

**CITY OF SOUTH LEBANON, OHIO  
AMENDED ORDINANCE NO. 2022-04**

**AN ORDINANCE AMENDING ORDINANCE NO. 2021-43  
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

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charter commission and within one year from the date of its election, provision for which shall be made by the legislative authority of the 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**, City Council previously passed Ordinance No. 2021-43; however, City Council must amend Ordinance No. 2021-43 to include additional requirements associated with submission of the above-referenced question to the electors of the City.

**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 does hereby amend Ordinance No. 2021-43 and provides by this Ordinance for the submission to the electors of the City the following question: "Shall a commission be chosen to frame a charter?". Such question shall be submitted to a vote of the qualified electors of the City of South Lebanon at the election to be held on May 3, 2022 at the regular places and hours of voting in the City of South Lebanon as established by the Board of Elections of Warren County, Ohio. The question shall be submitted in the following form:

"Shall a Commission be chosen to frame a charter?"

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This question shall be followed by the words “Yes” and “No”.

**Section 2.** The ballot upon which the question provided for in Section 1 shall be submitted and shall bear no party designation. It shall have printed or written thereon the name of all electors who shall have been nominated as provided in Section 3, and such directions as will aid the elector such as “Vote for not more than fifteen.”

If a majority of qualified electors voting on the question “Shall a Commission be chosen to frame a charter?” shall vote in the affirmative, the fifteen electors receiving the largest number of votes for members of the Commission shall constitute a Commission to frame a charter.

**Section 3.** Nominations for members of the Commission shall be made by nomination petitions signed by not less than 25 persons eligible to vote at regular municipal elections, and the nomination papers shall be filed with the Board of Elections at least 75 days before the election. Nomination papers shall be filed using Ohio Secretary of State Form 3-Q or 3-P. No effect shall be given to any candidate’s naming of a committee to represent the candidate on a nomination petition, and any vacancy shall be filled by Council in accordance with the terms of this Ordinance regardless of whether the candidate’s nomination petition named a committee.

**Section 4.** If fewer than fifteen qualified electors of the City have filed sufficient nomination papers by the deadline provided in Section 3 of this Ordinance, Council shall nominate any qualified elector of the City to be added to the ballot. Council shall nominate as many qualified electors of the City as necessary to populate the ballot with 15 candidates for the Commission; provided, that any nominee shall be a qualified elector of the City that is eligible to service on the Commission. If any nominations are made by Council in accordance with this Section, Council shall cause the Fiscal Officer, serving as Clerk, to file the nominations with the Board of Elections of Warren County, in accordance with Section 3513.261 of the Ohio Revised Code, together with any other information required by the Board of Elections to cause the names of such nominees to be placed on the ballot, at least 60 days before the election.

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**Section 5.** The whole number of ballots to be printed for the election of persons to act as members of the Charter Commission shall be divided by the number of candidates for said offices, and the quotient shall be the number of ballots in each series of ballots to be printed. Then names of candidates shall be arranged in alphabetical order in a group under the title of the office and must rotate from one precinct to another, except when the number of candidates is the same as the number of candidates to be elected.

**Section 6.** The ballots shall be printed so as to give each elector a clear opportunity to designate his/her choice of candidates.

**Section 7.** If, at any time, the Commission chosen to frame a charter has fewer than 15 members, Council may appoint, by motion and majority vote, additional members to the Commission so that the Commission has a total of 15 members; provided, that any member so appointed by Council to the Commission shall be a qualified elector of the City that is eligible to serve on the Commission.

**Section 8.** The Mayor shall request the Board of Elections to give public notice of the time and place of holding the election in accordance with Section 3501.03 of the Ohio Revised Code by publication at least 10 days prior to the date of the election and advertise the question in a newspaper of general circulation in the City.

**Section 9.** The Fiscal Officer, serving as Clerk, is directed to certify a copy of this Amended Ordinance to the Board of Elections of Warren County at least 60 days before the election.

**Section 10.** 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 11.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

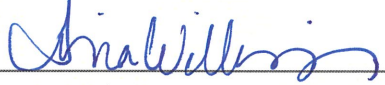
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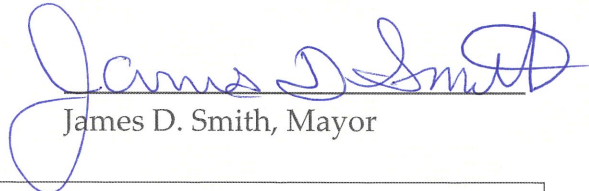
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**Section 12.** That it is found and determined that all formal actions of the Council concerning and relating to passing this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 13.** 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 11th day of January, 2022.

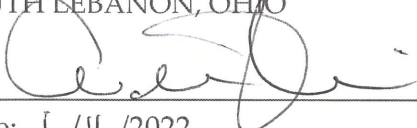
Attest:   
Petrina Williams, Fiscal Officer/Clerk

  
James D. Smith, Mayor

Rules Suspended: <u>1</u> / <u>11</u> / 2022 (if applicable)	Effective Date – <u>1</u> / <u>11</u> / 2022
Vote - <u>5</u> Yeas	
<u>      </u> Nays	
First Reading – <u>      </u> / <u>      </u> / 2022	Effective Date – <u>      </u> / <u>      </u> / 2022
Second Reading – <u>      </u> / <u>      </u> / 2022	
Third Reading – <u>      </u> / <u>      </u> / 2022	
Vote - <u>      </u> Yeas	
<u>      </u> Nays	

Prepared by and approved as to form:

ANDREW P. MEIER  
CITY SOLICITOR  
SOUTH LEBANON, OHIO

By:   
Date: 1 / 11 / 2022