

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2021-43**

AN ORDINANCE APPROVING THE SUBMISSION TO THE ELECTORS OF THE CITY OF SOUTH LEBANON THE FOLLOWING QUESTION AT THE NEXT REGULAR MUNICIPAL ELECTION: "SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER?", AND DECLARING AN EMERGENCY

WHEREAS, on September 21, 2021, the Ohio Secretary of State certified that, as a result of the 2020 U.S. Census, South Lebanon surpassed the population threshold to be classified as a city per Section 703.06 of the Ohio Revised Code, with an effective date of October 21, 2021; and

WHEREAS, South Lebanon ("the City") officially became a City on or about October 21, 2021; and

WHEREAS, the City is currently in a transitional phase and is considering alternative plans of municipal government; and

WHEREAS, Article XVIII, Section 8 of the Ohio Constitution provides as follows regarding one alternative plan of municipal government commonly referred to as a Charter form of municipal government:

The legislative authority of any city or village may by a two-thirds vote of its members, and upon petition of ten per centum of the electors shall forthwith, provide by ordinance for the submission to the electors, of the question, "Shall a commission be chosen to frame a charter." The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and 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. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the municipality at large of fifteen electors who shall constitute a commission to frame a charter; provided that a majority of the electors voting on such question shall have voted in the affirmative. Any charter so framed shall be submitted to the electors of the municipality at an election to be held at a time fixed by the charter commission and within one year from the date of its election, provision for which shall be made by the legislative authority of the

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municipality in so far as not prescribed by general law. Not less than thirty days prior to such election the clerk of the municipality shall mail a copy of the proposed charter to each elector whose name appears upon the poll or registration books of the last regular or general election held therein. If such proposed charter is approved by a majority of the electors voting thereon it shall become the charter of such municipality at the time fixed therein.

WHEREAS, City Council believes a Charter form of municipal government is an appropriate and viable alternative form of municipal government for the City; and

WHEREAS, City Council therefore desires to submit to the electors of the City the following question at the next regular municipal election: ""Shall a commission be chosen to frame a charter?"

WHEREAS, immediate action is required to assure timely submission to the Warren County Board of Elections, in order to preserve the public peace, health, safety and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. That the City Council provides by this Ordinance for the submission to the electors of the City the following question at the next regular municipal election: "Shall a commission be chosen to frame a charter?"

Section 2. That City officials shall take any and all action to ensure such question is properly submitted to the appropriate Board of Elections, and engage in any additional activity to comply with any directions from the Board of Elections so that such question is properly submitted to the electors of the City at the next regular municipal election.

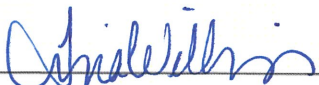
Section 2. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

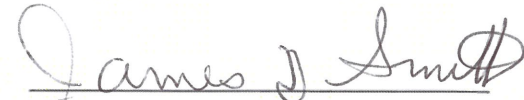
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Section 3. That it is found and determined that all formal actions of the Council concerning and relating to passing this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Ordinance shall be in full force and effective immediately upon its passage.

Adopted this 6th day of January, 2022.

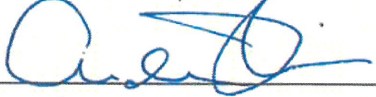
Attest: 
Petrina Williams, Fiscal Officer/Clerk


James D. Smith, Mayor

Rules Suspended: / /2021 (if applicable)	Effective Date – / /2022
Vote - ___ Yeas ___ Nays	
First Reading –12/ 10 /2021	Effective Date – 1 / 6 /2022
Second Reading – 1 /4 /2022	
Third Reading– 1 /6 /2022	
Vote - <u> 5 </u> Yeas ___ Nays	

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: 
Date: 1 / 6 /2022