



**Monroe Council Agenda
Regular Meeting of Council
June 22, 2021 – 6:30 p.m.
233 South Main Street, Monroe, Ohio**

Pledge of Allegiance

Roll Call

Approval of the Minutes – Technology Committee Minutes of May 24, 2021; Finance Committee Minutes of May 25, 2021; and Council Minutes of June 8, 2021.

Visitors

- Kelly Wright, GIS Analyst – Geographic Information System

Committee Reports

Public Works Committee
Finance Committee
Administrative Liaison Committee
Technology Committee
Public Involvement Committee
Public Safety Committee

Old Business

Resolution No. 32-2021. A Resolution authorizing the City Manager to enter into an award agreement related to the American Rescue Plan Act of 2021. (Second Reading)

Resolution No. 33-2021. A Resolution adopting the Tax Budget for the City of Monroe, Ohio, for the 2022 fiscal year. (Second Reading)

Ordinance No. 2021-19. An Ordinance amending and supplementing Chapter 1065 of the Codified Ordinances to change the reservation fees and rules and regulations related to the reservation of the Monroe Community Room and Small Conference Room located at 6 East Avenue. (Second Reading)

Ordinance No. 2021-20. An Ordinance supplementing Chapter 286 of the Codified Ordinances to establish the reservation fee for the Monroe Community Room and Small Conference Room at 6 East Avenue. (Second Reading)



New Business

Emergency Resolution No. 34-2021. A Resolution approving a Then-and-Now Certificate in the amount of \$3,148.68 to Phoenix Safety Outfitters and declaring an emergency.

Emergency Resolution No. 35-2021. A Resolution amending Emergency Resolution No. 53-2019 adopted by the City Council of the City of Monroe, Ohio on January 14, 2020 and declaring an emergency.

Resolution No. 36-2021. A Resolution authorizing the City Manager to enter into a Memorandum of Understanding with Performance Food Group/Presto Foods related to the continuance of an existing Community Reinvestment Area Agreement.

Resolution No. 37-2021. A Resolution authorizing an employee dishonesty and faithful performance of duty policy as opposed to the existing surety bond to cover the positions of the City of Monroe rather than the individuals holding a position.

Ordinance No. 2021-21. An Ordinance amending and supplementing Section 1064.03 of the Codified Ordinances to establish rules and regulations for park areas designated as Dog Parks.

Consideration of Motion authorizing the expenditure of \$30,000 to Burns General Contracting for unprocessed topsoil for Monroe Bicentennial Commons Park.

Consideration of Motion and Discussion to amend the Rules of Council and place the adoption thereof on the July 13, 2021 agenda.

Consideration of Motion and/or Discussion of alterations, revisions, and amendments to the Charter.

Executive Session – to consider the purchase of property for public purposes and reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Administrative Reports

Adjournment



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New Business

Emergency Resolution No. 34-2021. A Resolution approving a Then-and-Now Certificate in the amount of \$3,148.68 to Phoenix Safety Outfitters and declaring an emergency.

Background. The Fire department had anticipated paying for the uniforms and boots with a purchase card; however the vendor now charges a 3% processing fee with all credit card purchases over \$1200.

Emergency Resolution No. 35-2021. A Resolution amending Emergency Resolution No. 53-2019 adopted by the City Council of the City of Monroe, Ohio on January 14, 2020 and declaring an emergency.

Background. This resolution updates the structure of the Energy Special Improvement District (ESID) to allow more flexibility for other jurisdictions to join the district. It does not negatively affect the City of Monroe, Liberty Township or the district itself; in fact, it may prove to be beneficial as the district could have additional projects by having a wider service area.

Previous state law required that entities in an ESID shared a boundary - much like Monroe and Liberty Township do. However, the current state law allows for communities within the same county to join a district, even if the jurisdictions do not share boundaries. This resolution reflect that change. This could be beneficial to the ESID as more communities may be able to join the district, thereby increasing project revenue that can be used to support the actual district and develop other potential projects.

Resolution No. 36-2021. A Resolution authorizing the City Manager to enter into a Memorandum of Understanding with Performance Food Group/Presto Foods related to the continuance of an existing Community Reinvestment Area Agreement.

Background. This Memorandum of Understanding amends the previous MOU with Performance Food Group to provide the company with an opportunity to make a payment to the City in the amount of expected tax revenue that did not materialize in 2020 in exchange for the continuance of the company's Community Reinvestment Area (CRA) Agreement.

The proposed MOU requires payment in full for the previous MOU (\$14,669) and \$14,615.58 to bring the revenue coming off of the site into substantial compliance with what was expected under the terms of the Community Reinvestment Area.

The Company is under an MOU due to failure to reach their payroll hurdle for tax year 2019. However, due to COVID-19 and the company's confusion as to how to classify remote workers, the company failed to withhold local income tax for their remote sales staff. The company has offered to make up what should have been withheld on the sales staff and correctly classify them as Monroe employees for tax year 2021.



Resolution No. 37-2021. A Resolution authorizing an employee dishonesty and faithful performance of duty policy as opposed to the existing surety bond to cover the positions of the City of Monroe rather than the individuals holding a position.

Background. The State of Ohio passed HB291 in 2020 which allows municipal entities to obtain a faithful performance policy issued through their Crime insurance, rather than a surety bond. HB 291 allows such a policy to cover any entity or individual as determined by statute, charter or ordinance who are required to give a surety bond. HB291 also makes it clear that municipal entities may switch from utilizing a surety bond to a faithful performance policy even when its officers are mid-term or during an employees' employment, as opposed to current law which requires a policy to be in place before an officer takes office or before an employee begins employment. Please note: A municipal entity must pass a resolution allowing the use of a faithful performance policy rather than a surety bond before coverage can go into effect. If a municipal entity has already passed such a resolution or ordinance allowing the use of a faithful performance policy, then the entity will not need to do it again. The faithful performance coverage replaces the bond. Instead of covering individuals HB291 now allows us to cover the position. This will benefit the city as you will no longer be required to complete bond applications at renewal or when someone vacates a position. The position coverage will automatically renew with your policy.

Ordinance No. 2021-21. An Ordinance amending and supplementing Section 1064.03 of the Codified Ordinances to establish rules and regulations for park areas designated as Dog Parks.

Background. The Park and Recreation Board recommended that City Council adopt rules and regulations for dog parks on May 12, 2021.

Consideration of Motion authorizing the expenditure of \$30,000 to Burns General Contracting for unprocessed topsoil for Monroe Bicentennial Commons Park.

Background. This is for the purchase of just over 5000 cubic yards of unprocessed topsoil for Bicentennial commons. This dirt is being purchased from Burns General Contracting who in the general contractor for the Penske Truck center that is being built in Monroe on Clark Blvd.

The City will likely never find another opportunity like this again. The price of the topsoil is \$6.00 per cubic yard with a purchase of 5000 cubic yards for a total of \$30,000.00. To find this much dirt for this price this close to our area of need will never happen again.

The topsoil has been stripped from this site for the construction of the facility. It is a very rich soil composition that has grown crops for years.

We are wanting to purchase this topsoil to spread at Monroe Bicentennial Commons Park to allow a good stand of grass to grow. Currently, the entire park area is grown up in weeds. The soil condition of the park is very poor. It is a gravel mix with no nutrients.



this 5000 cubic yards of dirt will cover about 12.5 acres of the park at 3" thick. We will put most of this soil between the current phase going north towards the lake. This area has no real plans for development in the master plan of the park.

City crews will haul the dirt from Clark Blvd to park and stockpile it this summer. Later in the fall we will begin spread the topsoil once we get back into a safe growing season.

Consideration of Motion and Discussion to amend the Rules of Council and place the adoption thereof on the July 13, 2021 agenda.

Background. Please refer to the attached redline version of the changes as recommended by the Clerk of Council, Mayor Frentzel, and Council Member McElfresh.

Consideration of Motion and/or Discussion of alterations, revisions, and amendments to the Charter.

Background. Pursuant to Section 12.05 of the Charter after consideration of the recommendations of the Charter Review Commission, the Council may submit any or all of such proposed alterations, revisions or amendments to the Charter to the electors of the City.

Any changes to the Charter to be submitted to the electors at the General Election on November 2, 2021, must be submitted to the Board of Elections by August 4, 2021 at 4:00 p.m. Council would need to make a decision and adopt legislation as an emergency on July 27, 2021, to meet this deadline. The redlined recommendations from the Charter Review Commission have been included in the Council packet.

Executive Session – to consider the purchase of property for public purposes and reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Administrative Reports

Adjournment



City of Monroe
Technology Committee of Council
May 24, 2021

The Technology Committee of Council met at 5:30 p.m. on May 24, 2021. This meeting was held electronically pursuant to Ohio Revised Code Section 121.221.

Present were: Jason Frentzel, Mayor; Christina McElfresh, Council Member; William J. Brock, City Manager/City Engineer; Kacey L. Waggaman, Assistant City Manager; and Angela S. Wasson, Assistant to the City Manager/Clerk of Council.

Mr. Brock reported that the current phone system is end-of-life and we are seeing the results of that. The current system is through Pro Oncall. They submitted two bids giving us a choice of a monthly cost, which is about \$39,000 annually and is more than what we pay upfront. We have budgeted \$50,000 in this year's budget.

In comparing the other proposals, Velecor, our current IT consultants, they have the same YeaLink phones that Pro Oncall is proposing.

SWOCA works a lot with our school system. One of the pros they can provide internet service. Cincinnati Bell can also provide internet and phone. Changing over to a new phone system is a cloud service. Mr. Brock advised that we will need upgraded internet soon with all of the new camera systems and other items.

Mrs. McElfresh asked if any funds were budgeted for fiber this year or planned for next year. Mr. Brock advised that it is only to get additional fiber lines to the parks. Mr. Brock is speaking with companies in providing fiber to homes.

Mr. Brock pointed out that looking at cost-wise, Pro Oncall is the lowest; however, he was not happy that only having the phone system for five years and having these issues. It is not the fault of Pro Oncall.

Mayor Frentzel asked if there is a life expectancy given for the new phone system. Mr. Brock replied that is one reason that we are going to a cloud based system and reduces our risk.

Looking at the installation costs, Mayor Frentzel asked if Pro Oncall is cheaper because they already have equipment here. Mr. Brock advised that they are aware of what we have. Mayor Frentzel asked if the installation costs would be less expensive than what is quoted if they knew what was here. Mr. Brock advised that they have been walked through the building and know what we have in the building.

Mr. Brock confirmed Mrs. McElfresh's understanding that the installation costs would not change. Mrs. McElfresh took the upfront cost and the installation and added that with a year's worth of service. In doing that Pro Oncall ends up being approximately \$53,000 plus the monthly cost. Velecor would come in pretty close right at budget and they are already our IT provider and



everything would be all in-house. When she is looking at cost it appears that Velecor would be the less expensive vendor.

Mayor Frentzel acknowledged that SWOCA is the most expensive, but questioned if they could provide the internet portion and receive a bundling savings. Mr. Brock did not believe so.

It was the recommendation of the Technology Committee to proceed with Velecor for a new phone system.

The Technology Committee meeting adjourned at 5:52 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council



City of Monroe
Finance Committee of Council
May 25, 2021

The Finance Committee of Council met at 5:45 p.m. on May 25, 2021. This meeting was held electronically pursuant to Ohio Revised Code Section 121.221.

Present were: Jason Frentzel, Mayor; Keith Funk, Vice Mayor; Tom Callahan, Council Member; William J. Brock, City Manager/City Engineer; Karen Ervin, Director of Finance; Deborah Armitage, Assistant Finance Director; and Angela S Wasson, Assistant to the City Manager/Clerk of Council.

Referencing the January, February, and March of 2021 Finance Reports, Mayor Frentzel noted that March seems to be a little off budget. Mrs. Ervin anticipated that it will catch up quickly due to the tax filing deadline extended into May.

Mr. Funk pointed out that we collected just under the 25% for the year, but we are still driving over last year's line. Mr. Funk asked about the income tax analysis as we always seem to have a down year after a big year and questioned if we are preparing for a drop. Mrs. Ervin replied they were anticipating a decrease in revenues this year based on the COVID shut down period. With these numbers coming out for March she believes we will be doing okay.

Mrs. Ervin presented the budget calendar for 2022. So far, we are on target for May and she has submitted a draft Tax Budget to the City Manager's office. The public hearing for the Tax Budget will be held in June and then submitted to the counties in July.

Mr. Brock explained that most of the budget process from the Tax Budget to when Council sees the temporary budget has been done internally. There has been some desire by Council to have more input in that process. Reflecting back to when I had put out one of my initial reports of the year I tried to schedule some committee meetings in that period of time to specifically look at the budgets of certain departments. We still need to talk about what would be an appropriate committee to review administrative budgets. This ties into our Priority Based Budgeting, which packages that information in a different way for Council so they can review it. We will start in those sections with the departments and that would lead up to a retreat at the end of that process so that Council can prioritize the needs of the City against what those anticipated revenues are that will roll into that final budget. We are going to make sure Council has all of that information so that we can just have a permanent appropriation rather than going through the process of temporary and permanent.

Referring to the five-year forecast and the assumptions, Mrs. Ervin emphasized the Tax Budget is where we really look at our revenues. We do not typically spend as much time on our expenditures this early in the year. She explained that she looks at 10 years of tax revenue for our major funds and using various percentages. It could be the Consumer Price Index (CPI) or it could be an average of those 10 years and she takes what could be a good revenue estimate going into the end of the year. Looking at the five-year forecast it shows the actual 2020 expenses and revenues. The



further you go out the worse the information gets. With our current budget and current estimates we are looking at ending 2025 at \$7.6 million in the General Fund. This does not include some of our other funds we are getting such as, FEMA has about \$8,000 that we just received this week. Also, there is the American Rescue Plan Act that will give us approximately \$1.4 million this year and \$1.4 million next year. This is not included in the numbers because Council may direct that this be placed in various funds. There are specific guidelines for the use of these funds.

Mrs. Ervin advised that Senate Bill 4 was passed last year that allows the City to use 25% of unencumbered funds in our TIF and RID funds for applicable public safety and road and bridge maintenance projects. Depending on how we use that this year and how much we receive in property tax revenue, she has estimated about \$2.2 million that we may be able to use for road and street projects and public safety expenses. This is only a two year bill so we used part of it last year and we have the ability to use it this year.

Mayor Frentzel asked if the expenditure estimate for 2022 is correct because it dips down in 2022 and goes back up in 2023, 2024, and 2025. Mrs. Ervin advised that one of the big items is the transfers out. The General Fund primarily subsidizes our Police, Street, Fire and Capital Improvement. Capital Improvement is one of the large ticket items. Last year there were a lot of projects that did not get completed. The 2022 through 2025 transfers out keeps us out of the negative for these funds.

Mayor Frentzel asked if there is anything of concern that we need to note for the future. Mrs. Ervin felt the balances are very healthy, but knowing we have a lot of big projects and the Capital Improvement Plan will change the numbers as we prioritize the projects.

Mr. Funk noted back in 2016 the forecast was pretty accurate and we always erred on the side of caution. Mrs. Ervin acknowledged she does budget conservatively.

Mrs. Ervin explained that the main revenue in the General Fund is our income tax. She takes a look at the 10 year average. She included a note that COVID-19 will probably impact us again this year, so you may see our revenue estimate change.

The Finance Committee of Council adjourned at 6:17 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council



**Monroe Council Minutes
Regular Meeting of Council
June 8, 2021 – 6:30 p.m.
233 South Main Street, Monroe, Ohio**

Pledge of Allegiance

Mayor Frentzel opened the regular meeting of Council with the Pledge of Allegiance at 6:30 p.m.

Roll Call

Council members present: Tom Callahan, Jason Frentzel, Anna Hale, Todd Hickman, Christina McElfresh, and Robert Routson.

Mrs. Hale moved to excuse Mr. Funk; seconded by Mr. Routson. Voice vote. Motion carried.

Approval of the Minutes

Mrs. Hale moved to approve the Council Minutes of May 25, 2021; seconded by Mrs. McElfresh. Voice vote. Motion carried

Visitors

Leslie Sumner with the Monroe Lions Club requested approval from City Council to serve beer in the park during the Light Up the Sky event.

Mrs. Hale moved to approve the Monroe Lions Club to sell beer during the Light Up the Sky event; seconded by Mrs. McElfresh. Voice vote. Motion carried.

Jennifer Rogers expressed her dissatisfaction to Mr. Callahan's comments at the previous Council meeting during which he referred to communism during the discussion of grass clippings included in an ordinance.

Mr. Callahan apologized if his comments had offended anyone. His comments were made because he did not want our Country to turn into a communist country by telling everyone what to do. His belief is not telling people what to do as he believes in our freedom. Mr. Callahan did not believe he should be criticized for not voting for something he doesn't believe in.

Paul Lane, resident of Lebanon Street, reminded Council that he continues to want the speed reduced on Lebanon Street. Mayor Frentzel advised that Mr. Brock is working on this issue. Mr. Brock noted that he provided information to City Council in his supplemental about these types of streets and the criteria within the City's Code. This information has been reviewed with Law Director Callahan.

Kelly Clark, Chair of the Charter Review Commission, gave the following presentation to City Council on the proposed Charter changes.



Mrs. Clark thanked her fellow Commission members, Katie Wagner, Kara Brown, Colleen Taylor, Vicki Hickman, and Linda Tucker. In addition she thanked Angela Wasson and Law Director Phil Callahan that assisted the Commission.

The Commission's Goals:

- To obtain suggestions from as many sources as possible. They received suggestions from staff, the City Manager, Council members, and citizens. It was important to the Commission that no request was dismissed and, no matter how small, all suggestions were considered.
- To provide viable suggestions to Council that were ballot and legal worthy.
- To promote inclusion and fair representation where everyone's voice were heard. We wanted to make sure that everyone could easily read the Charter and feel that they were represented.
- To improve efficiency and accountability of local government, as well as improve ease and efficiency of work flow for City administration and staff.

Mrs. Clark pointed out in some of the sections the pronouns are crossed out and/or changed as it was unanimous with the Commission to modernize the entire Charter. The Commission felt strongly that our Charter should clearly represent everyone who reads it and worked as a group to make all phrasing gender neutral.

Article IV – Council. Section 4.01- Composition and Terms. The proposed change would not permit a member of Council to serve more than two consecutive four year terms unless a period of at least two years has intervened without such person serving on the Council. The provisions of this amendment would apply commencing January 1, 2022. In determining the eligibility of an individual to hold the office of member of Council, time spent in the office of member of Council in fulfillment of a term to which another person was first elected shall not be considered. With term limits the Commission felt it would prevent stagnation and indifference and allow for new ideas and approaches. She noted it is not a negative reflection of the existing members of Council.

Article IV – Council. Section 4.02 – Organization. The proposed change would impact how the Mayor is chosen. All interested members may submit their name for consideration or submissions may be made by nomination. Once submitted the Council may vote on all members in consideration. In the event of a tie a revote shall occur for only the candidates receiving the highest amount of votes. The Commission did not feel an elected Mayor would maintain cohesiveness and efficiency in our local government. It allows for every interested Council member to have a chance and prevents pre-meeting campaigning removing the “first person mentioned” tradition. Mrs. Clark suggested that if Council determines not to send this section to the electors that they include it in their Rules of Council.

Article IV – Council. Section 4.06 – Removal. Rather than change any of the reasons for removal of a Council member the Commission determined to add accountability for a Council member in their attendance. It is suggested that members of Council must attend 66% of the regularly



scheduled meetings in a calendar year. Failure to meet this requirement such member shall vacate their office as Council member. The Commission did study a lot of other charters in surrounding municipalities. They understood that “life happens” and a member is unable to attend all of the meetings. However, one-third or 66% of regular meetings missed is eight meetings or four months.

Article IV – Council. Section 4.09 – Rules and Journal. The proposed supplement “In addition, the Journal and all written and digital record of Council’s proceedings shall be available on the City website or other public media platform” was suggested to make everything more accessible.

Article VI – Manager. Section 6.04 – Powers and Duties. No major changes were suggested. Some of the language was rearranged to modernize it and make it more clear and understandable.
Article VII – Ordinances, Resolutions and Motions. Section 7.01 – Action to be Taken. This proposed amendment more clearly defined what is adopted by an ordinance.

Article VII – Ordinances, Resolutions and Motions. Section 7.05 – Reading. In order to make Council’s job a little easier and meetings move a little quicker, it is recommended that all ordinances and resolutions be read by title only rather than make a motion to have it read by title only. This would also allow resolutions to only require one reading.

Article VII – Ordinances, Resolutions and Motions. Section 7.13 – Public Hearing on Zoning Ordinance or Resolution. The public hearing for zoning amendments currently requires Council to set a date for a public hearing within thirty days of receiving the Planning Commission’s recommendation. The Commission proposed that this be increased to sixty days to allow for more careful consideration of any controversial items by the Planning Commission.

Article VIII – Administrative Departments. Section 8.01 – Creation of Departments. This suggestion came from the City Manager and just changes the language to realign the departments. For example, the Department of Engineering and Inspection and Department of Streets and Department of Utilities would fall under the Department of Public Works.

Article X – Finance. Section 10.03 – Limitation of Debt. The Commission recommended that Council seek a recommendation from bond counsel to draft appropriate language to restructure the debt limitations that does not take into account township debts. Mrs. Clark explained that the City’s debt limit is set at a certain number that helps with credit rating and being able to obtain grants. The debt limitation now takes into account the debt of Lemon Township. The City Manager would like to consult with bond counsel to restructure the City’ debt limitation to not take into account the debt that has been incurred by Lemon Township. This would also avoid the need to create a paper township.

Article X – Finance. Section 10.04(C) – Contracting Procedures. The Commission felt this would improve the efficiency. It would allow for the City Manager to obtain bids without waiting for a Council meeting. Council will still have the opportunity to authorize the acceptance of any bids.

Mayor Frentzel, Mrs. Hale, and Mrs. McElfresh expressed appreciation of the Commission and all of the work they put into this.



Committee Reports

Mr. Callahan reported that a resident reached out to him about semis going down to Hankins and then having to back up. The resident noted that there used to be signs that did not permit trucks, but were taken down. Mr. Callahan further reported that he spoke with Gary Morton and the signs were re-erected quickly and the residents were pleased.

Mr. Callahan expressed how immaculate the City garage is kept and complimented Mr. Morton.

Mr. Hickman asked about the City-owned property on Lakeview and the bad shape they are in. Mr. Brock recommended to tear down the buildings. We do store items in that building and will have to find a place to relocate those items. Mr. Brock will meet with the Public Works Director and see what we can do to move that forward.

Old Business

Ordinance No. 2021-15. An Ordinance combining the Street Fund and the Motor Vehicle License Tax Fund. (Second Reading)

Mrs. McElfresh moved to consider this the second reading of Ordinance No. 2021-15 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-15 by title only.

Mrs. McElfresh moved to adopt Ordinance No. 2021-15; seconded by Mr. Routson. Roll call vote: six ayes. Motion carried.

Ordinance No. 2021-16. An Ordinance accepting real property containing 1.3427 acres, more or less, from Park 63, Limited, as further described herein to be used for public purposes. (Second Reading)

Mrs. McElfresh moved to consider this the second reading of Ordinance No. 2021-16 and have it read by title only; seconded by Mr. Routson. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-16 by title only.

Mrs. McElfresh moved to adopt Ordinance No. 2021-16; seconded by Mr. Routson. Roll call vote: six ayes. Motion carried.

Ordinance No. 2021-17. An Ordinance supplementing Section 412.01(A)(1) of the Codified Ordinances to specifically include grass clippings. (Second Reading)

Mr. Routson felt it was vague as it relates to grass clippings. He has had people come up to him laughing at some of the things that Council is currently doing. Mr. Routson recommended that Council come up with a better ordinance rather than vaguely include grass clippings.



Mr. Callahan stated that he jokingly told one of the City employees not to get grass clippings on the road and this employee replied that it was impossible to be done.

Mayor Frentzel understood Mr. Routson wanted to have another ordinance for this, but many times we have had two separate pieces of legislation where one would cancel out the other.

Mrs. McElfresh moved to consider this the second reading of Ordinance No. 2021-17 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council of read Ordinance No. 2021-17 by title only.

Mrs. McElfresh moved to adopt Ordinance No. 2021-17; seconded by Mrs. Hale. Roll call vote: four ayes; two nays (Callahan and Routson). Motion carried.

New Business

Emergency Resolution No. 31-2021. A Resolution authorizing the City Manager to enter into an agreement by and between the City of Monroe and Jones-Warner Consultants, Inc. for professional engineering services related to the Monroe Crossings Catch Basin Replacement Project and declaring an emergency.

Mr. Brock advised that the catch basins along Roden Park Drive are failing and this legislation requests approval for an engineering design.

Mayor Frentzel pointed out that Monroe Crossings is not that old of a subdivision and questioned the need to replace 42 catch basins. Mr. Brock explained that they were put in under the standards at the time and the standard has since changed.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Resolution No. 31-2021 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Emergency Resolution No. 31-2021 by title only.

Mrs. McElfresh moved to adopt Emergency Resolution No. 31-2021; seconded by Mrs. Hale. Roll call vote: six ayes. Motion carried.

Resolution No. 32-2021. A Resolution authorizing the City Manager to enter into an award agreement related to the American Rescue Plan Act of 2021.

Mr. Brock reported this allows the City to enter into an award agreement for the American Rescue Plan Act funds.



Mrs. McElfresh moved to consider this the first reading of Resolution No. 32-2021 and have it read by title only; seconded by Mr. Hickman. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 32-2021 by title only.

Mrs. McElfresh moved to approve the first reading of Resolution No. 32-2021; seconded by Mr. Hickman. Roll call vote: six ayes. Motion carried.

Resolution No. 33-2021. A Resolution adopting the Tax Budget for the City of Monroe, Ohio, for the 2022 fiscal year.

· ***Public Hearing: Resolution No. 33-2021.***

Mayor Frentzel opened the public hearing.

Having been sworn, Mrs. Ervin stated that we are required to submit a tax budget to Butler and Warren Counties before July 20th. We really try to focus on the revenue projections that assist in the expense budget. The tax budget must contain specific detail on any funds that receive property tax revenues. In addition to the presentation of the tax budget for fiscal year 2022, Mrs. Ervin provided an overview of how the revenue and expenditures are estimated.

Mrs. McElfresh moved to close the public hearing on the 2022 Tax Budget; seconded by Mrs. Hale. Voice vote. Motion carried.

Mrs. McElfresh moved to consider this the first reading of Resolution No. 33-2021 and have it read by title only; seconded by Mr. Callahan. Voice vote. Motion carried.

The Clerk of Council read Resolution No. 33-2021 by title only.

Mrs. McElfresh moved to approve the first reading of Resolution No. 33-2021; seconded by Mr. Callahan. Roll call vote: six ayes. Motion carried.

Emergency Ordinance No. 2021-18. An Ordinance to authorize the City Manager to enter into a Lease Agreement with the highest bidder for the real property known as the Baker Sports Complex and declaring an emergency.

Law Director Callahan reported that two bids were received; however, what we thought at that time was the high bid had some problems and, after he discussed the matter with their attorney, they withdrew their bid. The only bid left was Majors Farms.

Mrs. McElfresh moved to suspend the rule requiring the reading of Emergency Ordinance No. 2021-18 on two separate days, authorize its adoption on the first reading, and have it read by title only; seconded by Mr. Hickman. Voice vote. Motion carried.

The Clerk of Council read Emergency Ordinance No. 2021-18 by title only.



Mrs. McElfresh moved to adopt Emergency Ordinance No. 2021-18; seconded by Mr. Hickman. Roll call vote: five ayes; one abstention (Hale). Motion carried.

Ordinance No. 2021-19. An Ordinance amending and supplementing Chapter 1065 of the Codified Ordinances to change the reservation fees and rules and regulations related to the reservation of the Monroe Community Room and Small Conference Room located at 6 East Avenue.

Mr. Brock reported that the next two pieces of legislation revolve around the fees for use of the Monroe Community Room and the small conference room at 6 East Avenue. Mrs. Ervin has expressed concern with the time-consuming process of taking a deposit and returning a portion of it. Some of the rule changes are only one reservation per calendar day per room, which would not include City-related uses. This will help us inspect and clean the room in between uses. Another change would be service and not-for-profit organizations being able to use the room for free. Mr. Brock would keep a listing of the approved organizations in his office. It is recommended that a nonrefundable fee for the large room be \$100 and \$50 for the small conference room. If there is any extraordinary cleaning or damage needed the organization would be charged for this.

Mrs. McElfresh moved to consider this the first reading of Ordinance No. 2021-19 and have it read by title only; seconded by Mr. Callahan. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-19 by title only.

Mrs. McElfresh moved to approve the first reading of Ordinance No. 2021-19; seconded by Mrs. Hale. Roll call vote: six ayes. Motion carried.

Ordinance No. 2021-20. An Ordinance supplementing Chapter 286 of the Codified Ordinances to establish the reservation fee for the Monroe Community Room and Small Conference Room at 6 East Avenue.

Mrs. McElfresh moved to consider this the first reading of Ordinance No. 2021-20 and have it read by title only; seconded by Mrs. Hale. Voice vote. Motion carried.

The Clerk of Council read Ordinance No. 2021-20 by title only.

Mrs. McElfresh moved to approve the first reading of Ordinance No. 2021-20; seconded by Mr. Callahan. Roll call vote: six ayes. Motion carried.

Consideration of Motion to make an appointment to the Planning Commission to fill the unexpired term ending December 31, 2021.

Mayor Frentzel moved to adjourn into executive session to consider the appointment of a public official; seconded by Mrs. McElfresh. Roll call vote: six ayes. Motion carried.

Council adjourned into executive session at 8:37 p.m.



Mrs. McElfresh moved to reconvene into regular session; seconded by Mrs. Hale. Voice vote. Motion carried.

Council reconvened into regular session at 8:50 p.m.

Mrs. McElfresh moved to appoint Matthew Frye to the Planning Commission with a term expiring December 31, 2021; seconded by Mrs. Hale. Voice vote. Motion carried.

Consideration of Motion accepting the January, February, and March 2021 Finance Reports as submitted.

Mrs. McElfresh moved to accept the January, February, and March 2021 Finance Reports as submitted; seconded by Mr. Hickman. Voice vote. Motion carried.

Administrative Reports

Mr. Routson thanked the people that were placing roses on the veterans graves at the North Monroe Cemetery on Memorial Day.

Mr. Routson stated that he has been on Council for 24 years, 6 years on Public Works, 25 on the Volunteer Fire Department, and 13 years on the Police Department and has pulled a petition to run again. For personal reasons June 30th will be his last day on City Council.

Adjournment

Mr. Routson moved to adjourn; seconded by Mrs. Hale. Voice vote. Motion carried.

The regular meeting of Council adjourned at 8:54 p.m.

Respectfully submitted,

Angela S. Wasson, MMC
Clerk of Council

EMERGENCY RESOLUTION NO. 34-2021

A RESOLUTION APPROVING A THEN-AND-NOW CERTIFICATE IN THE AMOUNT OF \$3,148.68 TO PHOENIX SAFETY OUTFITTERS AND DECLARING AN EMERGENCY.

WHEREAS, it was anticipated that this purchase would be paid with a purchase card; however, the vendor now charges a 3% processing fee with all card purchases over \$2,000.

WHEREAS, a purchase order was not opened due to the unknown final cost for this process.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: A Then-and-Now Certificate in the amount of \$5,400 to the Ohio Association of Chiefs of Police is hereby approved.

SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to authorize the Certificate at the earliest possible date to avoid any delay in paying for services rendered. Therefore, this measure shall take effect and be in full force from and after its passage.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

EMERGENCY RESOLUTION NO. 35-2021

A RESOLUTION AMENDING EMERGENCY RESOLUTION NO. 53-2019 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONROE, OHIO ON JANUARY 14, 2020 AND DECLARING AN EMERGENCY

WHEREAS, as set forth in Ohio Revised Code (“ORC”) Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

WHEREAS, on January 14, 2020, the City Council of the City of Monroe, Ohio (the “Council”) adopted Emergency Resolution No. 53-2019 (the “Initial Approving Resolution”) which, in relevant part, approved certain governing documents of the Monroe, Liberty Energy Special Improvement District (the “District”) and approved and consented to any addition to the territory of the District of real property located within the boundaries of any municipal corporation or any township which is contiguous to the municipal corporations or townships in which a portion of the territory the District is located, in accordance with ORC Section 1710.02; and

WHEREAS, effective April 12, 2021, House Bill 444 of the 133rd General Assembly of the State of Ohio amended, in relevant part, ORC Section 1710.02(A) and eliminated the requirement that real property be located within the boundaries of any municipal corporation or township contiguous to the municipal corporations or townships in which a portion of the territory the District is located in order to be duly added to the territory of the District; and

WHEREAS, to facilitate the development and implementation of special energy improvement projects in furtherance of the purposes set forth in Section 20 of Article VIII of the Ohio Constitution throughout Butler County and any other counties in which municipal corporations or townships may duly become participating political subdivisions of the District in accordance with ORC Section 1710.02, as amended, this Council has determined to amend the Initial Approving Resolution; and

WHEREAS, it is necessary for the immediate preservation of public peace, property, health and safety that this Resolution take effect at the earliest possible date in order to allow other political subdivisions throughout Butler County and any other counties in which municipal corporations or townships may duly become participating political subdivisions of the District in accordance with ORC Section 1710.02 to become participating political subdivisions of the District in order to develop and implement special energy improvement projects and take advantage of financing that may only be available to property owners within such participating political subdivisions for a limited time.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Section 2 of the Initial Approving Resolution is hereby deleted in its entirety and replaced with the following:

“SECTION 2: This Council approves and consents to (i) any additional of real property to the territory of the District within the boundaries of any municipal corporation or township which may duly become a participating political subdivision of the District, including, without limitation, any municipal corporation or township within Butler County or any county that adjoins Butler County; (ii) the addition of the municipal corporation or township in which such real property is located as a “participating political subdivision,” as defined in Ohio Revised Code Section 1710.01(E), of the District; and (iii) any amendment to the Articles of Incorporation necessary to recognize and effect such addition.”

SECTION 2. Except as expressly amended or modified by this Resolution, the Initial Approving Resolution shall remain in full force and effect.

SECTION 3. This Council hereby finds and determines that all formal actions taken relative to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including ORC Section 121.22.

SECTION 4. This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and further for the reason that Council desires to take advantage of financing that may only be available to property owners with such participating political subdivisions for a limited time.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

CERTIFICATION

I, Angela S. Wasson, the duly appointed Clerk of Council of the City of Monroe, do hereby attest and certify that this is a true and correct copy of Emergency Resolution No. 35-2021.

_____, 2021

Angela S. Wasson, MMC, Clerk of Council

RESOLUTION NO. 36-2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH PERFORMANCE FOOD GROUP/PRESTO FOODS RELATED TO THE CONTINUANCE OF AN EXISTING COMMUNITY REINVESTMENT AREA AGREEMENT.

WHEREAS, the City of Monroe and Performance Food Group previously entered into a Community Reinvestment Area Agreement (CRA) and a Memorandum of Understanding (MOU); and

WHEREAS, Performance Food Group did not meet the tax year 2020 payroll obligations contained in the CRA and referenced in the MOU; and

WHEREAS, Council deems it in the best interest of the City to enter into a MOU to avoid the termination of the CRA and permit Performance Food Group to bring the revenue from the project site into compliance with the tax year 2020 expectations under the CRA Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: The City Manager is hereby authorized to enter into a Memorandum of Understanding with Performance Food Group/Presto Foods related to the continuance of an existing Community Reinvestment Area Agreement. The terms and conditions of the Memorandum of Understanding shall be substantially similar to Exhibit "A" attached hereto and made a part hereof.

SECTION 2: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading:_____

Exhibit “A” Res No. 36-2021

Memorandum of Understanding

between the

City of Monroe, Ohio

and

Performance Food Group, Inc.

regarding

July 2021 Community Reinvestment Area Payment to City

This Memorandum of Understanding (**MOU**) is entered into as of the [____] day of [____], 2021 (the **Effective Date**), by and between the City of Monroe, Ohio (the **City**) and Performance Food Group, Inc. (the **Company**) (each of the City and the Company is referred to as a **Party** and together as the **Parties**).

I. Background

The City Council (the **City Council**) of the City adopted Emergency Resolution No. 46-3007 on August 14, 2007, describing the boundaries of a Community Reinvestment Area in the City. The City Council adopted Resolution 47-2017 on October 24, 2017, authorizing the City to enter into a certain Community Reinvestment Area Agreement (the **Agreement**) between the City and the Company effective as of November 23, 2017.

Under Section 4 of the Agreement, the Company agreed that its subsidiaries would increase employment at the Project Site (as that term was defined in the Agreement) by the amounts and with the payroll as set forth in Section 4 of the Agreement. The Company and its subsidiaries did not meet the amount of payroll specified in Section 4 of the Agreement for tax year 2019. Section 11 of the Agreement provides that the Company may avoid termination or modification of the Agreement as a result of a failure to meet the payroll obligations in Section 4 of the Agreement by paying to the City an amount equal to the value of the abated real property taxes for that year. The amount of property taxes on the Project Site abated in tax year 2019 was \$14,669.00.

City Council and the Company previously entered into a Memorandum of Understanding (the **Original MOU**), which was fully executed on April 5, 2021 and allowed the Company to make three (3) annual installment payments with a cumulative value of \$14,669 to address the payroll

deficiency of 2019. The Original MOU directed that the Agreement be terminated and payment be made in full in the event of future payroll deficiencies.

The Company failed to meet payroll obligations under Section 4 of the Agreement for tax year 2020 due to confusion with the State tax laws for remote-employee withholding during the pandemic and has indicated a willingness to make a payment to the City in an amount sufficient to be in substantial compliance with the anticipated tax year 2020 employee withholding revenue based on the payroll requirements of Section 4.

II. Purpose

The purpose of this MOU is to identify the terms under which the Company will satisfy the payment obligation of the Original MOU and the payment deficiency for 2020 under Section 11 of the Agreement to avoid the termination or modification of the Agreement.

III. Payment to the City

The Company has not made any payments under the terms of the Original MOU, so the entire \$14,669 amount remains payable to the City.

The Company shall make a one-time payment of the \$14,669 payable under the Original MOU and a one-time payment of \$14,615.58 in order to bring the City's 2020 income tax revenue for the site into substantial compliance with the anticipated payroll for that year. These payments shall be made no later than August 1, 2021.

The City and the Company hereby agree that such payments set forth above in the aggregate amount of \$29,284.58 are in place of and satisfy the Company's payment obligations under Section 11 of the Agreement for the payroll expectations of 2019 and 2020.

IV. Term and Termination

The parties acknowledge that this MOU supersedes and nullifies the Original MOU.

This MOU shall terminate automatically in the event that the Company does not meet the ongoing hiring or payroll amounts specified in Section 4 of the Agreement. This payment is in addition to any other payments required under the terms of the Agreement.

V. Modification

This MOU may be modified by mutually acceptable written amendment duly executed by authorized representatives of the Parties.

VI. Notices

All notices under this MOU shall be in writing and deemed given or made when deposited in the U.S. mail, postage pre-paid or sent via facsimile with confirmation receipt, to the following addresses or facsimile numbers:

City of Monroe, Ohio
Attn: Economic Development
233 South Main Street
Monroe, Ohio 45050

Performance Food Group, Inc.
Attn: Kent R. Berke
12500 West Creek Parkway
Richmond, Virginia 23238

VII. Other

This MOU is subject to, and will be carried out in compliance with, all applicable laws, regulations, and other legal requirements. Nothing contained in this MOU shall be construed to create any employment relationship, agency, partnership, or venture, for any purpose.

The obligations of the City, including specifically with respect to the community reinvestment area are subject to and contingent upon certain approvals of the City Council of the City.

This MOU may be signed in one or more counterparts or duplicate signature pages with the same force and effect as if all required signatures were contained in a single original instrument. Any one or more of such counterparts or duplicate signature pages may be removed from any one or more original copies of this MOU and annexed to other counterparts or duplicate signature pages to form a completely executed original instrument. Electronic or facsimile signatures shall be acceptable.

The parties to this MOU agree to submit any claims arising under this MOU to the exclusive jurisdiction and venue of the Court of Common Pleas of Butler County, Ohio.

IN WITNESS WHEREOF, the Parties have each caused their duly authorized representatives to execute this Agreement, effective as of the Effective Date.

CITY OF MONROE, OHIO

Signature: _____

Name: William J. Brock, P.E.

Title: City Manager

Date: _____

PERFORMANCE FOOD GROUP, INC.

Signature: _____

Name: Kent R. Berke

Title: Senior Vice President

Date: _____

RESOLUTION NO. 37-2021

A RESOLUTION AUTHORIZING AN EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY POLICY AS OPPOSED TO THE EXISTING SURETY BOND TO COVER THE POSITIONS OF THE CITY OF MONROE RATHER THAN THE INDIVIDUALS HOLDING A POSITION.

WHEREAS, the City of Monroe, Butler and Warren Counties, is a member of the Public Entities Pool (PEP), a political subdivision risk pool established pursuant to Ohio Revised Code (ORC) Section 2744.081; and

WHEREAS, House Bill 291 was signed into law on December 20, 2018 and became effective March 20, 2019; authorizes the use of an, “employee dishonesty and faithful performance of duty policy,” instead of individual surety bonds, for trustees, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties; and

WHEREAS, in accordance with ORC 3.061, the “political subdivisions”, (meaning counties, townships, “municipal corporations,” including villages and cities) must adopt a policy by resolution to allow the use of an “employee dishonesty and faithful performance of duty” coverage document, rather than a surety bond, to cover loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties; the following shall apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointee shall have the employee dishonesty and faithful performance of duty policy in effect before the individual’s term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.
3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
4. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.
5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use the PEP coverage agreement and affirm that the public entities coverage complies with ORC 3.061. Said approval shall be obtained by the City of Monroe, Butler and Warren Counties; and

WHEREAS, the City of Monroe, Butler and Warren Counties, “employee dishonesty and faithful (Entity) (County) performance of duty policy” through the PEP coverage document complies with ORC 3.061.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: The City Manager is hereby authorized to purchase and use “employee dishonesty and faithful performance of duty policy” through PEP instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties.

SECTION 2: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED:_____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading:_____

ORDINANCE NO. 2021-21

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 1064.03 OF THE CODIFIED ORDINANCES TO ESTABLISH RULES AND REGULATIONS FOR PARK AREAS DESIGNATED AS DOG PARKS.

WHEREAS, the Park and Recreation Board recommended that City Council establish certain rules and regulations for dog parks on May 12, 2021; and

WHEREAS, due to the opening of a dog park in the near future, City Council deems it necessary to accept the recommendation of the Park and Recreation Board to establish the rules and regulations set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Section 1064.03 of the Codified Ordinances is hereby amended and supplemented to read as follows:

“The following general rules shall apply to all users of the parks:

- (a) No alcoholic beverages shall be permitted in any Dog Park and only permitted in any other park for certain events as approved by Council.
- (b) No gambling shall be permitted in any park.
- (c) No motor vehicles (cars, motorcycles, mini-bikes, trail bikes or ATV vehicles) shall be permitted off the designated roadway or parking areas except during certain events with the recommendation of the Park and Recreation Board and approval of the City Manager. If approval is received, no vehicle will be driving over 10 MPH.
- (d) No bicycles shall be permitted on the infields of any of the ball diamonds.
- (e) No profane or abusive language shall be permitted.
- (f) No disorderly conduct shall be allowed.
- (g) For parks designated as Dog Parks the following shall apply:
 - 1. Dog handlers must be 16 years of age or older and are liable for injuries or damages caused by their dogs. No digging allowed.
 - 2. Dogs that are aggressive, in heat, or sick are not allowed.
 - 3. All dogs must be at least four months of age, current with all vaccinations, licensed and must be wearing a collar.
 - 4. Any person entering the Dog Park acknowledges the risk and dangers inherent with dog parks and assumes the risk of injury to themselves and their dogs.
 - 5. A small dog park is limited to dogs weighing 25 pounds or lighter. A large dog park is open to dogs of all sizes.
 - 6. Dog handlers must be inside the dog park within view of their dogs and have access to a leash at all times.
 - 7. City leash laws must be obeyed immediately outside of the dog park.

8. Dog handlers are responsible for pick up, sealing, and disposal of waste in the designated containers.
9. Equipment in the dog park is for dogs only. Please do not let your children climb on the equipment.
10. Children under the age of 13 are not permitted in the dog park unless accompanied by an adult. Running should be avoided because it can elicit the chase response.
11. No strollers, carriages, bicycles, or children's toys are allowed in the dog park.
12. No food or treats are allowed. (Dog and people food can cause dogs to act unexpectedly).
13. No smoking in the dog park.
14. The dog park is closed with City of Monroe personnel are conducting maintenance.
15. Violation of the rules may result in loss of privileges for use of the dog park.

SECTION 2: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

ATTEST:

APPROVED:

Clerk of Council

Mayor

First Reading: _____

CITY OF MONROE

Rules of Council

A. Compliance – Sunshine Rule

At the time of adoption of these Rules of Council, it is the intent of Council to be in full compliance with “The Sunshine Rules of the State of Ohio”. Any subsequent amendments to the State statutes which creates conflict with these Rules shall take precedence and shall be considered affective upon passage by the State.

B. Meetings.

1. Special Meetings: Council shall hold such special meetings as may be found necessary. Such meetings will be called by the Clerk of Council upon the request of the Mayor or two or more members of Council. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered there at, and no other subject or subjects shall be discussed except upon the approval of ~~three~~ four or more members of Council in attendance at such special meeting. Twenty-four hours notice in writing of such special meeting shall be prepared by the Clerk and delivered to all members of Council and the Manager, and the news media shall be given at least twenty-four hours advance notice. In the event of an emergency requiring immediate official action, the news media shall be contacted as soon as the time and place of the meeting is known and Council members shall sign that they have agreed to waive the twenty-four hour notice requirement.
2. Advance Notification: Any person may, upon request to the Clerk of Council and payment of a reasonable fee to be established by Council, obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. The exact provisions of such notification shall be established by Council by motion.
3. Posting: This rule shall be permanently posted in the Municipal Building.

C. The Chair, Powers and Duties

1. Roll Call: The Mayor shall take the chair at the hour appointed for Council to meet and shall immediately call the meeting to order. The roll shall be called by the Clerk, who shall enter into the Minutes of the Meeting the names of the members present. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote, take a recess or recesses and direct the Clerk to procure the attendance of absent members.
2. Temporary Chair~~man~~: In the absence of the Mayor, the Vice Mayor shall call the meeting to order and chair the meeting. In the absence of both the Mayor and Vice Mayor, the Clerk or Clerk Pro-tem shall call the Council meeting to order and call the

roll. If a quorum is found to be present, Council shall proceed to elect, by a majority vote, a temporary chair~~man~~ for the meeting.

3. Appeals from Decision of the Chair: The Chair shall preserve decorum and decide all questions of order subject to appeal to Council. In case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand as the decision of Council?" If a member transgresses the Rules of Council, the Chair shall call him to order, in which case he shall relinquish the floor, unless permitted to explain.
4. Votes: All questions shall be stated by the Chair. In case of a roll call vote, the roll call shall be taken by the Clerk. Upon completion of the roll call, the Clerk shall announce the result.~~s by stating the total in favor of the question and the total opposed to the question.~~ The result of viva voce votes shall be declared by the Chair without reference to the Clerk. Where the results of a viva voce vote is in doubt, the Chair may, and on the demand of any member shall, call for a roll call vote. It shall not be in order for members to explain their votes during the call of the roll.
5. Presiding Officer Leaving Chair: The presiding officer at a meeting may call any other member to take his place in the Chair, but the substitution shall not extend beyond adjournment. By presiding officer is meant either Mayor, Vice Mayor, or a temporary chair~~man~~.

D. Members, Duties and Privileges

1. Seating Arrangement: Seats in the Council Chamber shall be arranged at the discretion of the Mayor.
2. Addressing the Chair: Members, when about to speak to a question or make a motion, shall address the Chair as "Mayor", who shall pronounce the name of the member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid personalities.
3. Limitation on Debate: No member shall be allowed to speak more than once upon any one subject until every member choosing to speak shall have spoken, nor more than twice upon the same subject, nor for a longer time than three minutes each, without leave of Council as expressed by a majority vote of the members present.
4. Voting: Council shall vote in rotation, (starting with a different member for each vote) each member voting by use of the word "yea" or "nay" or "yes" or "no". Any member who abstains from voting shall be deemed to have voted with the majority on the issue at hand, unless said member was prohibited from voting by the provisions of the Ohio Revised Code, Section 733.78, or was compelled to abstain by circumstances which in ~~his~~ **their** opinion and the opinion of the remaining members of Council give rise to a conflict of interest.

5. Division of a Question: On demand of any member, a question under consideration which covers two or more points, shall be divided where the question admits of such division.
6. Personal Privilege: The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned, or impugned.
7. Dissents and Protests: Any member shall have the liberty to dissent from or protest against any Council ordinance, resolution, or decision and have the reason or reasons thereof entered upon the journal. Such dissent may be made in writing, in respectful language, and presented to Council not later than the next regular meeting following that of the passage of such ordinance, resolution or decision.
8. Demand for Roll Call: Any member may demand a roll call vote upon any question before Council at any time before the decision on said question is announced by the Chair.
9. Excusal from Attendance: Members who will be absent from a Council meeting shall notify the Mayor, ~~or Clerk of Council~~ **or Manager** of such absence ~~as soon as possible prior to such meeting by no later than noon the day of a normal Council meeting in order for it to be considered for excusal.~~ (Reference Section 4.06 of the Charter of Monroe) Absences reported shall be brought before Council for approval and inclusion in Council minutes.
10. **Council members are only permitted to a maximum of 6 absences in any calendar year. This includes all Council meetings, any appointed liaison to a commission and committee seats held by a Council member.**
11. Excusal During Meeting: No member shall be excused while Council is in session except upon permission of the Chair.

E. Order of Business

1. Upon motion of any Council member, the order of business at any meeting may be altered by affirmative vote of a majority of the members present. The Clerk shall prepare the Meeting Agenda and make available to each Council member and the Manager, copies thereof, along with copies of items of business filed by Council members, ordinances, resolutions, petitions, correspondence, reports, or any other item placed on the meeting agenda. These packets will be made available to each member not later than 24 hours prior to said meeting. Deadline for filing of agenda items shall be no later than 12:00 noon on the ~~Friday~~ Monday the week prior to the meeting, unless otherwise approved (by??) **the City Manager and the Mayor**. Copies of the Agenda will be available in the Council Chambers for the use of visitors. The order of business at meetings of Council shall be in accordance with the Agenda as follows:
 - a) Roll Call to determine presence of a quorum and excused absence of those not in attendance.

- b) Approve Minutes of Prior Meetings. Reading of minutes of the previous Council meeting may be dispensed with if each Council member has been provided with a copy of the minutes at least 24 hours prior to the meeting. **Otherwise, the minutes of the previous Council meeting shall be read by the Clerk. (Do we want to keep? There are times that minutes are not ready at the next meeting. What about committee meeting minutes?)**
- c) Receive Visitors. Any items brought before Council by a citizen, of an administrative nature, shall be referred to the Manager for a report at the next regular meeting. Any matter of a policy nature shall be placed on the agenda of the next regular Council meeting. Visitors desiring to address City Council must complete a visitors card and submit the card to the Clerk prior to the beginning of the meeting. Comments are limited to three (3) minutes. Large groups are encouraged to select no more than three spokespersons.
- d) Committee Reports. Following roll call and the approval of the minutes of the preceding meeting, the business of regular meetings shall commence with reports of standing committees of Council. At special meetings the purpose named in the call shall have precedence over any other business.
- e) Old Business. Old business shall consist of any legislation or other previously discussed items which have not been addressed previously in the meeting and shall commence at the point where the order of business at the preceding meeting was interrupted by the adjournment.
- f) ~~Proposed Legislation. Proposed legislation shall be presented for consideration of Council action.~~
- g) New Business. New business includes proposed legislation or motions for consideration of Council action~~correspondence, emergency legislation, reports and communication introduced for the first time from Council members, the Manager, the Clerk, and other municipal officials.~~
- h) Administrative Reports. Administrative reports shall include correspondence, reports, and communication ~~those~~ from the Manager, Clerk, or Department Heads~~Treasurer, Law Director, etc.~~
- i) Adjournment. Adjournment shall be done by the proper vote.

Should we add an additional item before adjournment for Council comments? This would be for items that Council members would like to bring up for discussion or for a report at the next meeting. Each member of Council in attendance would be given the chance to speak and would have 3 minutes for their initial comments. The Chair could allow for additional time as they see fit.

F. Motions

1. Passage of Motions: When a motion is made it shall be stated by the Chair before debate. Any member may demand that it be reduced to writing. A motion shall not be withdrawn by the mover without the consent of Council. A motion must be seconded in order to be brought to a vote and the motion shall be deemed passed if it receives the affirmative vote of a majority of the members of Council per Section 7.06 of the Charter of Monroe.
2. Order of Procedure: When a question is before Council, no motion shall be entertained except for the following:
 - a) To adjourn.
 - b) To lay on the table.
 - c) The previous question.
 - d) To postpone to a certain time.
 - e) To refer.
 - f) To amend.
 - g) To postpone indefinitely.

Said motions shall have precedence in the foregoing order.

3. Motion to Adjourn: Motion to adjourn shall be in order at any time except as follows:
 - a) When repeated without intervening business or discussion.
 - b) When made while another member is speaking.
 - c) When the previous question has been ordered.
 - d) While a vote is being taken.

A motion to adjourn is not debatable, except as to time to which the meeting is adjourned.

4. Motion to Lay on the Table: A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If motion prevails, the consideration of the subject may be resumed upon motion of a member voting with the majority and the consent of the majority of the members present.
5. Previous Question: The previous question shall be stated in these words: "Shall debate now close?" The motion shall pass if a majority of the members present shall favor it. If the said motion is ordered, there shall be no further amendment or debate, but the question shall be put immediately.
6. Motion to Postpone: Motions to postpone may be amended as to time, excepting a motion to postpone indefinitely. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.
7. Motion to Amend: A motion to amend shall be susceptible of but one amendment. An amendment once rejected may not be moved again in the same form.
8. Motion to Suspend Rules: Except as provided in Section 7.05 of the Charter of Monroe, all other rules contained herein may be suspended by a majority of members of Council

present without debate.

9. Motion to Reconsider: A motion to reconsider a proposal that has been acted upon favorably must be made before adjournment of the session of Council at which the vote was taken. A motion to reconsider any other action taken by Council may be made not later than the next regular meeting after the vote of Council thereon. In either case such motion may be made only by a member who voted with the prevailing side. The concurrence of a majority of the members present shall be sufficient for reconsideration of a vote. If a motion to reconsider is lost, it shall not be entertained again.
10. Motion to Pass Ordinance or Resolution: ~~The reading and passage of e~~Each ordinance or resolution ~~shall be made pursuant to the Charter. is required to be read fully and distinctly on two separate days unless the Council, by motion, suspends the requirement that it be read on two separate days and authorizes its adoption on the first reading. In addition, Council may also authorize by motion that the ordinance or resolution be read by title only. Each of these motions to suspend the rule must be separately stated and a separate vote must be taken on each motion.~~ In a non-emergency situation, the ordinance or resolution will then go into effect 30 days after it has been passed. In the case of an emergency ordinance or resolution where the rules have been suspended, it will take effect immediately. ~~Each motion requires the vote of five members of Council.~~ Suggested statement of motion for emergency legislation is as follows:
 - a) “I move to suspend the rule requiring ~~dispense with~~ the reading of the (ordinance or resolution) on two separate days and authorize adoption on the first reading.” (This motion may be made by the Chair or any other member of Council.)
 - b) “I move that the (ordinance or resolution) be read by title only.” (This motion may be made by the Chair or any other member of Council and may be combined with the motion listed in subsection a) above.)
 - c) “I move for adoption of the (ordinance or resolution).”

G. Standing Committees

In order to facilitate the functioning of Council and to coordinate Council’s operations with the Manager and administration, the following committees of Council are hereby established with their respective areas of responsibility. These committees are intended to complement and not conflict with the duties of the Manager and the administration as developed in the Charter. All committees are developed to assist the administration and to provide Council with information regarding the functions of the City.

- 1) Public Works Committee. One Member of the Public Works Committee shall also be the Council liaison to the Park and Recreation Board. The Public Works Committee shall be responsible for:
 - a. Review of the utilities of the City, including presentation of any legislation pertaining to the Utility Department;
 - b. Providing information to Council on the condition of City utilities;
 - c. Review and development of improvement projects relating to City utilities;
 - d. Review and development of long range utility plans for the City;

- e. Review of all street improvement and maintenance programs;
 - f. Provide recommendations to Council regarding the maintenance and improvement programs for streets, including budget recommendations;
 - g. Development and implementation of a master street improvement program. This function shall include the priority, type of work necessary, and method of financing;
 - h. Review all Park use rules and regulations;
 - i. Development and implementation of a park Development and Open Spaces Master Plan. This function shall include the priority and method of financing;
 - j. Review of all Cemetery rules and regulations; and
 - k. Review of the Storm Water Master Plan.
- 2) Finance Committee. The Finance Committee shall be responsible for:
- a. Review of budget and appropriation ordinances;
 - b. Presentation of all budget and appropriation ordinances to Council;
 - c. Reporting the financial condition of the City to Council with any recommendations toward the improvement of the City financial condition;
 - d. Developing recommendations to Council regarding the financing of any capital improvement projects; and
 - e. Review all rates and fees charged by the City, including, but not limited to, rates for water, sewer service, storm water, trash collection, street lights, and miscellaneous permits and licenses; and
 - f. Providing Council with recommendations for any rate or fee increases.
- 3) Administrative Liaison Committee. The Mayor shall serve as the only member of the Administrative Liaison Committee. The Administrative Liaison Committee shall be responsible for:
- a. Providing general contact with the City Manager and providing such assistance to the Manager in any areas when specifically requested by the Manager; and
 - b. Providing contact between Council, the Board of Zoning Appeals, and the Personnel Board.
- 4) Technology Committee. The Technology Committee shall be responsible for:
- a. Review of emerging technology and how such technology can be implemented for the betterment of business and residential community, as well as, the operation of the City. Review may include, but not be limited to, cable television upgrades, wireless, fiber optic, satellite services, and cell based services; and
 - b. Review of website design and development with specific direction towards “E-Government” and “E-Business.”
- 5) Public Involvement Committee. The Public Involvement Committee shall be responsible for:
- a. Directing of special events of the City; and
 - b. Public Art Festivals, Events, etc.
- 6) Public Safety Committee. The Public Safety Committee shall be responsible for:
- a. Review and make recommendations concerning the operation of the Departments of Fire and Police.

Temporary Committees. Council may from time to time, by motion, appoint a temporary committee for involvement in a certain project that does not fall under the duties of the committees set forth above.

H. Record of Council Proceedings

1. The Clerk of Council shall maintain a written record of all meetings of Council which shall be approved at the following regular meeting.
2. In order to assist the Clerk in reviewing the proceedings and maintaining the record of Council meetings, ~~tape~~ audio and audio recordings shall be taken and maintained for a period of two years.

I. Miscellaneous

1. Procedure in Absence of Rule: In the absence of a rule to govern a point of procedure, reference shall be made to the approved practice in the current Roberts Rules of Order.
2. Decorum in Council Chambers: The Chair shall maintain decorum in Council Chambers during sessions. Persons, other than members of Council, Municipal officials, and members of the press shall not be permitted upon the floor of the Council, or to address Council, except upon introduction by the Chair or a member of Council. If anyone, other than a Municipal Official, desires to speak to a member of Council while it is in session the member, if agreeable to the request, shall leave his seat and retire to the rear of the Council Chambers or elsewhere until the conversation is finished.
3. Amending Rules: A **majority vote** is required to alter, amend, rescind, or supplement these Rules. Any proposed alterations, amendments, or supplements shall be submitted in writing at a regular meeting and placed on the agenda for the next regular meeting under the order of New Business. By **unanimous** recorded vote of all sworn members of Council, such proposed alterations, amendments or supplements may be adopted at the meeting at which the same are submitted. **Majority or unanimous?**
4. Law Director: The Law Director shall, when requested by a member of Council, give a verbal opinion on any question of law concerning Municipal affairs, in open Council, but he may if he deems the matter of importance, take a reasonable time to submit his opinion in writing.

Add language regarding how the Mayor and Vice Mayor are appointed/chosen by council members. I suggest language that makes this a level process open to any council member who may want to be considered for either of these positions. I propose a ballot system of sorts that allows any council member to submit their name for consideration and all council members cast their vote.

CHARTER - OF THE MUNICIPALITY OF MONROE, OHIO

CHARTER

PREAMBLE

We, the people of the Municipality of Monroe, Butler and Warren Counties, in order to secure for ourselves the benefits of local self-government under the Constitution of the State of Ohio, do hereby ordain and establish this Charter for the government of the Municipality of Monroe, Ohio. **No Changes.**

ARTICLE I. - NAME, BOUNDARIES AND FORM OF GOVERNMENT

Section 1.01 - Name.

The Municipality now existing in the Counties of Butler and Warren, State of Ohio, and known as Monroe, shall continue to be a body politic and corporate under the name of the City of Monroe. Any references in this Charter to village, Municipality or City are to the City of Monroe. **No Changes.**

Section 1.02 - Boundaries.

The Municipality of Monroe shall have the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the laws of Ohio. **No Changes.**

Section 1.03 - Form of Government.

The form of government provided in this Charter shall be known as the Council-Manager. The powers and functions of the Municipal Government shall be distributed among the Municipality, its citizens, and the various offices, bodies, boards and commissions as provided in the Charter. **No Changes.**

ARTICLE II. - INCORPORATION AND POWERS

Section 2.01 - Incorporation.

The present Municipality, as its limits are now or may hereafter be established, shall be and continue to be a Municipal corporation of the State of Ohio in perpetuity, under its present name of the City of Monroe. **No Changes.**

Section 2.02 - Powers.

The Municipality shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of the State of Ohio. **No Changes.**

Section 2.03 - Manner of Exercising Powers.

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by ordinance of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until the Council shall provide a different manner of exercising such powers. **No Changes.**

Section 2.04 - Construction.

The powers of the Municipality under this Charter shall be construed liberally in favor of the Municipality, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in the Article. **No Changes.**

ARTICLE III. - MAYOR AND VICE MAYOR

Section 3.01 - Duties and Responsibilities.

The term of office for the Mayor shall be as provided in Section 4.02 and ~~he/she~~ shall have the following authority:

- (A) Preside at Council meetings when present.
- (B) While presiding over special or regular meetings of the Council the Mayor may vote upon all matters coming before the Council, but in no event shall the Mayor, in the dual capacity as Council member and presiding officer of the Council, cast more than one vote on any action, nor ~~shall he~~ have power of veto.
- (C) To appoint committees of Council and coordinate such committees.
- (D) Act as the ceremonial head of the Municipality but shall have no administrative authority.

Section 3.02 - Judicial Powers.

Until such time as the Mayor's Court is abolished by law and/or its jurisdiction transferred to another court, the Mayor shall have all judicial powers granted generally by the laws of Ohio to the mayors of Ohio municipalities and shall exercise all or any such powers in accordance with the procedure established by law governing Mayors' Courts. **No Changes.**

Section 3.03 - Vice Mayor.

The term of the office of Vice Mayor shall be as provided in Section 4.02 and ~~he/she~~ shall act as presiding officer of the Council in the absence or disability of the Mayor and shall exercise all the powers and duties granted the Mayor by this Charter during the absence or disability of the Mayor. While presiding over special or regular meetings of the Council the Vice Mayor may vote upon all matters coming before the Council, but in no event shall the Vice Mayor, in the dual capacity as Council member and presiding officer of Council, cast more than one vote on any action. In the event that the office of Mayor shall become vacant, the Vice Mayor shall become Mayor for the unexpired term, and the Council shall elect a successor from among the membership of the Council to the office of Vice Mayor for that unexpired term.

ARTICLE IV. - COUNCIL

Section 4.01 - Composition and Terms.

The Council shall consist of seven members, elected at large for a term of four years beginning on the first day of January next following their election. Four members of the Council shall be elected at the regular Municipal election in 1975 and every fourth year thereafter, and three members of the Council shall be elected at the regular Municipal election in 1977 and every fourth year thereafter. **No person shall hold the office of member of Council for a period longer than two consecutive four year terms of the Council unless a period of at least two years has intervened without such person serving on the Council. The provisions of this amendment shall apply commencing January 1, 2022.**

In determining the eligibility of an individual to hold the office of member of Council in accordance with this article, time spent in the office of member of Council in fulfillment of a term to which another person was first elected shall not be considered.

Each provision of this amendment shall be deemed severable from the others, and a finding that a provision is invalid shall not affect the other provisions.

Section 4.011 - Qualifications.

Each Council member shall have been a resident and qualified elector of the Municipality for at least one year immediately prior to election or appointment and shall continue to be a resident and qualified elector of the Municipality throughout the term of office.

Except as provided by or under this Charter, members of Council shall not hold any other compensated office or position of employment with the Municipality, nor shall they hold any other compensated elected public office.

Any member of Council who shall cease to possess, or who violates, any of the qualifications herein enumerated may be removed from ~~his~~ office, but failure to maintain said qualifications shall not render void or ineffective any action of Council in which such member has participated.

Section 4.02 - Organization.

The Council shall meet and organize in January next, following each Council election. Council shall select, by majority vote from its own members, one to serve as Mayor and one to serve as Vice Mayor for a term of two years until their successors are chosen. **At this meeting any eligible Council member may submit their name for consideration as Mayor and/or Vice Mayor. Submissions may also be made by nomination. Once submitted the Council may vote on all members in consideration. In the event of a tie a revote shall occur for only the candidates receiving the highest amount of votes.** In addition the Council shall select by a majority vote one Council member as a member of the Planning and Zoning Commission, to serve until a successor shall have been elected unless the person in the meantime shall cease to be a Council member.

Section 4.03 - Repealed June 8, 1982.

Section 4.04 - Powers and Duties.

All legislative powers of this Municipality shall be vested in the Council except as expressly limited by this Charter and the Constitution of the State of Ohio. Without limitation of the general powers hereinbefore stated, the Council shall:

- (A) Originate, introduce and pass ordinances and adopt resolutions.
- (B) Fix the number and salary ranges of all officers and employees of the Municipality whether elected or appointed.
- (C) Require and fix bond for the faithful discharge of the duties of office by officers and employees, the premium of any bond required by Council shall be ordered by the Council to be paid by the Municipality.
- (D) Adopt an annual appropriation ordinance based upon the annual budget in the manner set forth in the general laws of Ohio.
- (E) In addition to financial audits conducted by the State under the general laws of Ohio, the Council may authorize financial audits at such other times as it deems necessary. The reports of all examinations and audits will be made available to all members of Council.
- (F) Have the power to make investigations into the affairs of the Municipality and the conduct of any Municipal department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require production of evidence. Any person or persons who fail or refuse to obey a lawful order issued in exercise of these powers by the Council, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six months, or both.
- (G) Have the power to levy taxes and incur debts subject to the limitations imposed thereon by this Charter.

- (H) Have the power to adopt and to provide for the enforcement of local public safety, sanitary and other similar regulations as are not in conflict with general laws.
- (I) Have the power to provide for the exercise of all powers of local self government granted to the Municipality by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
- (J) Exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio. **No Changes.**

Section 4.05 - Repealed November 6, 2001. **No Changes.**

Section 4.06 - Removal.

The Council shall be the judge of the qualifications of its members. Council may, by two-thirds of its membership, expel or remove any member for failure to meet or maintain qualification of office, or for violation of **his said Council member's** oath of office, or for the conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Prior to any such action by Council, the accused member shall be notified in writing of the charge **against him** at least fifteen days in advance of any hearing upon such charge, and **he the Council member** and counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness in support of such charge. The accused member shall not vote on the question of **his their** removal.

A Council **man member** who is absent, without being excused by the majority of the other members of Council, from **four three** consecutive regular meetings of Council, shall automatically vacate **his their** office on the Council.

Members of Council must attend 66% of the regularly scheduled meetings in a calendar year. Failure to meet this requirement such member shall vacate their office as Council member.

Section 4.07 - Vacancies.

When a seat of Council becomes vacant, the vacancy shall be filled with a qualified person for the unexpired term by a majority vote of the remaining members of Council. If the vacancy be not so filled within thirty days, the Mayor shall fill it by appointment; such appointment by the Mayor does not then require approval by the Council. **No Changes.**

Section 4.08 - Reserved. **No Changes.**

Section 4.09 - Rules and Journal.

Council shall adopt its own rules, regulations or by-laws in so far as they are not set forth in this Charter, and shall keep a Journal of all of its proceedings. The Journal shall be open for public inspection during the Municipal Building's regular office hour. **In addition, the Journal and all written and digital record of Council's proceedings shall be available on the City website or other public media platform.**

Section 4.10 - Clerk of Council.

The Council shall, by a majority vote, appoint a Clerk of Council who shall serve at the pleasure of Council. The Clerk may be appointed to serve full-time or part-time and the Council may assign the duties of the Clerk of Council to any employees of the Municipality as an additional duty. The Clerk shall give notice of Council meetings, keep the Journal, advertise public hearings, record in separate books all ordinances and resolutions enacted by Council and have the same published in the manner provided by this Charter. The Clerk shall perform such other duties as may be assigned to the Clerk by this Charter or by ordinance. In the absence of the Clerk of Council, Council shall appoint a temporary clerk for the purpose of recording minutes of the meeting. **No Changes.**

ARTICLE V. - AUDITOR-TREASURER No Changes.

Section 5.01 - Repealed June 8, 1982.

Section 5.02 - Repealed June 8, 1982.

Section 5.03 - Repealed June 8, 1982.

ARTICLE VI. - MANAGER

Section 6.01 - Appointment; Qualifications.

Council shall appoint the Manager with the approval of a majority for confirmation. If a Manager has not been employed within 180 days after a vacancy occurs, the Mayor may appoint a Manager.

The Manager shall be appointed solely on the basis of ~~his~~ executive and administrative qualifications. ~~He~~ **The Manager** need not be a resident of the Municipality or the State at the time of ~~his~~ appointment, but within six months after this appointment, ~~he~~ shall reside within the Municipality unless such residence requirement is waived by ordinance.

Section 6.02 - Removal.

The Manager may be removed from office by the following procedure:

- (A) A majority of Council may suspend the Manager for a period not to exceed forty-five days by informing the Manager in writing of its reasons for said suspension.
- (B) The Manager may file a written request for a public hearing on ~~his the~~ suspension with the Council within seven days notice of suspension.
- (C) If the Manager does not file a written request for a public hearing with the Council ~~his the~~ **Manager's** employment will be terminated after fourteen days from the date the Council's suspension letter was received by the Manager.
- (D) If the Manager does request a public hearing from the Council, this hearing shall be held at a Council meeting not earlier than fifteen days nor later than thirty days after the request is filed. If a majority of Council does not vote to overrule the suspension, the Manager's employment will be terminated at that time. If a majority does vote to overrule the suspension, the Manager will be reinstated with back pay.

Section 6.03 - Acting Manager.

By motion, Council may appoint a qualified administrative officer of the Municipality or other person suitably qualified to exercise the powers and duties of the Manager during ~~his the Manager's~~ temporary absence, disability or suspension or when a vacancy occurs. After thirty days absence or disability of the Manager, the Council may declare the position vacant.

In the event of a vacancy in the office of Manager, the Council shall designate a person as Acting Manager, who shall exercise all of the powers, duties and functions of the Manager until a Manager is appointed.

Section 6.04 - Powers and Duties.

The Manager shall: ~~be responsible to the Council for the administration of all Municipal affairs placed in his charge by the Charter.~~

- (A) ~~He shall a~~**Appoint**, suspend or remove all Municipal employees and appointed administrative officers provided by law or personnel rules adopted pursuant to this Charter. ~~He m~~**May** authorize any administrative officer who is subject to ~~his the Manager's~~ direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (B) ~~He shall d~~**Direct** and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.
- (C) ~~He shall a~~**Attend** Council meetings on request of Council.
- (D) ~~He shall s~~**See** that all laws, provisions of this Charter and acts of Council, subject to ~~the Manager's~~ enforcement ~~by him~~ or by officers subject to ~~his the Manager's~~ direction and supervision, are faithfully executed.
- (E) ~~He shall f~~**Formulate** and arrange contracts, franchises and agreements, and sign all contracts, bonds and notes on behalf of the Municipality, provided proper Council approval has been given.
- (F) ~~He shall f~~**Formulate** job descriptions as deemed necessary for the Municipal employees; ~~encourage and provide staff support for regional and intergovernmental cooperation; and promote partnerships among Council and staff.~~
- (G) ~~He shall p~~**Perform** such other duties as are specified in this Charter or may be required by the Council by ordinances.
- (H) ~~He shall m~~**Make** such other reports as the Council may require concerning the operations of Municipal departments, offices and agencies subject to ~~his the Manager's~~ direction and supervision.
- (I) ~~He shall p~~**Prepare** and submit the annual budget, capital program and appropriation ordinance to the Council and be responsible for its administration upon adoption.
- (J) ~~He shall k~~**Keep** Council advised of the financial condition and future needs of the City, ~~and~~ make recommendations ~~as he may~~ deemed advisable, ~~and assist the City Council to develop long term goals for the City and strategies to implement these goals.~~
- (K) ~~He shall s~~**Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year; make such other reports as the City Council may require concerning operations; make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy.**

Section 6.05 - Relationship of Council, Manager and Employees.

Except for the purpose of inquiry or investigation, any member of Council shall deal with the administrative employees solely through the Manager. No member of the Council shall interfere in the appointment, removal or direction of officers or employees subordinate to the Manager, except that the Clerk of the Mayor's Court shall be under the direct control and supervision of the Mayor. **No Changes.**

ARTICLE VII. - ORDINANCES, RESOLUTIONS AND MOTIONS

Section 7.01 - Action to be Taken.

Action of Council shall be by ordinance, resolution or motion.

- (A) An ordinance is the formal written enactment of Council in the exercise of a governmental power vested by the Constitution or statutes in the Municipality for the regulation of the conduct of its citizens or others subject to its control, and intended to be of permanent duration. ~~Every action of a general and permanent nature; or granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor, shall be taken by ordinance.~~ **In addition to other acts required by law or by specific**

provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

1. Adopt or amend an administrative code;
2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
3. Levy taxes;
4. Grant, renew, or extend a franchise;
5. Regulate the rate charged for its services by a public utility;
6. Authorize the borrowing of money;
7. Convey or lease or authorize the conveyance or lease of any lands of the City;
8. Regulate land use and development;
9. Amend or repeal any ordinance previously adopted; or
10. Adopt, with or without amendment, ordinances proposed under the initiative power.

(B) A resolution is the formal written enactment of Council of a less permanent nature, not prescribing any permanent rules of conduct and usually required or applied to the preliminary declaration of legislative intent to be effectuated by the subsequent passage of an ordinance, or for the disposition of a specific matter not required by statute or Charter provision to be done by ordinance. **No Changes.**

(C) All other action may be done by motion. **No Changes.**

Section 7.02 - Introduction.

Any member of Council may, at a regular or special meeting, introduce any ordinance or resolution. **No Changes.**

Section 7.03 - Style.

Each ordinance shall contain an enacting clause as follows: "Be it Ordained by the Council of the City of Monroe, State of Ohio:" and each resolution shall contain an enacting clause as follows: "Be it Resolved by the Council of the City of Monroe, State of Ohio:". **No Changes.**

Section 7.04 - Subject.

Each ordinance or resolution shall contain only one subject which shall be expressed in its title, provided, however, that appropriation ordinances may contain the various subjects, accounts and amounts for which monies are appropriated, and that ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject. **No Changes.**

Section 7.05 - Reading.

Each ordinance ~~or resolution~~ shall be read ~~fully and distinctly by its title only~~ on two separate days. The Council may, by a vote of five members elected or appointed thereto, dispense with the requirement that an ordinance ~~or resolution~~ be read on two separate days, and authorize the adoption of an ordinance ~~or resolution~~ upon its first reading. **A resolution requires only one reading and shall be read by its title only.** , ~~and the~~ Council may, by a majority vote of all members elected thereto, ~~dispense with the requirement that an ordinance or resolution be read fully and distinctly for its first or second reading or for both its first and second readings, and~~ authorize an ordinance or resolution be read fully and distinctly. ~~such reading or readings to be by title only. Motions to~~

~~dispense with the requirement that an ordinance or resolution be read on two separate days and motions to dispense with the requirement that authorize an ordinance or resolution be read fully and distinctly may be separately stated and a separate vote be taken on each such motion or they may be combined with a vote taken on one inclusive motion. When combined the motion shall require an affirmative vote of five members for passage.~~

Section 7.06 - Vote Requirement for Passage.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by yeas and nays and entered on the Journal, and no ordinance, resolution or motion relative to passage of ordinances, resolutions and motions shall be passed without concurrence of at least four members of the Council, except that each emergency ordinance ~~or resolution~~ shall require the affirmative vote of at least five members of the Council for its enactment; provided, however, that if such emergency ordinance ~~or resolution~~ shall fail to receive the required five affirmative votes, but receives the necessary majority for passage as a nonemergency ordinance ~~or resolution~~, it shall be considered passed as a nonemergency ordinance ~~or resolution~~ and shall become effective as hereinafter provided by this Charter. A majority of the members present at any regular or special Council meeting may compel the attendance of absent members.

Section 7.07 - Emergency Ordinances and Resolutions.

Each emergency ordinance ~~or resolution~~ shall determine that said ordinance ~~or resolution~~ is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for such emergency. No ordinance ~~or resolution~~ pertaining to the following matters may be adopted as an emergency measure: zoning classifications, districts or regulations, regulations governing the platting and subdivision of land or the levying of a tax unless such tax shall be necessary to provide or replace Municipal facilities, equipment or buildings and the need for such facilities, equipment or buildings arises out of a public exigency, or the changing of salaries of members of Council.

Section 7.08 - Effective Date.

No ordinance ~~or resolution~~ shall go into effect until thirty days following its passage with the following exceptions:

- (A) Any emergency ordinance ~~or resolution~~ shall take effect, unless a later time be specified therein, immediately upon its passage.
- (B) Any ordinance ~~or resolution~~ providing for the following shall take effect, unless a later time be specified therein, immediately upon its passage:
 - (1) Appropriation of money.
 - (2) Annual tax levy for current expenses.
 - (3) Improvements petitioned for by the owners of the requisite majority of the front footage or of the area of the property benefited and to be especially assessed therefor.
 - (4) Submission of any question to the electorate or the determination to proceed with an election.
 - (5) Providing for the approval of a revision, codification, recodification or rearrangement of ordinances and resolutions, or publication thereof in book form.
- (C) ~~Resolutions and Mmotions~~, except as otherwise provided by Council, shall take effect immediately upon passage.

Section 7.09 - Authentication.

Each ordinance or resolution shall be authenticated by the signature of the Mayor and the Clerk of Council; however, the failure or refusal of such officers to sign such ordinances or resolutions shall not invalidate an otherwise properly enacted ordinance or resolution. **No Changes.**

Section 7.10 - Recording.

Each ordinance or resolution shall be recorded in a book or other record prescribed by the Council, established and maintained for that purpose, and shall be open for public inspection during regular office hours. The Clerk of Council or a duly authorized deputy to said Clerk shall, upon the request of any person, and upon the payment of a fee as established by the Council, certify true copies of any ordinance or resolution. **No Changes.**

Section 7.11 - Amendment.

No ordinance or resolution, or any section thereof, shall be revised or amended unless the new ordinance or resolution contains the entire ordinance, resolution or section or subsection as revised or amended, and the ordinance, resolution or section or subsection so amended shall be repealed. This requirement shall not prevent the amendment of an ordinance or resolution by the addition of a new section, sections, subsection or subsections, and in such case the full text of the former ordinance or resolution need not be set forth. **No Changes.**

Section 7.12 - Referral of Zoning Ordinances to Planning Commission.

Each application seeking to establish, amend, revise, change or repeal a zoning classification, district, use or regulation shall be referred to the Planning Commission before any ordinance or resolution establishing, amending, revising, changing or repealing a zoning classification, district, use or regulation is considered by the Council for passage. Within sixty days of such referral, the Planning Commission shall cause such application to be returned to the Clerk of Council together with the written recommendations of the majority of the members of such Commission. No such ordinance or resolution which violates, differs from or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than five members of Council. **No Changes.**

Section 7.13 - Public Hearing on Zoning Ordinance or Resolution.

Council shall set a date for a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, which hearing shall be within ~~thirty~~ **sixty** days of receiving the recommendation provided in Section 7.12 within which the Planning Commission is required to return its written recommendations to the Clerk of Council. The Clerk of Council shall cause a notice of said public hearing to be published or delivered in accordance with the Codified Ordinances and Resolutions of the City of Monroe.

Section 7.14 - Adoption of Technical Codes by Reference.

Council may, by ordinance or resolution, adopt standard ordinances and codes prepared by the State or any department, board or other agency or political subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including, but not limited to, codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing code, electrical code, building code, refrigeration, machinery code, piping code, heating code, air conditioning code, housing code, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference. The ordinance adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance. In such cases, publication of the standard ordinance or code shall not be required, but at least three copies of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons, and copies of such standard ordinance and code shall be available for sale by said Clerk. If the standard ordinance or code, after its adoption by

reference by the Council, is amended, the Council may adopt the amendment or change by incorporation by reference in an ordinance under the same procedure as is established herein for the adoption of the original standard ordinance or code without the necessity of setting forth in full in the ordinance the provisions either of the amendment or change to the original ordinance or the standard ordinance or code. **No Changes.**

Section 7.15 - Codification.

- (A) The Council shall, at least every four years, cause the ordinances and resolutions of the Municipality to be revised, codified, recodified, rearranged or published in book form. Such revisions, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be immediately effective upon approval of not less than four members of the Council, and may contain new matters therein.
- (B) The Clerk of Council shall cause a notice of such proposed revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form to be published one time in a newspaper, circular or publication as determined by the Council to be of circulation within the Municipality at least seven days prior to the final approval thereof by the Council. The notice that is to be published shall state the date, time and place of the meeting. The full text of the revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form need not be published.
- (C) A current service supplementing such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be maintained in the manner prescribed by the Council. **No Changes.**

Section 7.16 - Publication.

The Clerk of Council shall cause each ordinance and resolution adopted to be published in one of the following manners to be determined by ordinance:

- (A) By posting a copy of the ordinance or resolution on the City website and in one or more public places in the Municipality as determined by the Council by ordinance, for a period of fifteen days;
- (B) By publishing the title of the ordinance or resolution once in a newspaper, circular or other publication determined by Council to be of circulation within the Municipality; or
- (C) By publishing a concise summary of the provisions of the ordinance or resolution once in a newspaper, circular or other publication determined by Council to be of circulation within the Municipality.

Failure to post or publish ordinances or resolutions as required by this section, or an omission, delay or error in such posting or publication, or failure to maintain posting of an adopted ordinance or resolution for a period of fifteen days as required by paragraph (A) of this section, shall not invalidate any ordinance or resolution, nor shall such failure give rise to a defense to any action or prosecution brought under any ordinance or resolution, and in such event, the Clerk of Council may authorize posting or publication at a later date, but such later posting or publication shall not be mandatory or necessary to the validity of any ordinance or resolution or action or prosecution thereunder.

In addition to the publication required above after an ordinance or resolution has been adopted, the Council may direct the Clerk of Council to post or publish notices of pending ordinances and resolutions prior to their adoption, but such prior posting or publication of such notices shall not be mandatory or necessary to the validity of any ordinance or resolution or action or prosecution thereunder.

The Clerk of Council shall affix the following certification to the copy of the ordinance or resolution maintained in the official Journal or record required by Section 7.10 of this Charter, and such certification shall be prima-facie evidence of such publication;

"I, the undersigned Clerk of Council of the City of Monroe, Ohio, hereby certify that the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe."

Clerk of Council
City of Monroe, Ohio" **No Changes.**

ARTICLE VIII. - ADMINISTRATIVE DEPARTMENTS

Section 8.01 - Creation of Departments.

For the purpose of carrying on the administrative functions of the Municipality, the following departments are hereby established: Department of Finance, Department of Law, **Department of Public Works, Department of Engineering and Inspection,** Department of Fire, Department of Parks, Department of Police, **Department of Development. Department of Streets and Department of Utilities.** The work of the departments of the Municipality shall be distributed among such divisions and bureaus as provided in the Charter and as provided by ordinance. The Council may establish new departments and divisions of the Municipality, and define the powers and functions of each organizational unit. Where the administrative code is silent, the officers and employees of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the State law.

Section 8.02 - Police and Fire Protection.

The Council shall provide for police and fire protection adequate to the needs of the City to be administered according to the general laws of Ohio or, if not in conflict with such general laws, by ordinance. **No Changes.**

Section 8.03 - Department Heads.

Each City department shall be headed by a full or part-time department head. The Manager shall appoint all department heads, subject to approval of Council, except the Law Department which shall be appointed by Council. All departments, except the Department of Law, shall be headed by the Manager unless provided otherwise by Council ordinance. Until a Department of Public Safety is created, the Manager shall act as Director of Public Safety with powers and duties as provided under state law unless provided otherwise by Council ordinance. **No Changes.**

Section 8.04 - Law Department.

The Law Director shall be the head of the Department of Law. **He The Law Director** shall be appointed by a majority vote of the Council and shall serve at the pleasure of the Council. The Law Director must be admitted to the practice of law in the State of Ohio. The Law Director shall be the legal advisor, attorney and counsel for the Municipality, and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of the Council, shall represent the Municipality in all proceedings in Court or before any administrative board or body. **He-The Law Director** shall perform such other duties consistent with **his office office of the Law Director**, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio. The Law Director shall be the prosecuting attorney on behalf of the Municipality and shall prosecute cases brought before courts of competent jurisdiction; provided, however, that the Law Director may, with the approval of Council, appoint qualified assistants to act on behalf of the Municipality in civil matters and to act as the prosecuting attorney.

Section 8.05 - Department of Finance.

The Finance Director shall be the head of the Department of Finance. The Finance Director shall perform those functions customarily performed by the Auditor and Treasurer under the general laws of Ohio and shall be responsible as the fiscal officer of the City for all the accounting, collecting and custody of public funds, and shall control disbursements. The Finance Director shall countersign all bonds and notes issued to the City and shall perform such other functions as may be assigned by ordinance. The Finance Director shall be appointed by the Manager subject to approval of Council. **No Changes.**

ARTICLE IX. - BOARDS AND COMMISSIONS

Section 9.01 - Council Power to Create.

In addition to the boards, commissions, agencies and authorities created by this Charter or amendments thereto, the Council may establish such boards, commissions, agencies and authorities as it may deem necessary and determine their powers and duties, except that no power or duty shall be taken from any board, commission, agency or authority created by this Charter or amendments thereto. **No Changes.**

Section 9.02 - Removal of Members.

The Council shall have the right to remove, for misfeasance, malfeasance or nonfeasance, any appointed member of any board, commission, agency or authority created by or pursuant to this Charter. **No Changes.**

Section 9.03 - Open Meetings.

All meetings of any board, commission, agency or authority of the Municipality as created by this Charter or by ordinance of Council shall be conducted in compliance with the Ohio Revised Code. **No Changes.**

Section 9.04 - Organization.

In January of each year or within thirty days after formation, each board, commission, agency or authority of the Municipality as created by this Charter or by ordinance of Council, shall meet for the purpose of organization and shall elect officers from among its membership. **No Changes.**

Section 9.05 - Quorum.

A majority of the members of a board, commission, agency or authority shall constitute a quorum, and a majority vote of the members shall be required to take any action. **No Changes.**

Section 9.06 - Personnel Board.

There shall be a Personnel Board consisting of five members who shall be appointed by Council for five year terms. Effective January 1, 2002, the existing appointees shall complete their prior appointed terms and three individuals shall be appointed; one to serve a term of three years, one to serve a term of four years and one to serve a term of five years. The Council shall fill all vacancies by appointment for the unexpired term. Members shall be electors of the City, holding no compensated position therein. **No Changes.**

Section 9.07 - Merit System.

All compensated positions in the service of the Municipality shall be in the classified service and shall be appointed pursuant to competitive examination, so far as practicable, except the following, which shall comprise the unclassified service of the Municipality:

- (A) All officers elected by the people.
- (B) The Clerk of Council.
- (C) The Manager.
- (D) The department heads.
- (E) Members of boards, commissions, agencies and authorities appointed by the Council and by this Charter.

- (F) One personal secretary to the Manager and one clerk or deputy to the Law Director, Treasurer and each department head.
- (G) Employees of exceptional professional or scientific qualification engaged as consultants.
- (H) The Law Director, Assistant Law Directors and special counsel.
- (I) Volunteer personnel in the Department of Fire and Auxiliary Police within the Department of Police.
- (J) Secretary of each board and commission established by this Charter or Council, provided that if such secretary holds other employment within the classified service of the Municipality, this section shall not exempt such person from the requirement of competitive examination to hold other such employment.
- (K) Temporary employees who are not employed for more than ninety continuous days or for more than ninety work days in one year.
- (L) Unskilled laborers as defined and authorized by Council.

Additional positions created by Council shall be under the classified service unless the ordinance or resolution creating the position states otherwise. **No Changes.**

Section 9.08 - Rules and Regulations.

The Council shall, by ordinance, establish the procedures and causes for which employees in the classified service of the Municipality may be promoted, demoted, suspended or dismissed from Municipal employment. The Council shall, by ordinance, establish procedures for appeals to the Personnel Board by employees in the classified service of the Municipality from action by the Manager resulting in their demotion, suspension or dismissal from the Municipality's service. The Personnel Board shall adopt rules for the determination of merit and fitness as the basis for appointment and promotion of employees in the classified service of the Municipality. **No Changes.**

Section 9.09 - Promotion.

The Personnel Board shall provide for promotion to all positions in the classified service based on a competitive examination and records of merit, efficiency, character, conduct and seniority. Promotional examinations shall be restricted to employees of the Municipality, provided that promotional examinations may be opened to qualified candidates from outside the Municipal service upon recommendation of the Manager. **No Changes.**

Section 9.10 - Probation Period.

Any appointment of an employee shall not be deemed final until a probationary period has elapsed. Said probationary period shall not be less than six months but may be longer when established within each individual department with the approval of the Personnel Board. Such probationary employee in the classified service may be discharged without cause by the Manager at any time within the probationary period established for the department in which the probationer is employed and upon the recommendation of the head of the department in which said probationer is employed. **No Changes.**

Section 9.11 - Establishment and Membership of Planning Commission.

The Planning Commission shall consist of five members: one member of Council who shall be selected by Council under Section 4.02 of this Charter, and four electors of the Municipality, not holding other Municipal office, to be appointed by Council. The terms of the citizen members shall be four years, except that the terms of the present members shall expire on December 31, 1983, and one new appointment shall be for a term of one year, a second for a term of two years, a third for a term of three years and the fourth for a term of four years; terms of the new appointment shall begin on January 1, 1984. A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for the original appointment. **No Changes.**

Section 9.12 - Powers and Duties of Planning Commission.

The Planning Commission shall conduct studies and surveys and prepare plans, reports and maps relative to the overall planning of the growth, development and redevelopment of the Municipality, and may make such recommendations relative thereto, to the Council as it feels are in the best interests of the Municipality. The Planning Commission shall continuously review and report to the Council its recommendations concerning the Municipality's capital improvement programs, subdivisions, platting and zoning ordinances and regulations. The Planning Commission shall cooperate with other governmental or private planning agencies to secure the maximum benefit to the Municipality of the work, studies, surveys and reports of such other planning agencies. Other powers and duties of the Planning Commission shall include those established by the Council by ordinance or resolution, but until such ordinances or resolutions shall be passed, it shall possess such other powers and duties as are provided by the general laws of Ohio, to the extent such general laws do not conflict with the provisions of this Charter. **No Changes.**

Section 9.13 - Board of Zoning Appeals.

There shall be a Board of Zoning Appeals consisting of five members who shall be electors of the Municipality and hold no compensated position therein, appointed by Council, for overlapping terms of five years, so arranged that one member's term shall expire on January 1 of each year. The terms of the original appointees shall be for one, two, three, four and five years, respectively, beginning January 1, 1984. The Council shall fill all vacancies by appointment for the unexpired term. The Board shall have all the power, authority and duties conferred upon it by ordinance. **No Changes.**

Section 9.14 - Park and Recreation Board.

There shall be a Park and Recreation Board consisting of five members who shall be electors of the Municipality and hold no compensated position therein, appointed by Council. Terms of office shall be for five years and overlapping, so arranged that one member's term shall expire on January 1 of each year. The terms of the original appointees shall be one, two, three, four and five years, respectively, beginning January 1, 1984. The Council shall fill any vacancies by appointment for the unexpired term. The Board shall have all the power, authority and duties conferred upon it by ordinance. **No Changes.**

Section 9.15 - Repealed November 6, 2001. **No Changes.**

ARTICLE X. - FINANCE

Section 10.01 - General.

The laws of the State of Ohio relating generally to budgets, appropriations, debts, bonds, assessments, deposit and investment of funds and other fiscal matters of the Municipality shall be applicable except as otherwise provided under this Charter or under ordinances passed by the Council. **No Changes.**

Section 10.02 - Limitation on Tax Rate.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by the Constitution and the general laws of the State of Ohio, and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitations without a vote of the people; provided that this Charter shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio, nor shall the authority of Council to submit additional levies to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

Section 10.03 - Limitation of Debt.

The Municipality shall not incur debt in excess of the limitations imposed by the Constitution and laws of the State of Ohio. **Recommended that Council seek a recommendation from bond counsel to draft appropriate language to restructure the debt limitations that does not take into account township debts.**

Section 10.04 - Contracting Procedures.

- (A) The Manager shall be the contracting officer for the Municipality and shall award and execute all contracts on behalf of the Municipality. **No Changes.**
- (B) The Council may authorize the Manager to act as purchasing agent for the Municipality with authority to award and execute contracts not in excess of the limitation provided in Division (C) of this section. **No Changes.**
- (C) When an expenditure or contract exceeds the amount specified by the laws of Ohio for which work may be accomplished only after advertisement and bidding, the Manager shall be authorized to advertise and seek bids **by motion of Council.** Said advertisement shall be once a week for at least two weeks in a newspaper of circulation in the Municipality. Following receipt of bids and when authorized and directed by ordinance or resolution passed by Council, the Manager shall make written contract with the lowest and/or best bidder. In those instances and circumstances where contracts and expenditures may be made without advertisement and bidding under the general laws of Ohio pertaining to municipalities, no advertising and bidding shall be required under the Charter, and the general laws of Ohio, if any, applicable in such instances and circumstances shall be followed.
- (D) When it becomes necessary to make alterations or modifications to any work project, such changes shall be made only upon the order of the Manager. No such order shall be effective until the price to be paid for the work or materials, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Manager on behalf of the Municipality. **No Changes.**

Section 10.05 - Credit for Tax Paid to Another Municipality.

- (A) Where a resident of the City of Monroe is subject to a municipal income tax in another municipality, **he or she said resident** shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.
- (B) Every individual taxpayer, who resides in the City of Monroe and receives net profits, salaries, wages, commissions or other personal service compensation for work done or services performed or rendered outside of the City of Monroe, shall receive a credit for municipal income taxes paid by the taxpayer or in the taxpayer's behalf to such other municipality. **No Changes.**
- (C) The credit for any municipal income tax paid to another municipality shall not exceed the tax liability imposed by the City of Monroe Income Tax. **No Changes.**
- (D) The Council may not exercise a power under Section 7.01 inconsistent with Section 10.05, and any existing ordinance inconsistent with this section is void. **No Changes.**
- (E) If a provision of Section 10.05 is declared invalid by a court of competent jurisdiction, the remainder of the section remains in effect. **No Changes.**

ARTICLE XI. - NOMINATIONS, ELECTIONS AND SALARIES **No Changes.**

Section 11.01 - Elections.

The candidates for any elected office at the regular Municipal election, equal in number to the places to be filled in that office, who received the largest number of votes, shall be declared elected.

Section 11.02 - Recall.

Any elected official may be removed from office by a recall election before the expiration of his term by the qualified voters of the Municipality. The procedure for such recall election shall be that as provided by Section 705.92 of the Revised Code of Ohio, as of the effective date of this Charter.

Section 11.03 - Initiative and Referendum.

- (A) Ordinances and resolutions may be proposed by initiative petition and adopted by election in the manner provided by the Constitution and laws of the State of Ohio, except:
 - (1) Initiative petitions shall be filed with the Clerk of Council, and
 - (2) Ordinances and resolutions initiated by petition shall be submitted to the electors for approval or rejection at the next general or primary election occurring subsequent to ninety days after certification of the text of the proposed ordinance or resolution to the election authorities as established by the general laws of Ohio.
- (B) Ordinances and resolutions adopted by Council shall be subject to referendum to the extent and in the manner provided by the Constitution and the laws of the State of Ohio, except:
 - (1) Referendum petitions shall be filed with the Clerk of Council, and
 - (2) Ordinances and resolutions subjected to referendum shall be submitted to the electors for approval or rejection at the next general or primary election occurring subsequent to ninety days after certification of the text of the ordinance or resolution to the election authorities as established by the general laws of Ohio.
- (C) Actions required to be taken by ordinance under Section 5, Article XVIII, of the Ohio Constitution, may be subjected to referendum in the manner provided by Section 5, Article XVIII, of the Ohio Constitution and subsections (B)(1) and (B)(2) of this section shall not apply.

Section 11.04 - Municipal Elections.

The regular Municipal election for the election of officials of the Municipality shall be held on the first Tuesday after the first Monday in November in the odd-numbered years. This shall be known as the regular Municipal election. The Council may, at any time by resolution, order a special election the purpose of which shall be set forth in the resolution.

Section 11.05 - Conduct of Elections.

Both regular and special Municipal elections shall be conducted by the election authorities as established by the general laws of Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the State election law shall be followed.

Section 11.06 - Nominations.

No primary election shall be held for the nomination of candidates for any elective office of the Municipality. Nominations for any elective office of the Municipality shall be made by petition as provided by the provisions of the Ohio Revised Code. Petitions shall be filed with the elective authorities as established by the general laws of Ohio.

Section 11.07 - Sponsoring Committee.

Each candidate shall have a Sponsoring Committee if required by the general laws of Ohio.

Section 11.08 - Ballots.

The names of all candidates shall be rotated on the ballot as provided by law. The names of all candidates nominated shall be printed on the official ballot without party designation. If two candidates with the same surname, or with names so similar as to be likely to cause confusion, are nominated, the addresses of their places of residence shall be placed below their names on the ballot.

Section 11.09 - Salary of Elected Officials.

The salary of members of Council excluding the Mayor and Vice Mayor shall be three hundred and fifty dollars (\$350.00) per month; the salary of the Mayor shall be four hundred and fifty dollars (\$450.00) per month; the salary of the Vice Mayor shall be four hundred dollars (\$400.00) per month; provided the Council may increase or decrease the salaries of any elected official of the Municipality by ordinance adopted by a vote of not less than five members of Council. Any ordinance changing the salary of any elected official shall be adopted at least 100 days prior to the next ensuing election at which members of the Council are to be elected, and shall be effective on the first day of December following such election. In case of a vacancy in any elective office of the Municipality, the salary to be paid for serving in that particular office may be changed prior to the date that any person is appointed to fill the vacancy for the period of the unexpired term. The compensation of all other officers and employees of the Municipality may be increased or decreased at any time by ordinance.

The Mayor and Vice Mayor shall not receive additional compensation as a member of Council, but shall be paid solely as Mayor or Vice Mayor. In addition to salaries as Mayor or Vice Mayor, they shall be paid the sum of fifty dollars (\$50.00) for presiding at any regularly scheduled Mayor's Court sessions. This sum shall be paid to whichever of the two officials presides, provided that the individual maintains proper accreditation for presiding over Mayor's Court sessions, and further provided that Mayor's Court is not abolished by law and/or its jurisdiction transferred to another court. **No Changes.**

ARTICLE XII. - GENERAL PROVISIONS

Section 12.01 - Oath of Office.

Every elected and appointed official of the Municipality shall take and subscribe an oath or affirmation to uphold the Constitution and laws of the United States [and] Ohio; to uphold the Charter, ordinances, resolutions and other laws of the Municipality; and to faithfully discharge the duties and responsibilities of ~~his or her~~ **their** office.

Section 12.02 - Conflict of Interest.

The laws of the State of Ohio pertaining to interests of Municipal officials in contracts and the expenditures of money on behalf of the Municipality shall apply to the officials of the Municipality. **No Changes.**

Section 12.03 - Amendments to the Charter.

This Charter may be amended as provided by Article XVIII of the Ohio Constitution. **No Changes.**

Section 12.04 - Saving Clause.

The decision by a court of competent jurisdiction that any part of this Charter is invalid, shall not invalidate or impair the force or effect of any other part hereof, except that such other part is wholly dependent for its operation upon the part declared invalid. **No Changes.**

Section 12.05 - Charter Review Commission.

Not later than the last day of March in 1981, and every ten years thereafter, the Council shall appoint, by a majority vote of its members, a Charter Review Commission consisting of not less than five electors of the Municipality. Such Commission shall review the Charter of the Municipality and, within the time designated by the Council at the time the members are appointed, or within any extension thereof granted by the Council, recommend to Council such alterations, revisions and amendments, if any, to this Charter, as in its judgment are desirable. After consideration of the recommendations of the Charter Review Commission, the Council may submit any or all of such proposed alterations, revisions or amendments to this Charter to the electors of the Municipality in the manner provided by Article XVIII of

the Constitution of Ohio. The terms of the members of the Commission shall terminate at the end of the period designated at the time of their appointment, or any extension thereof by the Council. **No Changes.**

ARTICLE XIII. - TRANSITIONAL PROVISIONS

Section 13.01 - Succession.

The Municipality of Monroe under this Charter, is hereby declared to be the legal successor of the Village of Monroe, under the laws of the State of Ohio, and as such, it has title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The Municipality is liable for all outstanding orders, contracts and debts of its predecessor and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to January 1, 1975, shall continue in full force and effect. **No Changes.**

Section 13.02 - Effect of Charter on Existing Laws and Rights.

- (A) The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the Municipality, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until lawfully amended or repealed. **No Changes.**
- (B) No action or proceeding pending against the Municipality or an officer thereof shall be abated or affected by the adoption of this Charter, but all such actions or proceedings shall be prosecuted or defended under the laws in effect at the time of the filing thereof. **No Changes.**

Section 13.03 - Effective Date of Charter.

This Charter shall be submitted to the electors of the Village of Monroe at a special election to be held May 7, 1974, and if approved by the electors shall, for the purpose of nominating and electing officers of the Municipality and conducting Municipal elections, take effect from the time of its approval by the electors of the Village; and for all other purposes it shall take effect on January 1, 1975. **No Changes.**

Section 13.04 - Abolishment of Statutory Offices and Election of First Officers Under Charter.

- (A) The term of office of the Mayor, Village Clerk-Treasurer and all members of the legislative authority of the Village serving, by election or appointment, under the general statutory plan of government for villages under the general laws of Ohio are hereby terminated and ended as of the last day of December, 1974, and such offices are hereby abolished as of such date. **No Changes.**
- (B) The first election of officials, including the offices of Mayor, Auditor-Treasurer and seven members of the Council, under this Charter shall be held at a special election on the first Tuesday after the first Monday in November, 1974. The nomination and election for such offices at such special election shall be made in accordance with the provisions of this Charter, as far as provided for, and if not provided for in this Charter, as provided by the general laws of Ohio, and if not provided for in such general laws, as provided by ordinance passed by the legislative authority of the Village then serving under the general statutory form of government. **No Changes.**
 - (1) The person who is elected Mayor at such special election shall take office January 1, 1975, and ~~he~~ the elected Mayor, or ~~his~~ successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.
 - (2) The person who is elected to the office of Auditor-Treasurer at such special election shall take office January 1, 1975, and ~~he~~ the elected Auditor-Treasurer, or ~~his~~ successor in office under this Charter, shall serve for a three-year term of office ending December 31, 1977.

- (3) Seven members of the Council shall be elected at such special election as hereinafter provided:
- A. Candidates shall be declared elected in the order of the number of votes received, beginning with the candidate receiving the largest number of votes.
 - B. The candidates for the office of member of Council receiving the largest, second largest and third largest number of votes at such special election shall be elected to a three-year term of office commencing January 1, 1975, and ending December 31, 1977.
 - C. The candidates for the office of member of Council receiving the fourth, fifth, sixth and seventh largest number of votes at such special election shall be elected to a one-year term of office commencing January 1, 1975, and ending December 31, 1975. **No Changes.**
- (C) Thereafter, elections for all offices of the Municipality to be filled by election shall be held at the time, in the manner and for such terms of office as provided by the applicable provisions of this Charter. **No Changes.**

Section 13.05 - Continuance of Present Employees.

All persons, other than those holding elective office abolished under Section 13.04 of this Charter, employed at the time this Charter takes effect, shall continue in their office or position and in the performance of their duties until provisions shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office or position. When such provision shall have been made, the term of any officer shall expire and the office shall be abolished, and the tenure of any employee shall end.

The powers which are conferred and the duties which are imposed upon any officer, body, commission, board, department or division of the Municipality under the laws of the State, or under any Municipal ordinance, resolution or contract in force at the time of the taking effect of this Charter shall, if such office, body, commission, board, department or division is abolished by this Charter, be thereafter exercised and discharged by the officer, body, commission, board, department or division upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of the Council thereafter enacted. **No Changes.**

Section 13.06 - Abolishment of the Election of the Mayor and of the Office of Auditor-Treasurer.

The term of the office of the Mayor and the Auditor-Treasurer serving by election under the Charter adopted by the voters of Monroe on May 7, 1974, are hereby terminated and ended as of the last day of December, 1983, and such offices are hereby abolished as of such date. The Mayor and the Treasurer shall hereafter be selected and appointed pursuant to the Charter, as amended. **No Changes.**

Section 13.07 - Amended Effective Date of Charter.

This amended Charter shall be effective on January 1, 1984. **No Changes.**