

EMERGENCY

City of Cincinnati

GWM/F *BBM*

An Ordinance No. _____

- 2015

TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City of Cincinnati providing for the Mayor to act as Chief Executive Officer of the City with the power to appoint and remove a Chief Operating Officer and certain City administrators, eliminating the position of the City Manager, and authorizing the City Council to organize itself and select a President, effective December 1, 2017, by AMENDING Article II, "Legislative Power," Sections 4a, 5a and 6; AMENDING Article III, "Mayor," Sections 1, 2 and 3; AMENDING Article IV, "Executive and Administrative Service," Sections 1, 2, 4, 5, 6, 9 and 10; REPEALING Article IV, "Executive and Administrative Service," Section 3; AMENDING Article V, "Civil Service," Sections 2, 5 and 6; and AMENDING Article VII, "Boards and Commissions," Sections 1, 2, 7, and 11 of the City of Cincinnati Charter.

WHEREAS, the members of Council desire to allow the electors of the City of Cincinnati to decide whether to amend the Charter of Cincinnati to provide for a Mayor to serve as Chief Executive Officer of the City with the power to appoint and remove a Chief Operating Officer and certain City Administrators, to eliminate the position of the City Manager, and to authorize the City Council to organize itself and select a President, effective December 1, 2017; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, two-thirds of the members elected thereto concurring:

Section 1. That there shall be submitted to the vote of the qualified electors of the City of Cincinnati for their approval or disapproval at the general election to be held November 3, 2015, an amendment to the Charter of the City of Cincinnati, amending Article II, "Legislative Power," Sections 4a, 5a and 6; amending Article III, "Mayor," Sections 1, 2 and 3; amending Article IV, "Executive and Administrative Service," Sections 1, 2, 4, 5, 6, 9 and 10; repealing Article IV, "Executive and Administrative Service," Section 3; amending Article V, "Civil Service," Sections 2, 5 and 6; and amending Article VII, "Boards and Commissions," Sections 1, 2, 7, and 11 of the City of Cincinnati Charter thereof, effective December 1, 2017, to read as follows:

Article II. LEGISLATIVE POWER

Section 4a.

Each member of council shall receive a salary as it existed on December 1, 2017, and such benefits as are available to those members of the administrative staff in division 5 of the administrative service. Members of council shall not receive any increase in salary compensation, which is from time to time adopted by the Ohio General Assembly for the county commissioners of Hamilton County, Ohio, and of which percentage increase council receives an amount equal to three-fourths (¾) of the percentage increase, unless such increase is individually ratified by a two-thirds (2/3) vote of the members of council. Any ratified salary pay increase shall become effective immediately after the investiture of the next duly-elected members of council, following the ratification of such increase by council, and may not be retroactive. Said increases shall not compound from year to year. If an increase is not ratified, the compensation salary payable to members of council will remain at its then existing level until such a time that council decides to take up the issue.

Section 5a.

The council shall organize itself and conduct its business as it deems appropriate, including the formation of committees for the efficient conduct of the business of the council. At the first meeting in December following a regular municipal election for the choice of members of council, the council shall select from among its members a president ~~pro tem~~ who shall preside at council meetings ~~when both the mayor and vice-mayor are absent or disabled and during any period during which there is a vacancy in both the office of mayor and vice-mayor.~~ The president ~~pro tem~~ shall serve a term of four years, unless removed by a vote of six members of council. When presiding at council, the president ~~pro tem~~ shall vote on legislative matters coming before the council and perform the ministerial duties relating to legislation passed, ~~but shall not exercise the mayor's power of veto, appointment, or removal.~~ The president shall have the powers and perform the duties of the mayor during the mayor's absence or disability, but shall not exercise the mayor's power of veto or appointment. The president shall appoint and may remove the chair of all committees of the council with the advice and consent of the council. The president may call a special meeting of the council. No additional salary shall attach to the office of president.

Council shall select from its members a president pro tem to carry out the duties of the president when the president is absent, temporarily unable to fulfill the obligations of the office, or if the office is vacant. The president pro tem shall serve a term of four years, unless removed by a vote of six members of council.

Council shall appoint a city council attorney, who shall be chosen or removed by a vote of three-fourths of the members elected to council. The city council attorney shall not be selected from those attorneys serving as assistant city solicitors. Upon motion passed by five members of council, the council may request that the city council attorney,

rather than the city solicitor, serve the council on a particular matter. The city council attorney shall serve the council on the matter specified in the motion by drafting ordinances, conducting legal research, providing legal advice to individual council members, and providing legal opinions to the council as requested, independent of the city solicitor. The city council attorney may bring or defend an action in court on behalf of the council only by an ordinance of council, which shall not be subject to the mayor's veto power as set forth in Article II Section 6. The city council attorney shall not file suit or bring or defend any action in court on behalf of the mayor, the several departments, officers and boards of the city government, except with written authorization of the city solicitor. No action or opinion of the city council attorney shall be construed to be the official legal position of the city, and such official legal positions and actions shall be solely within the scope of the powers and duties of the city solicitor. The salary of the city council attorney shall be set by council by ordinance, and such ordinance shall not be subject to the mayor's veto power as set forth in Article II Section 6.

Each member of council may appoint assistants in the unclassified legislative service according to ordinance. The council shall appoint a clerk of council and such other subordinate officers as may be required to perform the duties of the office. The clerk and others so appointed shall serve in the unclassified legislative service.

Section 6.

Any member of council may submit a legislative matter for consideration by the council. The president shall assign all legislative matters, resolutions or motions to the appropriate committee for consideration no later than the second regular council meeting after the item is submitted to the clerk. The clerk shall place any legislative matter, resolution or motion approved by a committee on the council calendar for consideration by council no later than the second regular council meeting after the item is approved by committee.

Every ordinance shall be fully and distinctly read on three different days unless three-fourths of the members elected to the council dispense with the rule. No ordinance shall contain more than one subject which shall be clearly expressed in its title, and no ordinance shall be revived or amended unless the new ordinance contains the entire ordinance revived, or the section or sections amended, and the section or sections so amended shall be repealed. Council may adopt codification ordinances, codifying, revising and re-arranging the ordinances of the city or any portion thereof. The clerk of council shall make reasonable efforts to publish proposed legislation no less than twenty-four hours prior to its consideration by the council in a manner reasonably calculated to be widely accessible to the public and the media. The clerk of council shall also make available paper copies of such ordinances upon request.

Any legislation passed by the council shall be dated when passed. If the mayor approves the legislation, the mayor shall sign and date the legislation and it shall be effective according to its terms when signed by the mayor.

If the mayor does not approve the legislation, the mayor may veto the legislation and return it to the council within four days after passage with a notation of the veto on

the legislation. The vetoed legislation shall be placed on the agenda of the council at its next regularly scheduled meeting. Legislation vetoed by the mayor and returned to the council may not be amended.

Upon motion passed by five members of the council, the council may reconsider the vetoed legislation. If six members of the council vote affirmatively to override the veto and enact the legislation, it becomes law notwithstanding the mayoral veto. It shall be effective according to its terms upon the affirmative vote and, if otherwise subject to referendum, the time for referendum on the legislation shall begin to run again from that date. Unless the council overrides the veto of the mayor at or before the second regularly scheduled meeting of the council following passage of the legislation, the legislation shall not take effect. Legislation enacted by the council over the veto of the mayor shall not be vetoed a second time. An ordinance placing on the ballot a charter amendment initiated by petition shall not be subject to a mayoral veto.

If the mayor neither approves nor vetoes the legislation, the legislation shall be effective according to its terms the fifth day following its passage. The effective date shall be noted on the original copy of the legislation by the clerk of council.

Legislation shall be made available to the public and the media by the clerk of council within three business days after its passage in a manner reasonably calculated to be widely accessible to the public and the media. The clerk of council shall also make available paper copies of such ordinances upon request. Publication of legislation relating to improvements or to assessments upon private property for such improvements shall be by newspaper publication. The advertisement shall contain simply a statement of the title, number and date of the ordinance and resolution, a concise description of the private property affected, a summary of the nature of the improvements, the rate of any assessment levied or to be levied, and a reference to a copy of the said legislation, which shall be on file in the office of the clerk of council.

Article III. MAYOR

Section 1.

A mayor shall be elected for a term of four years, commencing on the first day of December next after his or her election. Upon taking the oath of office, the mayor shall serve until a successor is duly elected and qualified. The mayor shall receive a ~~salary~~annual compensation in an amount equal to ~~twice~~ three times the ~~salary~~compensation payable to a member of council as provided in Article II, Section 4. Such ~~compensation~~ salary shall be payable semi-monthly. The mayor shall be eligible to receive benefits as are available to those members of the administrative staff in division 5 of the administrative service.

Section 2.

The mayor shall be the chief executive officer of the City. 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 with the assistance of the chief operating officer except as otherwise specifically provided in this charter; to see that the ordinances of the city and the laws of the state are enforced; to make all appointments and removals in the administrative and executive service except as otherwise provided in this charter; to make such recommendation to the council concerning the affairs of the city as may to him or her seem desirable; to keep the public and the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate at least thirty days prior to the end of the City's fiscal year; and to perform such other duties as may be prescribed by this charter or required of him or her by ordinance.

The mayor shall have the powers conferred by law upon boards of control. Except as otherwise provided in this charter, all other executive and administrative powers conferred by the laws of the state upon any municipal official shall be exercised by the mayor or persons designated by him or her.

The mayor ~~may shall preside over~~ attend all meetings of the council and shall be entitled to a seat in the council. ~~but~~ The mayor shall not have a vote on the council, ~~but shall have the right to discuss any matter coming before the council. The mayor may call a special meeting of the council.~~ The mayor shall exercise the veto power as provided in Article II. The mayor shall appoint and may remove the vice mayor and the chair of all committees of the council without the advice and consent of the council. The mayor shall assign all legislative matters to the appropriate committee for consideration. The mayor may propose and introduce legislation for council consideration.

The mayor shall be recognized as the official head and representative of the city for all purposes, except as provided otherwise in this charter.

The mayor shall appoint the ~~city manager~~ chief operating officer upon an affirmative vote of five members of the council following the mayor's recommendation for appointment. Prior to the vote, the mayor shall seek the advice of council, to include the opportunity for council to interview the candidates considered by the mayor. Should the council not approve the recommendation of the mayor, the mayor may submit another recommendation or institute a new search. The mayor, ~~with the advice of council,~~ shall have the authority to initiate and recommend to the council the removal of ~~remove the chief operating officer city manager,~~ provided that such removal shall require an affirmative vote of five members ~~without the advice and consent of the council.~~ A temporary appointment to the position of ~~city manager~~ chief operating officer that may be required by reason of a vacancy in the office shall be submitted by the mayor to the council for its approval prior to the appointment.

The mayor shall deliver an annual address to the council and citizens of the city reporting on the state of the city and making recommendations for the establishment and achievement of future city goals.

~~The mayor shall transmit to the council the annual budget estimate prepared by the city manager. The transmittal shall occur within 15 days after receipt from the city manager and may include a letter commenting on the proposed budget.~~

The mayor shall perform such other duties as may be prescribed by this charter or as may be imposed by ~~council ordinance~~, consistent with the office. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes.

In time of public danger or emergency, the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law.

The mayor shall appoint his or her assistants in the unclassified service and shall fix their salaries. Such assistants shall serve at the pleasure of the mayor and shall constitute the mayoral service. All other appointments to be made by the mayor shall be made with the advice and consent of the council except as otherwise provided in this charter, but the mayor shall not appoint or remove the health commissioner or the park director.

Section 3.

~~At the first meeting in December of the council after its election, the mayor shall select a vice mayor from among the members of the council to serve for a term of four years, subject to removal by the mayor. The vice mayor shall have the powers and perform the duties of the mayor during the mayor's absence or disability. When presiding at council, the vice mayor shall vote on legislative matters coming before the council and perform the ministerial duties relating to legislation passed, but shall not exercise the mayor's power of veto, appointment or removal. No additional compensation shall attach to the office of vice mayor.~~

On the date of taking office, the mayor shall designate in writing, provided to the clerk of council, a first mayoral successor and a second mayoral successor chosen from among the members of council. The mayor may revoke and make new designations in writing delivered to the clerk of council at any time. In the event of the death, removal, or resignation of the mayor, the first mayoral successor shall succeed to the office of mayor in accordance with this section. The second mayoral successor shall succeed to the office of mayor if the first mayoral successor declines or is unable to serve. Any resulting vacancy on council shall be filled in accordance with Article II, Section 4b of this charter, and new mayoral successors shall be designated by the new mayor from among the members of the council.

~~In the event of the death, removal or resignation of the mayor, the vice mayor shall succeed to the office of mayor in accordance with this section. The vice mayor's vacancy on council shall be filled in accordance with Article II, Section 4b of this charter and a new vice mayor shall be selected by the mayor from the members of the council.~~

~~Should the death, removal or resignation of the mayor occur prior to June 1 of the second calendar year following the regular municipal election for the choice of mayor, the vice mayor shall hold the office of mayor until December 1 of that year and until a successor is elected and qualified to fill the unexpired term. An election to fill the unexpired term of mayor will be held on the date of the regular municipal election held~~

~~during the second calendar year following the regular municipal election for mayor. Nominations and election of the mayor to the unexpired term shall be governed by the provisions of Article IX of the charter for the election of the mayor.~~

Should the death, removal, or resignation of the mayor occur prior to June 1 of an odd numbered year without a regular election for mayor, the successor shall hold the office of mayor until December 1 of that year and until a new mayor is elected and qualified to fill the unexpired term. An election to fill the unexpired term of mayor will be held on the first Tuesday after the first Monday in November of such odd numbered year.

~~Should the death, removal, or resignation of the mayor occur on or after June 1 of an odd numbered year without a regular election for the office of mayor, the mayor's successor shall serve for the remainder of the unexpired term of the mayor. the second calendar year following the regular municipal election for the choice of mayor, the vice-mayor shall succeed to the office of mayor for the remainder of the unexpired term of the mayor.~~

Article IV. EXECUTIVE AND ADMINISTRATIVE SERVICE

Section 1.

The mayor, as provided in Article III of this charter, shall appoint a city manager chief operating officer who shall ~~be~~ assist the mayor in fulfilling the mayor's duties and obligations as the chief executive and administrative officer of the city. ~~The chief operating officer city manager~~ shall be appointed solely on the basis of his or her executive and administrative qualifications and need not, when appointed, be a resident of the city or state. Neither the mayor nor a member of council shall be appointed as ~~city manager~~ chief operating officer. The ~~city manager~~ chief operating officer shall be appointed for an indefinite term, as hereinafter provided. The ~~city manager chief operating officer~~ shall be removable at any time at the pleasure of the mayor, ~~and the council as provided in Article III. If removed at any time after the city manager has served six months, he or she may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his or her final removal shall take effect, but pending and during such hearing, the mayor, subject to the approval of council, may suspend him or her from office. The action of the mayor and the council in suspending or removing the city manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the mayor and the council.~~

The ~~council~~ mayor may authorize the designation of some other officer of the city to perform the duties of the ~~city manager~~ chief operating officer during the ~~city manager~~ chief operating officer's absence or disability with the advice and consent of council as provided in Article III of this charter. The ~~city manager~~ chief operating officer shall receive such ~~salary~~ compensation and related benefits as are determined by the council.

Section 2.

The ~~city manager~~chief operating officer shall report to the mayor ~~and the council~~. Neither ~~the mayor~~ the council nor any of its committees or members shall interfere in any way with the appointment or removal of any of the officers and employees in the administrative service. Except for the purpose of inquiry, ~~the mayor~~, the council and its members shall deal with that part of the administrative service for which the ~~city manager~~ mayor is responsible, solely through the ~~city manager~~ office of the mayor.

Section 3. [REPEALED]

~~It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city, except as otherwise specifically provided in this charter; to see that the ordinances of the city and the laws of the state are enforced; to make all appointments and removals in the administrative and executive service except as otherwise provided in this charter; to make such recommendation to the mayor and to the council concerning the affairs of the city as may to him or her seem desirable; to keep the mayor and the council advised of the financial condition and future needs of the city; to prepare and submit to the mayor the annual budget estimate for the mayor's review and comment prior to its submission to the council; to prepare and submit to the mayor and to the council such reports as may be required by each and to perform such other duties as may be prescribed by this charter or required of him or her by ordinance or resolution of the council.~~

~~The city manager shall have the powers conferred by law upon boards of control. Except as otherwise provided in this charter, all other executive and administrative powers conferred by the laws of the state upon any municipal official shall be exercised by the city manager or persons designated by him or her.~~

Section 4.

The ~~city manager~~chief operating officer and such other officers of the city as may be designated by ~~vote of the council~~ the mayor, shall be entitled to seats in the council. None of said officials shall have a vote in the council but the ~~city manager~~ chief operating officer shall have the right to discuss any matter coming before the council and the other officers shall be entitled to discuss any matter before the council relating to their respective departments and offices.

Section 5.

The ~~city manager~~ mayor shall appoint a city solicitor. No person shall be eligible to the office who is not an attorney at law, duly admitted to practice in this state. Except as otherwise provided in this charter, the solicitor shall serve the mayor, council, officers and boards of the city as legal counsel and attorney, and shall represent the city in all proceedings in court. The solicitor shall act as prosecuting attorney in the municipal court. The solicitor shall perform all other duties now or hereafter imposed upon city solicitors by the laws of the state, unless otherwise provided by ordinance of the council,

and such other duties as the council may impose upon the solicitor consistent with the office of city solicitor. The solicitor shall appoint his or her assistants and fix their salaries, but the maximum number of assistants and the total amounts of the assistants' salaries shall be fixed by council. The assistants shall hold their offices at the pleasure of the solicitor.

Section 6.

The council shall have power by majority vote, to create a department of finance and to authorize the ~~city manager~~ mayor to appoint a director of finance and such subordinates, including a city treasurer, from time to time, as the ~~city manager~~ mayor sees fit. The council shall prescribe the qualifications and duties of the director of finance and may provide for the administrative organization of the department. The council may transfer to the director of finance or one or more of his or her subordinates any duties previously performed by the city treasurer or the city auditor, as well as any other powers that it may see fit. The council shall also have power to appoint, from time to time, an auditor or auditors to examine the records and accounts of the city or any of its officers, departments, boards or commissions and report the findings to the council. The director of finance shall be the chief fiscal officer of the city.

Section 9.

The ~~city manager~~ mayor shall appoint the ~~superintendent~~ director of water works, who shall have charge of the administration of the Cincinnati water works. A sufficient charge shall be made for the supply of water, or any other public utility service operated by the city, to pay the expenses of such water works or other utility, the interest, sinking fund and retirement charges on bonds issued for such water works or other public utility, and for such improvements to said water works or other public utility as council may determine should be paid for without the issue of bonds. The city shall have the power to sell water outside of the city limits and outside of the state at such price as the council may determine. Revenue derived from the water works by the city shall be used for the purposes of said water works, and for no other purpose, and shall not be subject to transfer to any other fund.

Section 10.

The chief operating officer, city solicitor, director of finance, ~~director of public utilities~~, and ~~superintendent~~ director of the water works shall be subject to removal by the ~~city manager~~ mayor.

Article V. CIVIL SERVICE

Section 2.

The ~~city manager~~ mayor shall appoint the secretary of the civil service commission, who shall act as the personnel officer of the city government, and must be a person experienced in personnel work. ~~He~~ The secretary shall also act as chief examiner and

superintend the examinations subject to the direction of the commission. He The secretary shall appoint all of his or her subordinates.

Section 5.

The members of the police force engaged in police services shall consist of the following ranks:

1. Chief
2. Executive Assistant Police Chief
3. Assistant Chief
4. Captain
5. Lieutenant
6. Sergeant
7. Police Officer
8. Police Recruit

The positions of police chief, executive assistant police chief and assistant police chief shall be in the unclassified civil service of the city and exempt from all competitive examination requirements. The ~~city manager~~ mayor shall appoint the police chief, executive assistant police chief and assistant police chiefs to serve in said unclassified positions. The police chief, executive assistant police chief and assistant police chiefs shall be appointed solely on the basis of their executive and administrative qualifications in the field of law enforcement and need not, at the time of appointment, be residents of the city or state. The police chief may be removed at any time by the ~~city manager~~ mayor. After the police chief has served six months, he or she shall be subject to removal only for cause including incompetency, inefficiency, dishonesty, insubordination, unsatisfactory performance, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of any felony. If removed for cause the police chief may demand written charges and the right to be heard thereon before the ~~city manager~~ mayor. Pending the completion of such hearing the ~~city manager~~ mayor may suspend the police chief from office. The incumbent officers in the police chief and assistant police chief positions as of November 6, 2001 shall remain in the classified civil service until their position becomes vacant after which time their positions shall be filled according to the terms of this section.

Within the ranks below that of assistant police chief, the council shall establish such special positions having special duties with preferential pay as the council deems necessary; but the existence of such special positions shall not establish eligibility for promotion to the next higher rank. No special positions established by council within the ranks below that of assistant police chief shall be filled without promotional examinations.

Section 6.

The members of the fire force engaged in fire protection services shall consist of the following ranks:

1. Chief
2. Assistant Chief
3. District Chief
4. Captain
5. Lieutenant
6. Fire Specialist
7. Fire Apparatus Operator
8. Fire Fighter
9. Fire Recruit

The positions of fire chief and assistant fire chief shall be in the unclassified civil service of the city and exempt from all competitive examination requirements. The ~~city manager~~ mayor shall appoint the fire chief and the assistant fire chiefs to serve in said unclassified positions. The fire chief and assistant fire chiefs shall be appointed solely on the basis of their executive and administrative qualifications in the field of fire prevention and suppression and need not, at the time of appointment, be residents of the city or state. The fire chief may be removed at any time by the ~~city manager~~ mayor. After the fire chief has served six months, he or she shall be subject to removal only for cause including incompetency, inefficiency, dishonesty, insubordination, unsatisfactory performance, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of any felony. If removed for cause the fire chief may demand written charges and the right to be heard thereon before the ~~city manager~~ mayor. Pending the completion of such hearing the ~~city manager~~ mayor may suspend the fire chief from office. The incumbent officers in the fire chief and assistant fire chief positions as of November 6, 2001 shall remain in the classified civil service until their position becomes vacant after which time the positions shall be filled according to the terms of this section.

Within the ranks below that of assistant chief, the council shall establish such special positions having special duties with preferential pay as the council deems necessary, but the existence of such special positions shall not establish eligibility for promotion to the next higher rank. No special position established by council within the ranks below that of assistant chief shall be filled without promotional examination.

Article VII. BOARDS AND COMMISSIONS

Section 1.

The board of park commissioners shall consist of five members. The members now serving shall continue in office until the expiration of their terms. ~~On January 15, 1992, the mayor shall appoint one member to serve for a term ending January 1, 1998, and one member to serve for a term ending January 1, 2000. Thereafter a~~As the term of each member expires the mayor shall appoint one member to serve for a term of six years until a successor is appointed and qualified, and shall fill all vacancies in the board for unexpired terms. The board shall appoint its employees, including the park director. The board shall have the control and management of the parks and parkways of the city and

may adopt and enforce regulations as to the proper use and protection of park property, and provide penalties for the violation of such regulations. Such regulations shall not take effect until copies thereof are filed with the city solicitor and with the clerk of council. Property under the control of the board shall not be transferred, or used for any but park purposes except with the consent of the board. The board shall have all other powers conferred upon boards of park commissioners by general law but council may modify such laws and may designate boulevards, streets and highways in the parks and parkways as part of the public street and road system of the city and give to the ~~city manager~~ mayor supervision over the construction, repair and maintenance thereof. Such action shall be by ordinance which, unless it is approved by the board of park commissioners, shall require a vote of three-fourths of the members elected to the council.

Section 2.

The city planning commission shall consist of seven members. One member shall be the ~~city manager~~ mayor or a ~~person duly~~ member of the city administration designated by the ~~city manager~~ mayor who may at any time serve as alternate member for the ~~city manager~~ mayor; one shall be a member of council selected by it; and five shall be electors of the city of Cincinnati appointed by the mayor.

As the term of each appointed member expires, the mayor shall appoint a successor for a term of five years. All vacancies in the commission for unexpired terms of appointed members shall be filled by the mayor.

Each member of the commission shall serve for the term of appointment and until a successor is appointed and qualified. All members of the commission shall serve as such without salary compensation.

Section 7.

The city planning commission shall be the platting commission of the city, and, as such, shall have the control of platting and shall provide regulations governing the platting of all lands within the city or within three miles thereof, so as to secure a harmonious development and to provide for the coordination of streets with other streets and with the official city plan and to provide for open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which streets and other public ways shall be graded and improved, and to which water and sewer and other utility mains, piping or other facilities shall be installed, as a condition precedent to the approval of the plat. In lieu of the completion of such work previous to the approval of the plat, the commission may accept a contract secured by a bond in an amount and with surety satisfactory to the ~~city manager~~ mayor, providing and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the ~~city manager~~ mayor and expressed in the contract and bond. The city solicitor is hereby granted the power to enforce such bonds by all appropriate, legal and equitable remedies. All such regulations shall be published as provided by law for the publication of ordinances, and before

adoption a public hearing shall be held thereon, and before the same becomes effective a copy thereof shall be filed with the clerk of council. In addition to the powers expressly specified in this charter, the commission shall have all powers of control over plats and subdivision granted to city planning commissions by the statutes of Ohio.

Section 11.

The board of health shall consist of nine members, who shall serve for a term of three years each. Not more than four of these members shall be professional providers of health services. The remaining members shall represent consumers of health services and citizens at large. No person shall be appointed as a member of the board for more than two consecutive full terms. For purposes of this provision, service for more than eighteen months shall be considered a full term. The members now serving shall continue in office until the appointment and qualification of a new board under the provisions of this section, at which time their present terms shall cease and determine.

Subsequent to the effective date of this section, the mayor shall appoint three of the members now serving to new terms of one year each, and the other two members to two-year terms. The mayor shall also appoint one additional person to a two-year term, and three additional persons to three-year terms. Thereafter, as the term of each member expires, the mayor shall appoint one person to serve for a term of three years and until his successor is appointed and qualified, and shall fill all vacancies on the board for unexpired terms.

The board of health shall appoint its employees, including a health commissioner. The board of health may adopt in the manner provided by state law orders, and regulations intended for the public health, the prevention or restriction of disease, the prevention, abatement and suppression of nuisances and the sanitary condition of all public markets and provide penalties for the violation thereof, but no such order or resolution shall take effect until copies thereof are filed with the city solicitor and with the clerk of council. The board of health shall have all other powers conferred upon boards of health by general laws, but the council may modify such laws by ordinance. Such ordinance, unless it is approved by the board of health, shall require a vote of three-fourths of the members elected to the council.

Section 2. That the form of the submission of the proposed amendment to the electors shall be substantially as follows:

CHARTER AMENDMENT

A majority vote is necessary for passage.

YES	Shall the Charter of the City of Cincinnati be amended to provide that the Mayor shall act as Chief Executive Officer of the City with the power to appoint and remove a Chief Operating Officer and certain other City administrators, and that the office of the City Manager be eliminated, that the City Council shall organize itself and select a President, by amending Article II, "Legislative Power," Sections 4a, 5a and 6; amending Article III, "Mayor," Sections 1, 2 and 3; amending Article IV, "Executive and Administrative Service," Sections 1, 2, 4, 5, 6, 9 and 10; repealing Article IV, "Executive and Administrative Service," Section 3; amending Article V, "Civil Service," Sections 2, 5 and 6; and amending Article VII, "Boards and Commissions," Sections 1, 2, 7, and 11 of the City of Cincinnati Charter, effective December 1, 2017?
NO	

Section 3. That the Clerk of Council shall give notice of the proposed Charter Amendment in the manner provided by Sections 8 and 9 of Article XVIII of the Ohio Constitution and Section 731.211 (B) of the Ohio Revised Code.

Section 4. That the Clerk of Council is directed to certify and transmit to the Board of Elections of Hamilton County, Ohio, a copy of this ordinance and direct the said Board to submit the proposed Charter amendment to the electors of the City of Cincinnati as provided by law.

Section 5. That the Board of Elections of Hamilton County, Ohio, shall certify to the Council the result of the vote upon said amendment, and if said amendment is approved by a majority of the electors voting thereon, amending Article II, "Legislative Power," Sections 4a, 5a and 6; amending Article III, "Mayor," Sections 1, 2 and 3; amending Article IV, "Executive and

Administrative Service,” Sections 1, 2, 4, 5, 6, 9 and 10; repealing Article IV, “Executive and Administrative Service,” Section 3; amending Article V, “Civil Service,” Sections 2, 5 and 6; and amending Article VII, “Boards and Commissions,” Sections 1, 2, 7, and 11 of the City of Cincinnati Charter shall become part of the Charter of the City of Cincinnati in place of such existing provisions thereof, which shall be repealed, effective December 1, 2017.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate necessity to authorize the Clerk of Council to certify and transmit this ordinance to the Board of Elections at least sixty days prior to the November 3, 2015 general election.

Passed: _____, 2015

Mayor

Attest: _____
Clerk