

**ORDINANCE NO. 07-09 AC CMS**

**AN ORDINANCE RESCINDING ORDINANCE NO. 95-9 AC CMS AND  
ORDINANCE NO. 96-97 AC CMS**

**BE IT ORDAINED**, by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

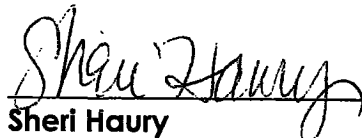
**SECTION 1.** That Ordinance No. 95-9 AC CMS and Ordinance No. 96-97 AC CMS are hereby rescinded.

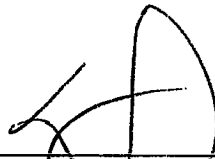
**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this ordinance shall take effect at the earliest date allowed by law.

**PASSED:**      1<sup>st</sup> Reading – January 2, 2007 (E)  
                    2<sup>nd</sup> Reading –  
                    3<sup>rd</sup> Reading –

**ATTEST:**

  
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**Sheri Haury**  
**INTERIM CLERK OF COUNCIL**

  
\_\_\_\_\_  
**Daniel Gardner**  
**PRESIDENT OF COUNCIL**

**POSTED:** January 3, 2007

**EFFECTIVE DATE:** January 3, 2007

City of Oberlin, Ohio

MEMORANDUM

**To:** Daniel Gardner and Ronnie Rimbart  
**cc:** Rob DiSpirito, Eric Severs  
**From:** David Ashenhurst  
**Subject:** Chapter 153 of the Codified Ordinances  
**Date:** May 31, 2006

Hello Daniel and Ronnie (and Rob and Eric) --

I hope Council as a whole can get a little memo about the following in the next packet, or talk about it briefly (under "Referrals"?) at Monday night's meeting and get something more definitive for the second meeting in June (following discussion in your agenda session next Thursday):

Please take a look at Chapter 153 of the Codified Ordinances, describing what is supposed to be our budget and strategic planning process. In our binders and online, Chapter 153 consists of three sections, the first two referenced as arising from Ordinance 92-36 passed 6/1/92, and the third as arising from Ordinance 95-9 passed 2/6/95.

I have attached copies of these two ordinances, as well as of Ordinance 96-93 passed 11/4/96 and Ordinance 96-97 passed 12/2/96. (I have also pulled and have compiled at City Hall excerpts of all the minutes where any of these four ordinances was read and discussed.)

You'll first see that Ordinance 95-9 amends "Section 153.03 of the Codified Ordinances" -- rather than amending Ordinance 92-36 itself. You'll then note that Ordinance 96-93 rescinds 92-36 -- rather than Chapter 153 as a whole. Does that mean 153.03 as revised by Ordinance 95-9 is still in force? I think so, but I know references to ordinances are sometimes assumed to be "as amended" without explicitly saying so. (You may remember we had a situation like this just a meeting or two ago.)

In any case, there is no reflection of Ordinance 96-97, here or elsewhere in the Codified Ordinances; it was approved a month after Ordinance 96-93 rescinded either two or all three sections of Chapter 153. So while we should no longer have an "Administrative Committee on Budget and Strategic Planning" as Section 153.01 of the Codified

*repeal 96-97  
6/22/06 93(r)*

Ordinances describes, nor *perhaps* the receipt of a revised five-year plan in July and annual review to be completed by October as Section 153.03 describes, I believe we *should* be having a February review session as 96-97.01 describes, and both a public hearing not later than the first meeting in October as 96-97.02.03 describes and a public work session not less than a month before *that* as 96-97.02.02 describes – and of course, we haven't been doing any of that in recent years.

To summarize, I hope you'll agree we need to modify the Codified Ordinances as soon as possible, to reflect legislation currently in force – 96-97, with or without 153.03. Do we then want to consider new legislation to alter the process – perhaps to reflect better the process and timetable we are actually following? Maybe. But in the meantime, I ask that we consider following in 2006 at very least the process and timetable established, by hitherto uncodified ordinance, in 1996.

A handwritten signature in black ink, appearing to be the initials 'JRG'.

ORDINANCE NO. 92-36 AC CMS

AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE COMMITTEE ON  
BUDGET AND STRATEGIC PLANNING AND AN ANNUAL REVIEW  
OF THE CITY OF OBERLIN STRATEGIC PLAN

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That there is hereby established an Administrative Committee on Budget and Strategic Planning. The Committee shall be composed of the following eleven (11) individuals:

Three (3) Members of City Council  
The City Manager  
Four (4) Department Directors, to wit: Electric, Community Services, Public Works and Economic Development Officer  
The City Auditor  
Chairman of Planning Commission  
Chairman of Public Utilities Commission

SECTION 2. The purpose of the Committee shall be to integrate the respective recommendations of the Boards and Commissions which provide input and analysis of specific projects, programs and procedures relating to the Oberlin Mid-Range Strategic Plan. The recommendations shall be put into a five-year time line allowing for consideration for incorporation into the annual budget as projected for each year. The recommended schedule should then be forwarded to Oberlin City Council for consideration.

SECTION 3. The Committee shall conduct their annual review in accordance with the following time schedule:

|                    |                                                                                                                                                                                   |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January            | Preparation and dissemination of an Annual Strategic Plan Report. A public hearing shall be set for the first regular Council meeting in February to take comment on said report. |
| February/<br>March | Boards and Commissions review their respective capital and program budgets. Reports should be submitted to staff no later than March 31.                                          |
| April/May          | City Manager or his/her designee is responsible for the integration and update of the five-year strategic plan based on input from Boards and Commissions.                        |
| June               | Administrative Committee on Budget and Strategic Planning shall review the revised strategic plan submitted by the City Manager.                                                  |

- July Council shall receive the revised five-year strategic plan in preparation for establishing goals for the upcoming fiscal year.
- August Council establishes goals for upcoming fiscal year and directs the City Manager to prepare budget. City Manager distributes budget preparation materials to department heads and administrators.
- October Final draft budget is prepared and submitted to City Council no later than first regular Council meeting in October.
- November City Council conducts hearings on the proposed annual budget.
- December First reading of ordinance adopting annual appropriations budget.
- January No later than second meeting in January, Council approves the current year fiscal budget.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - May 18, 1992  
 2nd Reading - June 1, 1992 (Suspension of the Rules)  
 3rd Reading -

ATTEST:

  
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 CLERK OF COUNCIL

  
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 CHAIRMAN OF COUNCIL

POSTED: June 4, 1992

EFFECTIVE DATE: July 1, 1992

ORDINANCE NO. 95-9 AC CMS

AN ORDINANCE AMENDING SECTION 153.03  
OF THE CODIFIED ORDINANCES OF THE  
CITY OF OBERLIN

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Section 153.03 of the Codified Ordinances of the City of Oberlin, Ohio, is hereby amended to read:

The Committee shall conduct their annual review to be completed on or about October. The following outline is suggested for the annual review process:

1. City boards and commissions review their respective capital and program budgets and submit a Report to Staff. City Manager or his/her designee is responsible for the integration and update of the five year strategic plan based on input from boards and commissions.
2. Administrative Committee on Budget and Strategic Planning shall review the revised strategic plan submitted by the City Manager.
3. Council shall receive the revised five year strategic plan in July in preparation for establishing goals for the upcoming fiscal year.
4. Council establishes goals for the upcoming fiscal year and directs the City Manager to prepare the budget.
5. City Manger prepares final draft budget to submit to Council. City Council conducts hearings on the proposed annual budget.
6. After final adoption of the annual budget the City Council shall conduct a public informational session on the adopted Annual Five Year Strategic Plan and receive public input for the following year.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - January 3, 1995  
2nd Reading - January 17, 1995  
3rd Reading - February 6, 1995

ATTEST:

  
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CLERK OF COUNCIL

  
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CHAIRMAN OF COUNCIL

POSTED: February 10, 1995

EFFECTIVE DATE: March 10, 1995

ORDINANCE NO. 96-93 AC CMS

AN ORDINANCE RESCINDING ORDINANCE NO. 92-36 AC CMS,  
WHICH ESTABLISHED AN ADMINISTRATIVE COMMITTEE ON BUDGET AND  
STRATEGIC PLANNING

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Ordinance No. 92-36 AC CMS, which established an Administrative Committee on Budget and Strategic Planning is hereby rescinded.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - October 7, 1996 (5 Ayes/2 Nays (Steinberg, Baumann))  
2nd Reading - October 21, 1996  
3rd Reading - November 4, 1996

ATTEST:

  
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CLERK OF COUNCIL

  
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CHAIR OF COUNCIL

POSTED: November 5, 1996

EFFECTIVE DATE: December 4, 1996



ORDINANCE NO. 96-97 AC CMS

AN ORDINANCE ESTABLISHING AN ANNUAL REVIEW OF THE STRATEGIC PLAN  
AND PROVIDING FOR A FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR THE  
CITY OF OBERLIN

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Council will receive a report from the administration at a public meeting in February of each year regarding the status of the Strategic Plan, including what progress has been made in the prior fiscal year, and to review projects anticipated in the current year.

SECTION 2. That the administration shall present to Council each year an updated five year capital improvement plan in the following manner:

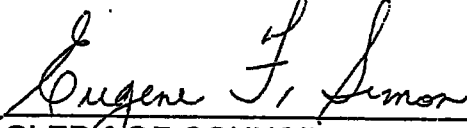
1. The City Manager and City Auditor shall work with the department heads to collect capital plan data for the coming year. They shall also integrate the respective recommendations of the Boards and Commissions which provide input and analysis of specific projects, programs and procedures relating to the Oberlin Mid-Range Strategic Plan.
2. The City Manager's proposal is reviewed by Council at a public work session, not less than one month before the public hearing.
3. A public hearing will be held, at the first Council meeting in October or earlier, to review the proposal and take public comment.
4. Adoption of the revised five year plan is concurrent with final adoption of the full budget in December of each year.

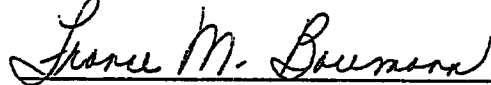
SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - November 4, 1996  
2nd Reading - November 18, 1996  
3rd Reading - December 2, 1996

ATTEST:

  
CLERK OF COUNCIL

  
CHAIR OF COUNCIL

POSTED: December 3, 1996

EFFECTIVE DATE: January 2, 1996

City of  
**Oberlin**

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85 South Main Street Oberlin, Ohio 44074

Eric R. Severs  
Law Director

Facsimile  
440-776-2210

James Leo Walsh  
Asst. Law Director & Prosecutor

**MEMO**

To: Members of City Council

From: Eric R. Severs, Law Director *ES*

Date: December 26, 2006

Re: Administrative Committee on Budget and Strategic Planning, etc.

There are two Ordinances on the Agenda tonight dealing with Chapter 153 of the Codified Ordinances. You will recall that Councilmember Ashenhurst brought this matter to our attention in May of this past year (May 31, 2006).

Ordinance No. 07-09 AC CMS rescinds Ordinance No. 95-9, which made certain amendments to Section 153.03 of the Codified Ordinances. We need to rescind that Ordinance prior to implementing the new capital planning process that is set forth in tonight's Ordinance 07-10 AC CMS. Ordinance No. 07-09 AC CMS also rescinds Ordinance No. 96-97 AC CMS, which, as David indicated, was never codified, but still needs to be "laid to rest".

We need not worry about Sections 153.01 and 153.02 of the Codified Ordinances, as those two sections had previously been done away with as a result of the passage of Ordinance No. 96-93 AC CMS (which rescinded Ordinance No. 92-36 AC CMS). For some reason they have continued to appear in the code book.

As indicated, the second Ordinance on the Agenda tonight dealing with this subject is Ordinance No. 07-10 AC CMS. That Ordinance establishes a new process for planning for capital improvements in the City. My guess is that that Ordinance, when codified, will appear as a "new" Chapter 153 in the code book.

cc: Rob Dispirito, City Manager  
Sal Talarico, Finance Director  
Sherry Haury, Interim Clerk of Council