



**City of Piqua
Charter Review Committee**

Recommendations for Change

Dear Mayor Pearson and Commissioners,

Under the direction of City of Piqua Law Director, Frank Patrizio, the City of Piqua Charter Review Committee has conducted and recently completed a complete review of the City of Piqua Charter.

As a five-member body, we have discussed, debated, researched, and compiled nine recommendations of change for said charter.

Enclosed are the changes in addition to explanations from the committee as to the reasoning for the recommendation of change.

Please note that the committee wishes to prioritize the passage of Charter Sections 46, 61, 67, and 116 prior to the General Election of 2023.

On behalf of the committee, we appreciate your appointment of us to the Charter Review Committee.

Sincerely,

Nolan Campbell
Charter Review Committee Chairman

Roger Bateman
2nd Ward
Representative

Nolan Campbell
3rd Ward
Representative

Carol Austin
4th Ward
Representative

David Roth
5th Ward
Representative

SECTION 4 MEETINGS OF THE COMMISSION.

At ~~seven-thirty~~ six o'clock P.M. on the first Tuesday in January following a regular municipal election the commission shall meet at the usual place for holding commission meetings and the newly elected members shall assume the duties of office. Thereafter the commission shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings may be held upon vote of the commission taken in any regular or special meeting and, also, shall be called by the clerk upon the written request of the mayor, the city manager or two members of the commission. Any such vote or request shall state the subject to be considered at the special meeting and no other subject shall be there considered. Except for executive sessions not open to the public, all meetings of the commission and of the committees thereof shall be open to the public, and the rules of the commission shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat.

The members of the commission may hold an executive session only after a majority of its quorum determines by a roll call vote to hold such a session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

- A. To consider the appointment, employment, dismissal, discipline or compensation of the City Manager or City Clerk;
- B. To consider pending or imminent litigation;
- C. To prepare for and review negotiations on compensation or other terms and conditions of employment for City personnel;
- D. To consider matters regarded as confidential by federal law or rules or state statutes;
- E. To consider specialized details of security arrangements;
- F. To consider the purchase or sale of property for public purposes;
- G. To consider the compensation or discipline of a City employee.
- H. To consider details related to the security arrangements and emergency response protocols for the City of Piqua or an event where the City of Piqua is involved in the security, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the City of Piqua or the event being held in the City of Piqua;
- I. To consider confidential information related to economic development as further defined by Ohio Revised Code Section 121.22(G)(8) or as amended;
- J. To consider other matters as specifically authorized by Ohio Revised Code Section 121.22 as it specifically applies to municipalities.

Changing the start time of the first meeting of the year following a regular municipal election aids in the consistency of meeting start times. Currently regularly scheduled commission meetings begin at 6:00 pm.

SECTION 31 RESPONSIBILITY OF MANAGER – POWERS OF APPOINTMENT AND REMOVAL.

The city manager shall be responsible to the commission for the proper administration of all affairs of the city placed in his or her charge and, subject to the provisions of this charter and except as otherwise provided herein, he or she shall have the power to appoint and remove all officers and employees in the service of the city; but the manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the city manager, shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed sixty ninety days.

Recommendations for change in this section comes from the human resources department. Increasing the term of temporary service appointments allows more time for administrative functions to occur. The inclusion of 'her' and 'she' pronouns throughout the sections begins the process to remove archaic masculine-based language from the charter.

SECTION 46 DIVISION OF PURCHASE AND SUPPLIES.

Before making any purchases, payment or settlement of claim involving an amount in excess of ~~\$2,500.00~~ or the maximum amount provided by state law for statutory cities, ~~whichever is greater~~, the city purchasing agent must have the consent of the majority of the city commission. The city purchasing agent shall give opportunity for competitive bidding for all purchases above a minimum amount set ~~by ordinance of the city commission. The minimum set by the commission for this purpose shall not exceed the minimum specified by the state legislator for purchases by non-charter cities.~~ state law for statutory cities the city commission shall establish by ordinance the procedures for advertisement and competitive bidding.

Editor's Note:

Effective 2005, R.C. § 731.14 provides that competitive bidding is required for all purchases above \$25,000.

The recommendation for change in Section 46 comes from the purchasing department. By removing language specifically stating the amount of \$2,500 and adding language to follow 'state law for statutory cities' the purchasing department, now only must follow the legal direction of state law.

~~SECTION 61 CONTRACTS.~~

~~—Any public work or improvement may be executed either by contract or by the employment of necessary labor and the purchase of the necessary supplies and materials directly by the city. Any public work or improvement executed directly by the city shall be authorized by the commission only after detailed estimates have been submitted by the department or office authorized to execute such work or improvement, and there shall be separate accounting as to each work or improvement so executed. All contracts for public work or improvements shall be awarded to the lowest responsible bidder, after public advertisement and competition (as may be prescribed by ordinance) but the city manager shall have the power to reject all bids and advertise again. All advertisements as to such contracts shall contain a reservation of the foregoing right. Contracts entered into by the city shall be signed by the manager or by such other officer, or officers, of the city as the commission may by ordinance provide. In times of emergency the city manager or the city purchasing agent may employ such labor and make such purchases of supplies and materials as are necessary without prior authorization by the commission. However, a report thereof shall be filed with the commission forthwith.~~

The removal of Section 61 from the City of Piqua Charter would no longer require all contracts for work, regardless of project cost, to be brought before the commission for approval. Under current policy language, all contracts for public work or improvement must be authorized by the commission.

~~SECTION 67 SPECIAL POLICEMEN POLICE OFFICER.~~

~~No person shall act as a special policeman **police officer**, special detective, or other special police officer for any purpose whatsoever, except on the written authority of the officer directly in charge of the police force or of the city manager. Such authority shall be exercised only under the direction and control of the officer directly in charge of the police force and shall be issued for a specified time, not to exceed six months.~~

Recommendations of change for Section 67 came to the Charter Review Committee from both human resources and the police department. Part-Time Threat Assessment Officers, found in the High School and Junior High School, are considered special police officers under the charter. Current charter language does not permit their employment over six months. Continuing without change in this section, would require the special police officer to be terminated and rehired every six months. Additionally found change recommendations in this section is the migration from the terminology 'policeman' to 'police officer' in order to foster grammatically correct, gender-neutral terminology.

SECTION 94 CITY PLANNING COMMISSION.

(A) Established. The commission shall establish a City Planning Commission of five (5) members. All of whom shall be residents of the city of Piqua and none of whom shall be an official or employee of the city. The members of the Planning Commission shall serve without compensation and shall be appointed for a term of five (5) years, except that of the members first appointed, one shall be for a term of one (1) year, one for two (2) years, one shall be for three (3) years, one for four (4) years, and one for five (5) years.

(B) Ex-Officio Members. The city manager and ~~the city engineer~~ his or her designee shall be entitled to seats on the commission but shall have no vote therein. The city engineer manager's designee shall be the official clerk and secretary to the Planning Commission.

(C) Powers. The City Planning Commission shall have such powers as may be determined by ordinance of the commission concerning the plan, design, location, removal, relocation and alteration of any buildings or structures belonging to the city or location in or on public streets or public property; the location, widening, extension and vacation of streets, parks, parkways, playgrounds, and other public places; the approval of plats for the subdivision of land; location of railroads and street railways; the zoning of the city for the purpose of regulating the location of trades, industries, apartment houses, dwellings, or other uses of property, the height and design of buildings, the percentage of the area of the lot which may be occupied by buildings, the area of the lot per family of occupation, the provision of yard spaces, the fixing of building lines, and the preparation of plans for the future physical development and improvement of the city; and such other powers as are now or hereafter may be conferred by general law or by ordinance of the commission.

Following a recommendation from the development department, the change from city engineer to city manager's designee is proposed. The city engineer's vested interest does not lie within the city planning commission, making ex-officio membership obsolete. By permitting the city manager to designate an additional ex-officio member, additional city roles not previously included do not become incorporated into the charter.

SECTION 116 NOMINATING PETITION PAPERS.

The form of nominating petition papers and of the affidavit attached thereto shall be substantially as follows:

~~We, the undersigned, hereby present _____, whose residence is _____, Piqua, Ohio, as a candidate for the commission (as commissioner at large or the commissioner of _____ ward as the case may be) to be voted for at the election to be held on the _____ day of November, 20____; and we individually certify that we are qualified to vote for the candidate for the commission, and that we have not signed a petition nominating any other person for the commission to be voted for at such election.~~

~~Name _____ Street and Number _____ Date _____~~

State of Ohio)

Miami County) ss:

I, _____ being duly sworn, depose and say that I, and I only, personally circulated the foregoing petition paper and that all the signatures appended thereto were made in my presence and that are the genuine signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

~~Notary Public~~

~~The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof be guilty of perjury.~~

The form for nominating City Commissioners shall be the same as prescribed by the Secretary of State for the State of Ohio for Nonpartisan Municipal Office and provided by the Miami County Board of Elections.

Changing the nominating petition to be consistent with nonpartisan municipal offices across the state increases the ease in running for public office in our city. Currently, the Nonpartisan Municipal Office Nominating Petition issued by the Ohio Secretary of State is not accepted for City of Piqua Commission Candidates.

SECTION 121 FILING RECALL PETITION.

A petition demanding the removal of a member of the commission shall be known as a recall petition. A recall petition to be effective must be returned and filed with the city clerk within thirty days after the filing of the affidavit as provided in the next preceding section, and to be sufficient must bear the signatures of ~~2,000~~ **1,250** registered voters of the City of Piqua. A recall petition if insufficient as originally filed, may be amended as provided in this charter.

Adopted by the electorate in 2011, following a recommendation from the then charter review committee, the number of signatures required for a recall increased from 50 to 2000. Following the voter turnout in the 2021 General Election, the current Charter Review Committee believes 2,000 signatures of registered voters is nearly impossible. The recommended decrease from 2,000 to 1,250 signatures allows the possibility of recall, but still contains rigor in the task.

SECTION 127 LIMITATIONS ON RECALL PETITIONS.

No recall petition shall be filed against a member of the commission until at least six months after he takes office **during his or her first term** nor in case of a member subjected to a recall election and not removed, until at least six months after that election. **No recall election shall be permitted for any member of commission in his or her last six months of his or her term.**

With the addition of 'during his or her first term' to Section 127, commissioners would no longer hold a recall exemption after taking office in a subsequent term following an election. The final added sentence of Section 127 adds exemption from recall during the last six months of a commissioner's term.