

ORDINANCE NO. 286-24

Introduced by _____ Councilor

Seconded by _____ Councilor

Form Approved Acty C. B. Director of Law

PUBLICATION: I hereby certify that this Ordinance was published in a summary manner according to law in the Lima News on _____

Dana Addis, Clerk

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON						
WILKERSON						
THOMPSON						
JORDAN						
JONES						
GLENN						
NEEPER						
DIXON						
TOTAL						

AN ORDINANCE AMENDING CHAPTER 212 OF THE CODIFIED ORDINANCES OF THE CITY OF LIMA, ORDINANCES, RESOLUTIONS; HOME RULE AUTHORITY.**PREAMBLE:** The purpose and authority of and for this ordinance are set forth as follows:**WHEREAS**, legislation has been authorized by the Mayor to amend Chapter 212 of the Codified Ordinances of the City of Lima, to codify the City's Home Rule authority; and,**WHEREAS**, Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein to meet project or administrative operational deadlines, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this Ordinance constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:****Section 1.** Chapter 212 of the Codified Ordinances of the City of Lima, Ohio is hereby amended as follows:**CHAPTER 212 ORDINANCES, RESOLUTIONS; HOME RULE AUTHORITY****212.01 Numbering of Ordinances and Resolutions.**

Beginning January 1 of each year, all ordinances and resolutions shall be numbered consecutively commencing with number one, and each number shall be followed by a hyphen and the last two numerals of the year of the passage of the respective ordinance or resolution, e.g. Ordinance No. 1-24; Resolution No. 1-24.

212.02 Definition.

As used in this Chapter, the term “legislation” shall mean an ordinance or resolution passed or adopted by Council.

212.03 Declaration of Home Rule Authority.

Pursuant to Section 1 of the Lima City Charter, the City shall have all powers and authority of Home Rule governance as permitted by the laws and constitution of the State of Ohio, and shall have all other powers and authority that now are or hereafter may be granted to municipalities by the Constitution or laws of Ohio. All such Home Rule and other powers and authority, whether expressed or implied, may be exercised and enforced in the manner prescribed by the Charter, or when not prescribed therein, in such manner as shall be provided by legislation of the Council, and when not prescribed by the Charter, or by legislation of the Council, then said powers may be exercised in the manner prescribed by the laws of the State of Ohio.

212.04 Declaration of Intent.

(A) In and by the passing of any legislation, whether the legislation specifically references this Code Chapter or not, Council intends to and expressly does invoke, assert, implement, and exercise the authority of the City under the Ohio Constitution, its Home Rule authority, and its Charter authority, to the fullest extent possible. To that end, in and by the passage of any legislation, Council thereby finds and declares that the subject matter of the legislation is a matter of local concern only, and is thereby a matter of local self-government and is subject to Home Rule Authority; or, if a legislation is determined to be an exercise of the City’s police power, Council finds and declares that the legislation is not in conflict with the general laws of the State.

(B) Therefore, it is the express intent of Council that the provisions of any legislation passed by Council shall prevail over any provision of state law that might otherwise be applicable to such legislation.

212.05 Approval and Ratification of Administrative Action.

The provisions of this Chapter includes but are not limited to all administrative actions regarding all advertising, bidding, contracting, procurement, purchasing, sales, disposition, or other manner or method followed in dealing with the subject matter of the legislation. By passing legislation Council, by virtue of such home rule or otherwise applicable authority, thereby approves, authorizes, ratifies, and affirms all methods and procedures taken or followed (or to be taken or followed) leading to the award and execution of any contract, or purchase of goods or services, or any other action, written or oral, taken under authority of the Charter, the legislation, other city code section, state law, or as otherwise authorized by Council.

212.06 Application to Contracts, Sales, and Purchases.

(A) Council expressly finds that the action authorized in any legislation and the procedures followed in carrying out the provisions or authorizations of such legislation, including any actions or procedures leading to the award and execution or implementation of any contract, sale, or

purchase, is authorized and passed under authority of the City's Charter, including but not limited to City Charter Sections 1 and 81, and its constitutional home rule authority, and is in the best interests of the City.

(B) The Mayor shall have full power and authority to make such rules and regulations as may be required to effectuate the purpose of this Chapter 212.

212.07 Authority of Auditor and Law Director.

With respect to any legislation passed by Council, the Auditor is authorized to take any action and to account for the activity authorized therein, as is appropriate under the circumstances of the legislation and in accordance with City policies and procedures, or as otherwise required by law, as the Auditor may determine is appropriate. The Law Director is authorized to: determine the correct business or corporate entity necessary for any contract authorized in such legislation; determine the correct legal description for any real property at issue in the legislation; correct any error in any exhibit to the legislation; correct any clear scrivener error in the legislation; and to provide a clean copy for the Council Clerk; all as determined appropriate by the Law Director.

212.08 Prospective and Retroactive Application.

Council finds and determines that the provisions of this Chapter shall apply to all legislation passed by Council prior to the enactment of this Chapter, as well as to all future legislation passed after enactment of this Chapter, regardless of whether such future legislation specifically references this Chapter or not.

Section 2. Existing Chapter 212 is hereby amended as set forth above, and any previous sections or ordinances in conflict herewith are hereby repealed.

Section 3. The Auditor is authorized to take any action and to account for the activity authorized herein, as is appropriate under the circumstances of this ordinance and in accordance with City policies and procedures, or as otherwise required by law, as the Auditor may determine is appropriate. The Law Director is authorized to: determine the correct business or corporate entity necessary for any contract authorized in this ordinance; determine the correct legal description for any real property at issue in this ordinance; correct any error in any exhibit to this ordinance; correct any clear scrivener error in this ordinance and to provide a clean copy for the council clerk; all as determined appropriate by the Law Director.

Section 4. Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this Ordinance, and that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

Section 5. In passing this ordinance Council hereby intends to and hereby expressly does invoke, assert, implement, and exercise the authority of the City under the Ohio Constitution, its Home Rule authority, and its Charter authority, to the fullest extent possible. To that end, Council hereby finds and declares that the subject matter of this ordinance is a matter of local concern only,

and is thereby a matter of local self-government; or if this ordinance is determined to be an exercise of the City's police power that this ordinance is not in conflict with the general laws of the State. Therefore, it is the express intent of Council that the provisions of this ordinance shall prevail over any provisions of state law that might otherwise be applicable. This includes but is not limited to all administrative action regarding all advertising, bidding, contracting, procurement, purchasing, sales, disposition, or other manner or method which was followed or will be followed in dealing with the subject matter of this ordinance. Council hereby approves, authorizes, ratifies, and affirms all methods and procedures taken or followed (or to be taken or followed) leading to the award and execution of any contract, or purchase of goods or services, or any other action taken under authority of this ordinance or otherwise authorized herein, written or oral. Council expressly finds that the action authorized in this ordinance, and the procedures followed in carrying out the provisions or authorizations of this ordinance, including any leading to the award and execution or implementation of any contract, sale, or purchase, is authorized and passed under authority of the City's Charter, including but not limited to City Charter Sections 1 and 81, and its constitutional home rule authority, and is in the best interests of the City.

Section 6. The Clerk of the Council is authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter.

Section 7. In accordance with City Charter Section 33, and for the reasons set forth in the Preamble above, this ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Jamie L. Dixon, President

Approved: _____, 2024

Sharetta T. Smith, Mayor

ATTEST: _____
Dana Addis, Clerk of Council