memo

To: Toledo City Council

From: Peggy Mattimoe Sturgeon, Chair, Toledo Charter Revision Committee

Date: April 27, 2022

Re: Recommendations of the Charter Review Committee

As you may be aware, the Toledo Charter Revision Committee has been meeting monthly since December of 2021. Pursuant to the Committee's duties under Section 239 of the Charter, the Committee submits to Council the attached list of our recommended revisions to the Charter to date. All of the attached recommended changes to the Charter have been approved by at least the required 2/3 vote of all members of the Committee. We submit them to Council for consideration and action pursuant to Section 239 of the Charter.

Please note that the Committee recognizes that the courts have ruled that the Lake Erie Bills of Rights is unconstitutional, but the Committee has not reached consensus as to how to address that issue.

CHARTER REVIEW CHANGES APPROVED THROUGH MARCH 17, 2022

Section 81. Referendum on Petition.
Every ordinance shall be subject to the referendum if at any time within ~~thirty~~ forty-five (~~30~~45) days after its adoption a petition signed by electors of the City equal in number to at least ~~twelve~~ seven percent (~~12~~7%) of the total number of votes cast for all candidates for Mayor at the most recent general election at which the Mayor was elected be filed with the Clerk requesting that such ordinance be submitted to the people for consideration.

Section 75. Ordinances may be initiated.
Any proposed ordinance may be submitted to the Council by petition filed with the Clerk and signed by electors of the City equal in number to ~~twelve~~ seven percent (~~12~~7%) of the total number of votes cast for all candidates for Mayor at the most recent general municipal election at which the Mayor was elected.

Section 5. Amending Charter. – Replace current Section 5 with the following:

Sec. 5 – Charter amendments.
Proposed amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith upon a petition signed by electors of the city equal to not less than ten percent of the ~~electors~~ votes cast at the last mayoral election.

Sec. 5.1 - Council action on petition for proposed charter amendment.
Upon receipt of the report regarding the validation of signatures, the Clerk shall read a summary of the same into the record. Council shall forthwith determine the sufficiency of the petition. Should Council find such petition sufficient, it shall forthwith by ordinance provide for the submission of such proposed charter amendment to a vote of the electors of the city.

Sec. 5.2 – Placement of issue on the ballot.
The aforesaid ordinance shall order and provide for the submission of such proposed charter amendment to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage; otherwise, it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.

Sec. 5.3 – Notice of charter amendment
The Clerk shall provide notice of any proposed charter amendment as provided for by the Constitution of the State of Ohio and general laws of the state. In addition to fulfilling the notice requirements of state law, the City shall publish proposed charter amendments on its website and in other appropriate digital and public media formats.

Sec. 5.4 – Effect of approval at election.
If such proposed charter amendment be approved by a majority of the ~~electors voting thereon~~ votes cast at the last mayoral election, it shall become a part of the charter at the time fixed in the proposed amendment, or upon the completion of the official canvass of the election, whichever is later.

Section 33. Officers and employees.
The Council shall choose a Clerk and such other officers and employees as are necessary, who shall serve at the pleasure of the Council. The Clerk and employees shall hold over until the new Council is organized. Council shall determine all terms and conditions of employment of its officers and employees, including but not limited to hiring, discipline and termination, in accordance with its adopted rules.

Section 171. Classification of Service.
The civil service of the City is hereby divided into the unclassified (not subject to the examination herein provided) and the classified service.

(1) The unclassified service shall include:

(a) Officers elected by the people.

(b) The City Auditor and the secretary and the auditing assistants to the City Auditor.

(c) Directors of departments, deputy directors. c~~C~~ommissioners, and other heads of divisions.

(d) Members of boards or commissions, and the chief administrative officers thereof.

(e) The Mayor's ~~Executive Assistant, secretary, and assistants~~executive and administrative staff and assistants.

(f) One (1) ~~secretary~~ administrative assistant for each department, board or commission.

(g) The legal assistants to the Director of Law.

(h) Staff to Council, including ~~T~~the Clerk, ~~of the Council~~ and all other officers, assistants and employees. ~~one (1) secretary to the Clerk of Council.~~

(2) The classified service shall comprise all positions not specifically included by this Chapter in the unclassified service and shall be divided into a competitive and non-competitive class.

(a) The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by the rules of the Commission.

(c) By ordinance the classified service may be extended to include some portions of the unclassified service as determined by this section. Such ordinance, however, unless adopted by the Civil Service Commission as part of its code of rules, shall require the vote of two-thirds (2/3) of all members of the Council.

Section 45. Mayor's Budget Estimate.

The fiscal year of the City shall begin on the first day of January. On or before the fifteenth day of November of each year, the Mayor shall prepare a balanced budget estimate of the expense of conducting the affairs of the City for the following fiscal year. The estimate shall be compiled from detailed information obtained from the various departments on uniform blanks prepared by the Director of Finance, and shall set forth:

(a) An itemized estimate of the expense of conducting each department.

(b) Comparisons of such estimates with the corresponding items of expenditure for the last two complete fiscal years, and with the expenses of the current fiscal year, plus an estimate of expenditures necessary to complete the current fiscal year.

(c) Reasons for proposed increases or decreases in such items of expenditures compared with the current fiscal year.

(d) A separate schedule of each department showing the things necessary for the department to do during the ensuing year, and things desirable to do if funds permit.

(e) Items of payroll increases as either additional pay to present employees or pay for more employees.

(f) An estimate of the anticipated income of the City from taxation and other sources to meet current expenses for the fiscal year.

(g) A statement of the amounts to be appropriated: For interest on the City debt. For paying off any serial bonds maturing during the year. For the aggregate for the year of the installments required to be appropriated annually during the life of all other bonds of the City in order to pay off such bonds at maturity.

(h) The total amount of outstanding gross and net debt of the City, classified as to limits on such indebtedness, with a schedule of maturities of outstanding general bonds classified to show those for which debt service levies are made inside and outside the limits on the tax rate.

(i) Such other information as may be required by Council.

The total items of current expense in the budget and appropriation ordinance shall not exceed the amount available for such purpose as provided by law. The Mayor shall submit the estimates thus prepared to the Council ~~and at least five hundred (500) copies thereof shall be printed for~~

~~distribution to citizens who may call for them~~ and the substance thereof shall be printed in the City Journal. The Mayor shall also publish the estimates in an electronic version for widespread distribution utilizing the World Wide Web or a similarly publicly accessible electronic manner. Printed copies available upon request.

Section 228. Contracts and Purchases of ~~Ten~~ Twenty-Five Thousand Dollars or More.
No contract shall be executed or purchase made involving an expenditure of ~~Ten Thousand Dollars ($10,000)~~ Twenty-Five Thousand Dollars ($25,000) or more unless the same shall have been first authorized by appropriate legislation. Every such contract shall be in writing and shall be executed in behalf of the City of Toledo by the Mayor. In case of such a purchase, no bid shall be accepted without the written approval of the Mayor.

Section 61. Executive and Administrative Powers.
The Mayor shall be the Chief Executive and Administrative Officer of the City in whom the executive and administrative powers and duties of the City shall be vested subject to the appropriate delegation of such powers and duties in directors of departments and other administrative officers, boards and commissions as provided for in this Charter.

The Mayor shall have the power to appoint the Mayor's Executive Assistant, a secretary, and such additional assistants as are authorized by appropriate legislation, all without Council confirmation. Subject to confirmation by the Council, the Mayor also shall have the power to appoint the members of all boards and commissions, all directors of City departments, all the commissioners of City divisions, and all chief administrative officers of any other City agencies which shall also require the approval of their respective boards or commissions, if any. The Mayor shall have the power to appoint and shall be the appointing authority for all other officers and employees within the administrative and executive service, except as otherwise provided in this Charter.

The Mayor shall be recognized as the official head of the City by the courts for the purpose of serving civil process and by the Governor for military purposes. It shall be the duty of the Mayor to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that all ordinances and resolutions of the City are enforced; to recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient; to keep the Council advised of the financial condition and the needs of the City; to prepare and submit to the Council such reports as may be required by that body in the discharge of its duties as conferred by this Charter; to prepare and submit to the Council the annual budget estimate of the City; and to exercise all other executive and administrative powers and perform such duties as are conferred or required by this Charter or by the laws of the State of Ohio upon any mayor or municipal chief executive officer, except as otherwise provided in this Charter.

~~Except for special engagements by authority of Council, every officer and employee must be a resident of the City of Toledo; provided however, that every officer or employee of the City of Toledo, who has established and maintained his or her residence outside the limits of the City of~~

~~Toledo prior to November 7, 1972, shall be allowed to continue such residency during his or her employment with the City of Toledo; and provided further, that Council shall provide by ordinance for the waiver of the requirement of City residence for any employee where non- residence of such employee would be in the best interests of the City and where justice to such employee so requires.~~

Section 14 Requirements of petition - how signed - filing date - notification - acceptance.

Signatures to nominating petitions need not be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating that each signature thereto was made in his or her presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his or her name in ink or indelible pencil and, after his or her name, shall designate his or her address by street and number or other description sufficient to identify the place.

All separate papers comprising a nominating petition shall be assembled and filed with the election authorities as one instrument at least sixty (60) days prior to the date of holding the primary election with respect to which such petition is filed. Within ten (10) days after the filing of such nominating petition the election authorities shall notify the person therein as a candidate whether the petition is found to satisfy all the prescribed conditions. ~~Any eligible person placed in nomination as hereinabove provided shall have his or her name printed on the ballots for the primary election if, within five (5) days after such notification, he or she shall have filed with the election authorities a written acceptance of nomination.~~

CHARTER REVIEW CHANGES APPROVED AT MAY 19, 2022 METTING

Section 5.4: The following is a change to the language previously submitted to Council:

> **Sec. 5.4 – Effect of approval at election.**
> If such proposed charter amendment be approved by a majority of the votes cast ~~at the last mayoral election~~, it shall become a part of the charter at the time fixed in the proposed amendment, or upon the completion of the official canvass of the election, whichever is later.

Section 230. Public improvements by contract or direct labor.

Public improvements of all kinds may be made by the appropriate department, by the following methods: ~~, either by~~ 1) direct employment of the necessary labor and the purchase of the necessary supplies and materials~~, with separate accounting as to each improvement so made,~~ or 2) by contract duly let after competitive bidding, either for a gross price, or upon a unit basis for the improvement~~;~~ or 3) by any other manner authorized by both state statute and by ordinance of Council. ~~contract containing a guaranteed maximum and stipulating that the City shall pay within such maximum the cost of labor and materials, plus a fixed percentage of profit to the contractor.~~ All competitive bidding for a public improvement shall be made in a manner that promotes diversity, inclusion and fair labor practices. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the City to be exacted in a like sum for every day of delay beyond a specified date.

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