

In 1803 the State of Ohio developed a Constitution and became a state. By 1851, it was widely recognized that the 1803 Constitution was inadequate, and a Constitutional Convention was held to draft a new Ohio Constitution. By 1912, it was widely recognized that the process mandated by the 1851 Constitution was not working for municipalities, and a Charter Form of government was delineated for municipalities to expressly run themselves. Deer Park still functions under the 1851 process, with the Ohio Constitution dictating every aspect of municipal action. According to the Ohio Municipal League, since 1912 over 250 Ohio municipalities have moved forward with self-governing rules and set their own balance between Mayor, Council, City Manager. Some neighboring examples include, Madeira, Montgomery, Cincinnati, Reading, Golf Manor, Silverton, Blue Ash, and numerous others.

During the Strategic Retreat Session in January of 2019, the Mayor, Council and numerous citizen participants agreed unanimously that Deer Park should take the steps necessary to begin a Charter Process. The Council discussed this at numerous meetings with the Charter Process being an agenda item since February. The Mayor appointed an Ad Hoc Committee consisting of three residents: Mark Manning, David Chachoff and Charles Tassell to research the process and bring back a report. That report was delivered to Council on June 10<sup>th</sup> and is detailed below. On July 1, during Committee of the Whole Council voted to move forward with the Charter Process, finalizing the 15 resident participants during the second reading. No elected officials are included in the 15 participants as this was deemed a conflict of interest.

The 15 members will be nominated together, as per Ohio Law and up for vote during the November 5<sup>th</sup> Election. If approved by their neighbors, these residents will have one year to develop a new charter for the Deer Park. The focus of a charter is civics 101: the balance of power and how government functions. The members will likely review neighboring municipal Charters and work through how many Council seats there should be, which other elected positions will be included, and determine the balance of authority between the Mayor and Council. For example, the City of Cincinnati opted to make a "Stronger-Mayor" Charter adjustment almost 20 years ago. At that time they moved the Mayor from being the top vote getter on Council to a separate position and gave the Mayor the authority to appoint the Chair of the various committees. The Mayor also appoints the City Manager, but Council must approve them. Additional items that could be considered include the length of terms for elected officials and hiring/firing of the City Manager.

Presently, the City of Deer Park has 12 elected officials including the President of Council, Council, the Mayor, Law Director, Auditor and Treasurer. Three Council members serve at-large and 4 are from individual wards, with each serving a two (2) year term. The other positions are 4 year terms. The members of the Charter Commission will make a recommendation to the City of Deer Park by November of 2020 about these positions and terms. The meetings will be public and residents will be able to attend. Once the Charter Commission residents have made their recommendations all Deer Park citizens will receive a paper copy of the proposed Charter and will be made available online as well, well in advance of the vote.

Please find below a copy of the report provided to Council on June 10<sup>th</sup>, 2019.

### **CHARTER AMENDMENTS: PROCESS AND PURPOSE**

In 1912, the State of Ohio's constitution was amended to create home rule for municipalities in Ohio. Before home rule, cities had to conform the structure and organization of local government to requirements dictated by the General Assembly. Section 7 of Article XVIII of the Ohio Constitution permits cities to pass charters in order to specify local procedure and structure for government.\*

### **CHARTER PROCESS**

1 – Authorizing the selection of a charter commission. By 2/3rds vote by council (or in response to a petition of 10% of the electorate to council), council authorizes the creation of a 15 member charter commission. **This must be completed between 60 and 120 days before the next municipal election.**

2 – Election of Commission. By non-partisan ballot, 15 persons are selected to serve on the charter commission from the municipality at large. The persons running for the charter commission must have 25 signatures from registered voters.

3 – Charter Commission. Members of the Commission must draft the charter and submit it back to the electors within 1 year of election.

4 – Decision to Adopt Charter. Adoption of the charter requires approval by a majority of the electors.

\*NOTE: the substantive authority for home rule is self-executing under the Ohio Constitution – it exists regardless of whether a municipality has a charter or not. A charter exists to organize and structure local government, not for substantive policy matters of policy.

### **2019 ELECTION DEADLINES**

- July 9: Council may vote to approve charter commission
- August 7: submission of signatures to Board of Elections by proposed commission members

### **And if I Volunteer to be on the Commission?**

The January 2019 strategy session which was a public process and included Council, the Administration, and numerous residents, agreed on moving forward with a Charter Commission process according to Ohio State Law to update the organization and structure of a municipal government.

As the City of Deer Park has planned to support the Charter Commission process with a facilitator, the volunteer Charter Commission Nominees will be provided guidance on checks and balances as well as comparisons with similarly situated municipalities, such as Montgomery and Mt. Healthy, among others.

A January through April 2020 time-frame of 1-3 hours weekly or every other week, depending on the Commission's desire, will likely drive the bulk of the development process. Assuming completion of the proposed Charter, it will be legally verified, and copies provided to each registered voter in prelude to the next election, likely November 3<sup>rd</sup> 2020.