



## LAW DEPARTMENT

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### CHARTER REVIEW COMMITTEE MEETING MINUTES

Date: July 31, 2009

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The Commission appointed the Charter Review Committee pursuant to Charter Section 135 and Resolution No. 33-09. The Committee was chaired by Frank Patrizio and it reviewed every section of the Charter, meeting on April 30<sup>th</sup>, May 11<sup>th</sup> and 18<sup>th</sup>, June 8<sup>th</sup> and 30<sup>th</sup> July 10<sup>th</sup> and July 20<sup>th</sup>. Every meeting was open to the public and public comment was received.

The Committee arrived at 21 recommended changes to the Charter. Because of the number of changes, the Committee prioritized the charter changes, grouping them into three groups. It is recommended that the charter changes be on the ballot as follows:

#### **November 3, 2009 General Election**

- Section 14 Power to Initiate Ordinances
- Section 16 Submission of Initiated Ordinances to Electors
- Section 21 Referendum Petition
- Section 25 Referendum on Emergency Ordinance
- Section 27 Signatures to Initiative, Referendum, and Recall Petitions
- Section 28 Filing, Examination, and Certification of Initiative, Referendum, and Recall Petitions
- Section 29 Amendment of Initiative, Referendum, and Recall Petitions
- Section 121 Filing Recall Petition
- Section 122 Recall Election Ordered
- Section 127 Limitations on Recall Petitions
- Section 135 Amendments

#### **Spring Election 2010**

- Section 3 The Commission, Powers, Election, Term, Vacancies
- Section 4 Meetings of Commission
- Section 33 Commission Not to Interfere in Appointments or Removals



## **November 2010 General Election**

Section 5	President of Commission, Mayor
Section 6	Salary of Commission Members and Mayor
Section 8	Rules of Commission
Section 32	Removal of Officers and Employees
Section 41	Qualifications and Duties of Director of Law
Section 66	Police Force
Section 68	Fire Force

The first group of charter changes all pertain to the referendum, initiative and recall sections. The Committee recommend that these sections be put on the ballot first due to the lack of clarity in the current language as well as the potential for challenges, given the City's experience with the referendum process in 2008. The proposed language clarifies the following:

- (1) to sign a petition, the individual must be a resident of Piqua and a registered voter with the Miami County Board of Elections;
- (2) the form of a petition for an initiative or a referendum;
- (3) the Board of Elections will verify the authenticity of the signatures while the Clerk of Commission will verify the form of the petition;
- (4) the number of signatures required; and
- (5) the size and responsibilities of the circulating committee.

The basis for the remainder of the charter changes are as follows:

Section 3 of the Charter defines that there are five wards of the City. The Committee felt very strongly that due to the growth of the City, the wards are very uneven and redistricting is necessary. To the Committee's knowledge, redistricting has never taken place. The Committee recommends that redistricting occur based on population, beginning with the 2010 census. The proposed language provides time for the census data to be collected and time for the Board of Elections then to recommend the new boundaries of the wards. Thereafter, redistricting by population will be required every ten years after the census data is collected. The Committee voted not to change the organization of the Commission and to keep the five wards.

Section 4 specifies when the Commission may hold an executive session. The current language allows for the employment of the City Manager to be discussed. Due to necessity of legally advising the Commission, the proposed language would allow for the employment of any city employee to be discussed in executive session.

Sections 5, 66 and 68 remove the ability of the mayor to take command of the police and fire forces. Due to the city manager form of government, the position of mayor is not qualified to take command of the fire and police forces, especially during times of emergency. The city manager has the knowledge and experience through training to deal with emergency management operations. The city manager is also provided the

authority to take the necessary command during emergency operations pursuant to Chapter 35 of the Piqua Municipal Code.

Section 6 eliminates the ability of the vice mayor to receive the compensation of the mayor. This is not a provision of the charter that has been enforced. Additionally, the provision is not equitable as it requires the vice mayor to get the compensation of the mayor despite only filling in for the mayor one time.

Section 8 clarifies when a commissioner may be expelled by a vote of the Commission. Section 32 eliminates the ability of verbal notice to be given for purposes of discipline and layoffs and requires written notice. Section 33 adds language to permit commissioners to speak to employees directly rather than having to go directly through the city manager.

Lastly, the Committee desires to remain as the Charter Review Committee through 2011. The City is in the initial stages of implementing a new financial system. To allow for the system to be put in place as well as have had time to have the system work out any errors or kinks, Charter Sections 49 and 50 would be reviewed in 2011. These sections deal with the appropriations and budget procedure and it is premature to recommend any changes at this time.

The Law Director is preparing the Ordinances for Commission to consider which will be on the Commission Agenda on August 3, 2009.