

ORDINANCE NO. 2010-030

DIRECTING THE WARREN COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF WAYNESVILLE, OHIO, AT THE NOVEMBER 2, 2010, GENERAL ELECTION, CERTAIN CHARTER AMENDMENTS TO SECTIONS 3.08(B), 3.11, 4.05, 4.13(A)(2), 4.13(A)(3), 4.15(C), 4.16(A), 4.16(B), 4.16(C), 5.04(F)(4), 5.04(J), 7.02(A)(1), 9.03(A) AND ARTICLE XII OF THE VILLAGE CHARTER (NOTIFICATION CHANGES)

WHEREAS, the Village of Waynesville Charter Revision Commission has recommended certain alterations, revisions, and amendments to the Charter of the Village of Waynesville; and

WHEREAS, it is the intent of the Village Council to submit said alterations, revisions, and amendments to the electors of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Waynesville, Ohio, \_\_\_\_\_ members elected thereto concurring:

Section 1. That the following amendments to the Charter of the Village of Waynesville, attached hereto as Exhibit A and incorporated herein by reference, shall be submitted to the electors of the Village of Waynesville as a single issue at the general election to be held on the 2<sup>nd</sup> day of November, 2010, at the regular places of voting in said Village as established by the Board of Elections:

Section 2. That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Board of Elections of Warren County, Ohio, and the Clerk is directed to provide notice of the proposed Charter amendments to the electors of the Village as required by law.

Section 3. That this Ordinance provides for the submission of a question to the electorate and shall be effective immediately upon its passage pursuant to Section 4.08 of the Village of Waynesville Charter.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

Attest: \_\_\_\_\_  
Staci Morris, Clerk of Council

\_\_\_\_\_  
Earl J. Isaacs, Mayor

CERTIFICATE

The undersigned, Clerk of Council of the Village of Waynesville, hereby certifies this to be a true and exact copy of Ordinance No. 2010-030, adopted by the Council of the Village of Waynesville on \_\_\_\_\_, 2010.

\_\_\_\_\_  
Clerk of Council

EXHIBIT A

3.08 (B) The Clerk of Council shall publicize the special meeting according to the annual Communications Plan adopted by Council per Article XII of this Charter. The notices shall contain the time, place and all matters to be considered at the special meeting. No other matters may be considered after notice is given.

**Deleted:** notify all news media who have requested such notification in writing.

(C) A Notification Certification shall be signed and dated showing by whom, where and when notifications were posted. The Clerk of Council shall deliver this Certificate to Council at the special meeting showing that notification requirements have been met.

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C) . Public notice of each special meeting of Council shall be made by the Clerk of Council, by at least one of the following:¶  
¶  
(1) . Posting a notice of the special meeting at a location accessible to the public at the municipal building and at least four other conspicuous places in the Municipality frequented by the public. The notices shall contain the time, place, and all matters to be considered at the special meeting. No other matters may be considered after notice is given. These notices must be posted at least 24 hours before the starting time of the meeting.¶  
¶  
(2) . Publication in a newspaper determined by Council to be of circulation within the Municipality at least 24 hours before the special meeting.¶

(D) Failure to notify the public by the aforementioned means shall invalidate actions taken by Council at the special meeting.

(E) In the event of an emergency situation that affects the immediate public health, safety or welfare of the Municipality, the Mayor may call an emergency meeting of Council by waiving the above requirements.

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**SECTION 3.11 CLERK OF COUNCIL.**

Council, by an affirmative vote of at least five members, shall appoint a qualified person to be Clerk of Council who shall serve at the pleasure of Council. The Clerk shall be chosen from outside the membership of the Council but may hold other positions within the Municipality. The Clerk shall give notice of Council meetings and advertise public hearings per the annual Communications Plan, record in journals all ordinances and resolutions approved by the Council, and see that such enactments are published as required by this Charter. The Clerk shall also perform such other duties as may be assigned by this Charter, or by ordinance or resolution of the Council. The Clerk may be appointed to serve full or part time and shall receive a salary as established by ordinance for services rendered. The Clerk may be removed by an affirmative vote of at least five members of Council.

**SECTION 4.05 READING OF ORDINANCES AND RESOLUTIONS.**

Each ordinance or resolution shall be read by title on two separate days with the second reading of any such ordinance or resolution being no earlier than the next regularly scheduled Council meeting. Copies of the ordinance or resolution before Council for each reading shall be made available to the public according to the annual Communications Plan approved by Council per Article XII of this Charter.

**Deleted:** at the Council meeting and shall be posted in the Council Room.

4.13 A(2) The Clerk of Council shall publish an announcement of the public hearing according to the annual Communications Plan approved by Council per Article XII of this Charter.

**Deleted:** at least one time in a newspaper determined by the Council to be of circulation within the Municipality. The announcement shall be published not less than two weeks before the public hearing. The announcement shall contain the date, time, location and topic of the public hearing.

4.13 A(3) If the ordinance or resolution involves less than eleven parcels of land, as listed on the tax duplicate, notice of the hearing shall be communicated to the owners of property within and contiguous to and directly across the street from the parcel or parcels of land affected by the ordinance or resolution according to the annual Communications Plan as approved by Council per Article XII of this Charter. The

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addresses for written notices shall be as recorded on the County Auditor's current tax list or the Treasurer's mailing list. Council may require other addresses as needed.

**Deleted:** The written notice(s) shall be sent by certified mail with a return receipt at least thirty days before the date of the public hearing.

4.15(C) The Clerk of Council shall cause a notice of such proposed revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form, according to the annual Communications Plan approved by Council per Article XII of this Charter. The full text of the revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form need not be published.

**Deleted:** be published one time in a newspaper 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

**SECTION 4.16 POSTING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.**

(A) The Clerk of Council shall cause each ordinance and resolution adopted to be communicated to the public according to the annual Communications Plan approved by Council per Article XII of this Charter.

**Deleted:** published by posting a copy of the ordinance or resolution in the place in the Municipality as determined by the Council, for a period of fifteen days at the Municipal building and four other conspicuous places frequented by the public.

4.16 (B) Failure to communicate ordinances or resolutions as required by this section, or an omission, delay or error in such, communication or failure to maintain communication of an adopted ordinance or resolution, 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 events the Clerk of Council may authorize posting at a later date, but such later posting shall not be mandatory or necessary to the validity of any ordinance or resolution of action or prosecution thereunder.

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4.16 (C) In addition to the communication required above after an ordinance or resolution has been adopted, the Council may direct the Clerk of Council to communicate notices of pending ordinances and resolutions prior to their adoption, but such prior communication of such notices shall not be mandatory or necessary to the validity of any ordinance or resolution or action or prosecution there under.

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5.04 (F) Council shall be responsible for organizing the special notification of Village residents of a hearing at which Council shall advise the village residents of the scope and detail of any and all capital projects in excess of \$250,000.00. The purchase of real estate is exempted from the above hearing. The hearing shall be held in a timely manner relative to the planning of the above capital projects. The purpose of this hearing is to better inform the Village residents regarding any suggested or planned major capital projects and to inform Council of the "Opinion of the Village" on the matter. Council shall be prepared to cover the following in this meeting. 1. General scope and detail of the project. 2. Total estimated cost. 3. Time frame for completion. 4. Funding plans and impact on taxes. The public shall be notified of the hearing according to the annual Communications Plan approved by Council per Article XII of this Charter.

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5.04 J1 (1) When the expenditure of funds for the purchase of supplies or materials, or to provide labor for any work to be performed under a contract exceeds the amount specified by an act of Council for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by the Council. The Manager may award a written contract to the lowest and best bidder after advertisement according to the annual Communications Plan approved by Council per Article XII of this Charter.

**Deleted:** shall be advertised at four prominent locations around the village at least forty eight hours prior to the meeting. It shall in addition be advertised in a short presentation to be included with a Waynesville water bill. This short presentation shall cover points 1-4 above.

**Deleted:** on the same day of each week for not less than two nor more than four consecutive weeks in a newspaper determined by the Council to be of circulation within the Municipality.

7.02 A(1) | Advertising the opening according to the annual Communications Plan approved by Council per Article XII of this Charter for two weeks requesting anyone interested in serving on that board or commission to make application to the Council.

9.03 (A) | By an affirmative vote of at least five members of Council, any pending ordinance or resolution may be referred to the electors of the Municipality at a general, primary or special election. The action of referral provided for in this section shall be taken by motion and shall go into immediate effect without publication. Such motion shall be passed not less than ninety days prior to the date of the primary or general election at which such referred ordinance or resolution is to be submitted. In the event that such ordinance or resolution is to be referred for approval or rejection at a special election, the Council shall, by motion, fix a date for such special election at a date not less than ninety days after the date of the passage of the motion to refer, and the Clerk of Council shall cause notice of the special election to be published according to the annual Communications Plan approved by Council per Article XII of this Charter.

**Deleted:** on the same day of each week for two consecutive weeks in a newspaper determined by Council to be of circulation in the Municipality.

## Article XII – Communications Plan

(A) | Council annually shall approve a Communication Plan that describes the communication processes for information required to be conveyed to the public by this Charter. This section was created to provide one section within the Charter that lists all of the required communications specified throughout the other sections. By providing Council with the powers to annually determine the best methods of public communication, appropriate, efficient, and comprehensive forms of communication can be updated to best serve the municipal government and residents.

(1) | The Council shall approve a Communications Plan at the first meeting in February each year

(2) The Communications Plan shall be created by the Village Manager with input from the Clerk of Council, Finance Director, Police Chief, and Law Director

(3) The Communications Plan shall be presented to Council by the Village Manager

(4) The Council shall adopt the Communications Plan by an affirmative vote of at least four members of Council.

### ( B ) Goals of the Communication Plan

1) | Reach - Communications shall be available to all residents in the municipality unless otherwise specified by the Charter.

2) | Timeliness - Communications shall reach all residents in the municipality as quickly as possible.

3) | Duration – Communications shall be available for residents from the time of release to, at the least, the time of the event of interest.

- 4) Diversity – When possible and feasible, multiple forms of communication should be attempted.
- 5) Content – At a minimum, communications must contain a title of what is being communicated, dates, times, and locations of meetings (for meeting announcements), and a means of contact.

( C ) Items Contained Within the Communication Plan

1) The Communication Plan must provide a means for communicating the items listed in the table below. Items 1 through 11 cannot be removed from the Communication Plan unless the Charter is revised to allow this. Application of the Communications Plan Process and Goals for Items 1 through 11 must be accomplished to the best ability of municipal staff and Council.

2) Council may add items to the Communication Plan at any time by a majority vote of four members.

( D ) Duration of the Communication Plan

The Communication Plan shall be in effect until updated or reapproved by Council.

## Definition of Items to be Communicated

<u>ID #</u>	<u>Item (with corresponding Charter Section, if appropriate)</u>	<u>Communication Process</u>	<u>Date of Communication Start</u>	<u>Duration of Communication</u>	<u>Communication Content</u>
<u>1</u>	<u>3.08 Special Meetings of Council</u>	<u>Post meeting notice at a location accessible to the public at the municipal building and at least four other conspicuous places in the Municipality frequented by the public. All news media who have requested such notification in writing shall be notified.</u>	<u>Must be posted at least 48 hours before the start of the meeting.</u>	<u>From posting date until the start of the meeting.</u>	<u>The notices shall contain the time, place, and all matters to be considered at the special meeting.</u>
<u>2</u>	<u>3.11 Regular Council Meetings and Public Hearings</u>				
<u>3</u>	<u>4.05 Ordinances Being Considered by Council</u>				
<u>4</u>	<u>4.13 Public Hearing on Zoning Ordinance or Resolution</u>				
<u>5</u>	<u>4.15 Review and Codification of Ordinances and Resolutions</u>	<u>Be published one time in a newspaper 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.</u>	<u>At least seven days prior to the final approval thereof by the Council.</u>		<u>The full text of the revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form need not be published.</u>
<u>6</u>	<u>4.16 Posting and Publication of</u>				

	<u>Ordinances and Resolutions</u>				
<u>7</u>	<u>5.04 Special Hearings for Capital Projects Exceeding \$250,000</u>				
<u>8</u>	<u>5.04 J-1 Contracted Work Bid Advertising</u>	<u>On the same day of each week for not less than two nor more than four consecutive weeks in a newspaper determined by the Council to be of circulation within the Municipality.</u>		<u>Four consecutive weeks</u>	<u>For the purchase of supplies or materials, or to provide labor for any work to be performed under a contract</u>
<u>9</u>	<u>7.02 Vacancies on Boards or Commissions</u>				
<u>10</u>	<u>9.03 Referral of Ordinance or Resolution to the Electors by Council</u>	<u>On the same day of each week for two consecutive weeks in a newspaper determined by Council to be of circulation in the Municipality.</u>			<u>Notice of Special Election</u>
<u>11</u>	<u>9.04 Recall</u>	<u>Shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper determined by Council to be of general circulation in the Municipality.</u>			<u>Notice of Recall Election</u>