

ORDINANCE NO. 2024-34
VILLAGE OF BUCKEYE LAKE
FIRST READING

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE VILLAGE OF BUCKEYE LAKE AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF BUCKEYE LAKE PROPOSING TO AMEND ARTICLE 8 FINANCE, TAXATION AND DEBT OF THE CHARTER CLARIFYING THE RESPONSIBILITIES REGARDING PURCHASES AND CONTRACTING PROCEDURES AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Charter Section 7.02, Council has received recommendations from the Charter Review Commission to amend certain provisions of the Charter; and

WHEREAS, as required by Section 9, Article XVIII of the Ohio Constitution all amendments to the Charter must be approved by the electorate of the municipality;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Buckeye Lake, at least two-thirds (2/3) of its members concurring to dispense with the requirements of Charter Section 4.04 requiring three readings on three separate days with at least one week between the readings:

SECTION 1: There be submitted to the electors of the Village of Buckeye Lake at the next general election, November 5, 2024, at the regular place or places and hours of voting in the Village, as established by the Licking County and Fairfield County Boards of Election, the proposed amendment to the Charter of the Village of Buckeye Lake, as amended in Exhibit A.

SECTION 2: The form of ballot to be given at the election on the question of this municipal Charter amendment shall be substantially as follows:

A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE:

"Shall the Charter of the Village of Buckeye Lake Article 8 be amended to clarify the responsibilities regarding purchasing and contracting procedures?"

For the Amendment _____

Against the Amendment _____

SECTION 3: Revised Code 3505.06 requires that when condensed text is used on a ballot question, issue, or amendment, the full text of the proposed question, issue, or amendment, together with the percentage of affirmative votes necessary for passage, shall be posted in each polling place, the attached Exhibit A shall be used as the full text of the proposed ballot item at each polling place.

SECTION 4: The Clerk of Council is hereby directed and authorized to give notice of the proposed Charter amendment as required by law. Specifically, pursuant to Revised Code 731.211, the Clerk shall "mail a copy of the proposed charter amendment to each elector whose name

appears upon the poll or registration books of the last regular or general election held” in the Village and such mailing shall occur not less than thirty (30) days prior to the election.

SECTION 5: The Clerk of Council is hereby authorized and directed to certify a copy of this Ordinance immediately after its effective date and prior to August 7, 2024, to the Board of Elections of Licking and Fairfield Counties, Ohio for the purpose of having the question set forth in Section 2, above, placed on the ballot in order to submit the proposed Charter amendment to the electors of the Village of Buckeye Lake, Ohio, at the election to be held on November 5, 2024.

SECTION 6: That upon passage of this amendment to the Village of Buckeye Lake Charter by a majority of the electors, Article 8 as presently read shall be repealed and replaced by the provisions as set forth in Section 1.

SECTION 7: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of R.C. §121.22.

SECTION 8: For the reasons noted in the preamble, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of Buckeye Lake and therefore, this Ordinance shall become effective upon its passage by Council.

PASSED this 22nd day of July, 2024

Attest:

Samantha Torres
Council Clerk, Samantha Torres

John Lemmon
Council President, John Lemmon

Date Filed with Mayor 7-24-2024
Date Approved by Mayor 7-24-2024

Linda Goodman
Mayor, Linda Goodman

EXHIBIT A

ARTICLE 8 FINANCE, TAXATION AND DEBT

SECTION 8.01. General Provisions.

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds and notes, assessments and other fiscal matters shall be applicable to the Village, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provision therefore is made in the Constitution of Ohio.

SECTION 8.02. Purchasing and Contracting Procedures.

- a) The Mayor shall award and execute all contracts on behalf of the Village;
- b) When a proposed contract or expenditure exceeds the State of Ohio limit for competitive bidding, the Council shall authorize the Mayor to cause plans and specifications to be prepared and advertised for bids once a week for two consecutive weeks in at least one newspaper of general circulation within the Village, on social media and/or online, and the Council shall appropriate funds for that purpose unless they have been previously appropriated and remain unencumbered. Upon such authorization, the appropriate official or employee shall cause such plans and specifications to be prepared and such advertising to be made. The Council, by Ordinance or Resolution adopted by a vote of a majority of its members, may authorize, without competitive bidding, contracts and expenditures for any other purpose where the statutory or common law of Ohio does not require competitive bidding.
- c) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contracts, such alterations or modifications shall be made only upon the order of the Mayor. No order for the alteration or modification of any contract shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Mayor on behalf of the Village. Modifications or alterations in contracts will not require further advertising or bidding.
- d) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the Mayor unless the Clerk-Treasurer / Fiscal Officer or a duly authorized representative of the Clerk-Treasurer / Fiscal Officer shall first certify:
 1. That the money required for the contract, agreement, obligation or expenditure is in the Village's treasury or in the process of collection, and
 2. That the money has been appropriated by Council for the purpose, and remains unencumbered.
- e) The certification as to the availability of funds shall be filed and recorded in the accounting records of the Village and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be void and unenforceable against the Village unless authorized by an Ordinance of the Council. The Clerk-Treasurer / Fiscal Officer shall not arbitrarily withhold the certificate required by this division.
- f) The Council or the Mayor shall not divide any order or contract to avoid the requirements of competitive bidding.
- g) Copies of all written contracts and purchase orders shall be filed with and maintained as public records by the Clerk-Treasurer / Fiscal Officer.

SECTION 8.03. Limitation on Taxation.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by this Charter, and the Constitution and the general laws of the State of Ohio. Nothing contained in this Charter shall be construed as authorizing Council to levy any taxes in excess of such limitations, or to levy a tax on the income of the residents of the Village, or a tax on sales of goods or services in the Village without a first submitting the question of whether to levy the tax or the increased tax to a vote of the people.

EXHIBIT A

SECTION 8.04. Limitation of Debt.

The Village shall not incur debt in excess of the limitations imposed by the Constitution and the laws of the State of Ohio.