operating budget and appropriation ordinance as submitted or amended. Should Council fail

to enact the proposed or amended operating budget and appropriation ordinance by December 21<sup>st</sup>, both shall be deemed to have been adopted finally by Council as submitted by the Manager.

**Section 9.04 Contracting Procedures:**

(A) Award and Execution of Contracts. Consistent with Section 7.02(B)(10) and except as otherwise provided in this Section, the Manager or designee shall award and execute all contracts on behalf of the City.

(B) Competitive Bidding. Council, by ordinance, shall establish a threshold amount, notice provisions, and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold established by Council, the contract shall be competitively bid. Council shall award a contract to the lowest and best bidder, provided that Council may reject any and all bids in whole or by items. No contract shall be divided to avoid the requirements of competitive bidding.

(C) Waiver of Competitive Bidding. By a vote of no less than five members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding; if Council determines that an item is available and can be acquired only from a single source; or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City.

(D) Professional Services. Contracts for professional services shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by Council if the current operating budget provides sufficient funding for the scope of services in any such contract.

(E) Alteration or Modification of Contracts. Council shall establish procedures for alterations or modification of contracts. Alterations or modifications of contracts shall not require competitive bidding.

(F) Certification of Funds. Except as otherwise provided by Council, [MB1]Nno contract involving the expenditure of money shall be entered into or authorized by the Manager unless the Director of Finance or designee shall first certify that:

(1) Funds required for the contract are in the City's treasury or in the process of collection; and

(2) Funds have been appropriated by Council for the specified purpose and remain unencumbered.

The Director of Finance shall file and record the certification of availability and appropriation of funds in the accounting records of the City and shall furnish a copy to the vendor or contractor. Without the certification, a contractual obligation shall be void and unenforceable against the City unless recognized by Council as a moral obligation.



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**Article X: Boards and Commissions**

**Section 10.01 Creation and General Rules:**

(A) Creation of Boards and Commissions. The City shall have a Planning Commission, a Board of Zoning Appeals, a Personnel Appeals Board, and such other boards and commissions as may be created by Council.

(B) General Rules for Boards and Commissions. The following general rules shall govern Boards and Commissions:

(1) Each board or commission created by Council shall consist of at least three (3) members;

(2) ~~Compensation,~~ terms, appointments, and removals shall be determined by Council unless otherwise provided in this Charter;

(3) Each member of a board or commission shall be and shall remain an elector of the City during the term of appointment, unless otherwise provided by Council;

(4) A vacancy occurring during the term of any member of a board or commission shall be filled for the unexpired term in the same manner as the original appointment;

(5) Each vacancy shall be filled with sixty (60) days;

(6) Each board and commission shall establish its own rules of order to be approved by Council. If no unique Rules are established, the board or commission shall operate according to the Standard Rules of Procedure for New Albany Boards and Commissions;

(7) Members of boards and commissions shall serve without compensation unless otherwise provided by Council; and

(8) All meetings of boards and commissions shall be open to the public, except as allowed by the laws of the State of Ohio and/or this Charter.

**Section 10.02 Planning Commission:**

(A) Composition and Terms. The Planning Commission shall consist of six (6) members. Five (5) of these members shall be voting members and shall serve overlapping three (3) year terms. The sixth shall be a Council member appointed by the Council. This Council

member shall be a non-voting member of the Planning Commission. Three voting members shall constitute a quorum.

(B) Powers and Duties. The Planning Commission shall have the power and duty to hear applications for land use, zoning classifications, or districts and, as merited, to submit written recommendations for legislative action or to render final determinations for administrative action; to initiate, review, and recommend legislation, rules, and regulations on all matters of City planning, land use, and zoning classification; and to exercise such other powers, duties, and functions as provided by Council.

#### **Section 10.03 Board of Zoning Appeals:**

(A) Composition and Terms. The Board of Zoning Appeals shall consist of five (5) voting members. Four (4) of these members shall serve overlapping three (3) year terms and the fifth member shall be a Planning Commission member designated annually by the Planning Commission.

(B) Powers and Duties. The Board of Zoning Appeals shall have the power and duty to hear and decide appeals regarding legislative measures and administrative determinations relating to zoning and land use. The Board of Zoning Appeals may make advisory recommendations to Council and the Planning Commission concerning zoning matters; and shall exercise such other powers, duties, and functions as provided by Council. The Board of Zoning Appeals shall also have the power and duty to hear variances from zoning area regulations and general development standards.

#### **Section 10.04 Personnel Appeals Board:**

(A) Composition and Terms. The Personnel Board of Appeals shall consist of three (3) members who shall serve overlapping three (3) year terms.

(B) Powers and Duties. The Personnel Board of Appeals shall have the power and duty to hear appeals from administrative determinations made pursuant to the Administrative Code, and such other powers, duties, and functions as provided by Council.



## Memorandum

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TO: The New Albany Charter Review Commission

FROM: Mitch Banchefsky, Law Director  
Jennifer Mason, Council Clerk

DATE: February 11, 2019

MEETING: February 26, 2019

RE: Meeting #7 – Overview and Suggested Modifications to Articles XI, XII,  
XIII & XIV

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### **Article XI: Elections, Recall, Initiative, and Referendum**

#### Overview

Article XI contains information relating to Village elections, provides for the power to recall any elected official of the Village and establishes the process for such recall, and provides for initiative and referendum powers.

#### **Section 11.01 Elections:**

##### Current Language:

(A) Regular Elections. Regular municipal elections shall be held on the dates and times fixed by the election laws of the State of Ohio.

(B) Special Elections. Council may, at any time, order a special election by legislation which shall set forth the date and purpose of the election, including but not limited to the referral of pending legislation to the electors for their approval or rejection. Special elections may be held on any date.

(C) Conduct of Elections. All regular and special elections shall be conducted by the election officials of the State of Ohio. Elections shall be held in conformity with the provisions of this Charter or as otherwise provided by Council. Where not addressed by this Charter or by Council, the provisions of the election laws of the State of Ohio shall be followed.

(D) Public Information Expenditure. Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with tax,

bond, and other non-partisan public issues, but not in connection with the election of any candidate for public office.

- Synopsis: Subsection (A) requires all *regular* City municipal elections to occur on the dates and times fixed by the State of Ohio.

Subsection (B) authorizes the Council to order a *special* election at any time. The legislation passed by Council ordering a special election is required to set forth the date and purpose of the election, including any referral of pending legislation to the electors for approval or rejection. Council may order a special election on any date.

Subsection (C) requires all elections, regular and special, to be conducted by the Board of Elections and in conformity with the provisions of the Charter or as otherwise provided by Council. The elections laws of the State of Ohio shall control unless otherwise provided for in the Charter or by Council.

Subsection (D) authorizes the Council to appropriate and expend public funds to pay for costs associated with providing information to the public about any tax, bond or other non-partisan public issues. Subsection (D) specially prohibits the use of public funds in connection with the election of any candidate for public office.

- Suggested Modification: None

### Section 11.02 Recall:

#### Current Language:

(A) Power to Recall. The electors shall have the power to remove from office by a recall election any elected official of the ~~VillageCity~~ in the manner provided in this Section.

(B) Recall Petition Prerequisites. As to any elected official who has served at least six (6) months of a term of office, an elector or electors of the ~~Village City~~ may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of the elected official. Petitions for the recall of the election official may not be circulated until the written notice of intent is served upon the Clerk of Council.

(C) Recall Petition Form. The petition shall contain a verified statement of not more than one hundred words setting forth specific grounds upon which the removal of the elected official is sought. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name of the elected official whose removal is sought. Separate petitions are necessary for each elected official whose removal is sought. The petition shall be signed by at least that number of electors equal to twenty-five percent (25%) of the electors voting at the last preceding regular municipal election.

(D) Filing, Examination, and Amendment of Petition. No later than thirty (30) days after service of the notice of intent on the Clerk of Council, the petition demanding the removal of an

↳ subject to the verification by BOE,

elected official shall be filed with the Clerk of Council. Within twenty (20) days after the day on which the petition is filed, the Clerk of Council shall determine whether or not it meets the requirements of this Section. If the Clerk finds the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition, and make a record of the delivery. The petition may be amended within ten (10) days after the date of the delivery. The Clerk shall, within five (5) days after such an amendment has been filed, reexamine the petition, and if still insufficient, the petition shall be rejected and no further action taken thereon.

(E) Recall Election. Unless the elected official whose removal is sought resigns within five days after delivery of the Clerk's certificate, Council shall fix a day for holding a recall election, to be placed on the ballot at the succeeding general or primary election occurring not less than ninety (90) days after the date of the Clerk's certification of sufficiency to Council, and shall cause notice of the recall election to be published on the same day of each week for two consecutive weeks in a newspaper of general circulation in the VillageCity. At the recall election, this question shall be placed upon the ballot: "Shall (name of elected official whose removal is sought) be allowed to continue as (elected official's position)?", with the provisions on the ballot for voting affirmatively or negatively. If a majority of the vote is negative, the elected official shall be removed, the office shall be vacant, and the vacancy shall be filled as provided in Section 5.04. If the elected official is not removed at such recall election, no further recall petitions shall be filed against the elected official for a period of one year following the recall election.

- Synopsis: Subsection (A) grants City electors the power to recall any elected official of the City in accordance with the process established by this Section.

Subsection (B) limits the power of recall to any elected official who has served at least six months of a term of office and requires the elector or electors seeking the recall to serve a written notice of intent to circulate petitions on the Clerk of Council. This subdivision prohibits the circulation of petitions until the written notice of intent is served upon the Clerk of Council.

Subsection (C) requires recall petitions to contain a verified statement of not more than 100 words setting forth the specific grounds upon which the removal is sought. This subdivision authorizes the circulation of the petition in separate parts, but requires all separate part petitions to be bound together and filed as one instrument. It also requires each part petition to contain the name of the elected official whose removal is sought and separate petitions for each elected official whose removal is sought. Lastly, subdivision (C) requires each petition to be signed by a least 25% of the electors voting in the last preceding regular municipal election.

Subdivision (D) requires the elector or electors seeking removal of an elected official to file the petition with the Clerk of Council no later than 30 days after the notice of intent is filed with the Clerk. The Clerk is then required to review the petition and within 20 days after the filing of the petition, determine if it is sufficient or meets the requirements of this Section. If the Clerk finds that the petition is insufficient, the Clerk is required to

certify the particulars in which the petition is insufficient and deliver a copy of the certificate to the person who filed the petition. The petition may be amended within 10 days after the delivery of the Certificate. The Clerk is required to reexamine and determine the sufficiency of an amended petition within 5 days. If the petition is still insufficient, the petition is rejected.

Subdivision (E) requires the Council, unless the elected official whose removal is sought resigns within 5 days after delivery of the Clerk's certificate, to fix a day for holding the recall election. The recall election shall occur at the next general or primary election occurring not less than 90 days after the date of the Clerk's certification of sufficiently to Council. The Council is required to give notice of the recall election by publication in a newspaper of general circulation in the City. The ballot question shall read as follows "Shall (name of elected official whose removal is sought) be allowed to continue as (elected official's position)?" If a majority of electors vote is negative or in approval of the recall, the elected official is removed and the office vacancy is filled in accordance with Section 5.04. If a majority of electors vote is positive or in disapproval of the recall, subdivision (E) prohibits the filing of any further recall petitions against the elected official for a period of one year after the recall election.

- Suggested Modification: None.

### **Section 11.03 Initiative and Referendum:**

#### Current Language:

Legislation, issues, and other measures may be proposed by initiative petition and adopted by election as provided by the Constitution and laws of the State of Ohio. Legislation adopted by Council shall be subject to referendum, as provided by the Constitution and laws of the State of Ohio, except that legislation calling for elections under this Charter shall not be subject to referendum and as otherwise provided in Section 4.05.

- Synopsis:  
Section 11.03 grants the power of initiative petition and referendum to the electors as provided in the Ohio Constitution and Ohio Revised Code. It specifically excludes legislation providing for elections and Council Rules, adopted by the Council under the authority of Charter Section 4.05, from initiative or referendum powers.
- Suggested Modification: None.

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## **Article XII: General Provisions**

### Overview

Article XII contains information relating to conflicts of interest, ethics, campaign financing, invalidity of a Charter provision, and Charter amendments.

### **Section 12.01 Conflicts of Interest, Ethics, and Campaign Financing:**

#### **Current Language:**

Unless otherwise provided in this Charter or by Council, the laws of the State of Ohio pertaining to conflict of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

- **Synopsis:** Unless the Charter provides otherwise or the Council passes legislation providing otherwise, the laws of the State of Ohio governing conflict of interest, criminal misbehavior, ethics, financial disclosure, campaign finance, and election practices of candidates apply to City employees, City officials, and City operations.
- **Suggested Modification:** None.

### **Section 12.02 Effect of Partial Invalidity:**

#### **Current Language:**

A determination that any provision of this Charter is invalid shall not invalidate or impair the force and effect of any other provision, except to the extent that the other provision is wholly dependent for its operation upon the provision declared invalid.

- **Synopsis:** If any provision of the Charter is declared invalid, this section ensures that other provisions of the Charter continue in force and effect unless a provision is wholly dependent upon the invalid provision for its operation.
- **Suggested Modification:** None.

### **Section 12.03 Amendments of Charter:**

#### **Current Language:**

This Charter may be amended or revised by the electors as provided by this Charter or the Constitution and laws of the State of Ohio.

- **Synopsis:** This section authorizes amendments and revisions to the Charter in the manner provided in the Charter or in the manner provided by the Constitution and laws of the State of Ohio.
- **Suggested Modification:** None.

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## Article XIII: Charter Review Commission

### Overview

Article XIII contains information relating to the composition, term, and duties of the Charter Review Commission.

### **Section 13.01 Composition and Term:**

#### Current Language:

During the month of July 2008 and each ten (10) years thereafter, the Council shall appoint seven (7) electors of the ~~VillageCity~~, holding no other office or employment with the ~~VillageCity~~, as members of a Charter Review Commission to serve until their duties as provided herein are completed. The members shall serve without compensation.

- Synopsis: Requires the Council to appoint, beginning in July 2008 and then every ten years thereafter, seven electors of the City to serve as members of the Charter Review Commission. Charter Review Commission members may not hold any other office or employment with the City and serve without compensation. Charter Review Commission members complete their service upon issuance of the report to Council required by Section 13.02.
- Suggested Modification: None.

### **Section 13.02 Duties:**

#### Current Language:

The Charter Review Commission shall review this Charter and no later than twelve (12) months after appointment report the Commission's findings and conclusions to Council. This report shall transmit recommended amendments, if any.

- Synopsis: Requires the Charter Review Commission to review the Charter and report findings and conclusions, including any recommended amendments, to Council no later than twelve months after appointment of the Charter Review Commission members.
- Suggested Modification: None.



## Article XIV: Transitional Provisions

### Overview

Article XIV contains information relating to the effective date of the revised Charter and the status of the Charter upon the Village obtaining City status as provided in the Ohio Constitution and Revised Code.

### **Section 14.01 Effective Date of Revised Charter:**

#### Current Language:

This Revised Charter adopted on July 12, 1999, became effective on March 1, 2000, and was subsequently amended effective January 1, 2010

- Synopsis: This section established an effective date of March 1, 2000 for the Charter adopted on July 12, 1999 as well as the effective date of the amended Charter.
- Suggested Modification: Replace this provision with this updated language as follows: This updated Revised Charter was approved by the voters in November 2019, and became effective January 1, 2020.

### **Section 14.02 Succession:**

#### Current Language:

The municipal corporation existing as the Village of New Albany under the laws of the State of Ohio and the Charter approved by the electorate on November 3, 1992 and effective on January 1, 1993, shall continue to be a body politic and corporate under the same name under this Charter or until such time as it becomes a City in the manner provided by the Constitution and laws of the State of Ohio. At such time, it shall then be known as the "City of New Albany", unless otherwise provided by Council.

Upon becoming a City, the position name of "Village Administrator" shall become "City Manager". The City Manager shall have all the powers conferred upon the Village Administrator contained within this Charter, by the Constitution and laws of the State of Ohio, and as provided by Council.

Upon advancing to City status, the provisions of this Charter shall apply.

- Synopsis: This now-dated provision provides for the continuation of current municipal operations upon the Village reaching City status and provides for the City to be known as the "City of New Albany" unless Council provides otherwise. It also provides for the

“Village Administrator” to become the “City Manager” and ensures that the provisions of the Charter continue to apply upon the Village reaching City status.

- Suggested Modification: Replace this provision with the following updated language:  
The municipal corporation existing as the Village of New Albany, under the laws of the State of Ohio and the Charters approved by the electorate effective on January 1, 1993, and the Revised Charters effective March 1, 2000, January 1, 2010, and January 1, 2010 respectively, and which advanced to city status on April 18, 2011, shall continue to be a body politic and corporate now known as the City of New Albany.

*its revisions*