

**CITY OF XENIA, OHIO
ORDINANCE 2022 – 21**

**AMENDING TITLE EIGHT, TITLED “BOARDS, COMMISSIONS, AND COMMITTEES,” OF
PART TWO – CITY GOVERNMENT OF THE XENIA CITY CODE**

WHEREAS, on May 3, 2022, the voters of the City of Xenia overwhelmingly adopted amendments to Article VIII, titled “Boards and Commissions,” of the City Charter;

WHEREAS, the amendments to Article VIII of the City Charter necessitate amendments be made to Title Eight of Part Two – City Government of the Xenia City Code; and

WHEREAS, the Legislative Review & Government Affairs Committee of this Council reviewed the proposed amendments to Title Eight at its meeting on May 26, 2022, and recommends this Council adopt the proposed amendments.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of Council present concurring, that:

Section 1. Chapter 280, titled “Planning and Zoning Commission,” Chapter 281, titled “Board of Zoning Appeals,” and Chapter 285, titled “Community Reinvestment Area Housing Council,” as shown in the attached Exhibit A, are hereby enacted.

Section 2. Chapter 282, to be titled “Civil Service Commission,” is hereby amended and Section 282.07 is hereby enacted, as shown in the attached Exhibit A.

Section 3. Chapter 283, to be titled “Charter Review Commission,” is hereby amended and Sections 283.04 and 283.05 are hereby enacted, as shown in the attached Exhibit A.

Section 4. Chapter 284, to be titled “Xenia Recreation and Events Commission,” is hereby amended and Sections 284.04, 284.05, and 284.06 are hereby enacted, as shown in the attached Exhibit A.

Section 5. Chapter 286, to be titled “Records Commission,” is hereby amended and Sections 286.01, 286.02, 286.03, and 286.04 are hereby enacted, as shown in the attached Exhibit A.

Section 6. Existing Chapters 282, 283, 284, and 286 are hereby repealed.

Section 7. Existing Chapters 269, 270, 272, 274, 276, 278, and 289 are hereby repealed in their entirety, as shown in attached Exhibit B.

Section 8. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.


Section 9. This Ordinance shall become effective on August 27, 2022.

Introduced: July 14, 2022

Adopted: July 28, 2022

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council

TITLE EIGHT – BOARDS, COMMISSIONS, AND COMMITTEES

Chapter 269	General Provisions
Chapter 270	Planning and Zoning Commission
Chapter 272	Board of Zoning Appeals
Chapter 274	Civil Service Commission
Chapter 276	Community Relations Commission
Chapter 278	Board for Recreation, Arts and Cultural Activities
<u>Chapter 280</u>	<u>Planning and Zoning Commission</u>
<u>Chapter 281</u>	<u>Board of Zoning Appeals</u>
Chapter 282	Civil Service Commission
	Loan Trust Fund Committee
Chapter 283	Charter Review Commission
	Economic Development Advisory Board
Chapter 284	Xenia Recreation and Events Commission
	Traffic Commission
<u>Chapter 285</u>	<u>Community Reinvestment Area Housing Council</u>
Chapter 286	Records Commission
	Pretreatment Review Committee
Chapter 289	Records Commission and Public Records

CHAPTER 280
Planning and Zoning Commission

<u>280.01</u>	<u>Establishment; Organization</u>	<u>280.04</u>	<u>Meetings; Rules of Order</u>
<u>280.02</u>	<u>At-Large Members</u>	<u>280.05</u>	<u>Powers and Duties</u>
<u>280.03</u>	<u>Chairperson</u>		

280.01 ESTABLISHMENT; ORGANIZATION.

(a) Establishment. A Planning and Zoning Commission was established pursuant to Section 8.01 of the City of Xenia Charter.

(b) Membership. The Planning and Zoning Commission shall consist of five (5) at-large members and a Chairperson who shall be a sitting member of the City Council. (Charter 8.03)

(c) Organization.

(1) At its first meeting of the year, the members of the Planning and Zoning Commission shall elect a Vice Chairperson by a majority vote. When acting as the presiding officer in the absence of the Chairperson, the Vice Chairperson shall still be considered an at-large member and shall have full voting privileges.

(Charter 8.03)

(2) The City Clerk, or his or her designee, shall serve as the Secretary of the Commission. It shall be the duty of the Secretary to keep an accurate record of the proceedings of the Commission.

(Ord. 2022-21. Adopted 07/28/22)

280.02 AT-LARGE MEMBERS.

(a) Qualifications. The at-large members of the Planning and Zoning Commission shall be qualified electors of the City and shall meet this qualification for membership at the time of their appointment and during their respective terms of office and shall not hold other elected office or employment with the City.

(Charter 8.02)

(b) Oath of Office. Before entering upon the duties of his or her office, each at-large member of the Planning and Zoning Commission shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will:

(1) Support the constitution of the United States and of this State, and the Charter and ordinances of the City;

(2) Faithfully, honestly, and impartially discharge the duties of his or her office.

(Statutory Reference ORC 733.68)

(c) Term. The at-large members of the Planning and Zoning Commission shall be appointed by City Council for four (4) year terms. The terms of the at-large members shall be staggered so that not more than two (2) at-large members' terms expire in the same year. Each member shall continue in office until his or her successor is appointed.

(Charter 8.03)

(d) Forfeiture of Office; Removal. Any at-large member of the Planning and Zoning Commission may be removed from office in accordance with Section 8.02 D. of the City Charter.

(e) Vacancies. In the event an at-large member of the Planning and Zoning Commission resigns, is unable to serve, forfeits his or her office by failing to attend three (3) consecutive meetings when such absences are unexcused, or is removed from office, the vacant seat shall be filled for the remainder of its unexpired term by the appointment of a new member by the City Council.

(Charter 8.02)

(Ord. 2022-21. Adopted 07/28/22)

280.03 CHAIRPERSON.

(a) Councilmember. The Planning and Zoning Commission shall be chaired by a sitting member of the City Council, who shall be appointed by Council.

(b) Term. The term of the Chairperson shall be two (2) years, and the Chairperson shall continue in office until his or her successor is appointed.

(c) Vacancy. In the event the Chairperson resigns, is unable to serve, is disqualified to serve, or forfeits his or her office by failing to attend three (3) consecutive meetings when such absences are unexcused by the Planning and Zoning Commission, the City Council shall appoint a new Chairperson by majority vote.

(d) Powers. The Chairperson shall approve the agenda for all meetings of the Planning and Zoning Commission and, when present, shall be the presiding officer at all meetings of the Commission. The Chairperson shall have no voting privileges, except in the event of a tie.

(Charter 8.03)

(Ord. 2022-21. Adopted 07/28/22)

280.04 MEETINGS; RULES OF ORDER.

(a) Open Meetings Act. The Planning and Zoning Commission shall comply with Ohio's Open Meetings Act.

(b) Meeting Times. The Planning and Zoning Commission is hereby authorized to conduct its meetings on the dates and at the times established by a majority vote of the Commission, and the Commission shall meet as is necessary to conduct and transact the business before it.

(c) Rules of Order. The Planning and Zoning Commission may adopt its own rules providing for the conduct of its meetings. In the absence of adopting its own rules, the Commission shall comply with the Rules of Council.

(d) Quorum. A majority of the at-large members of the Planning and Zoning Commission shall constitute a quorum for the transaction of business at any meeting of the Commission. The Chairperson shall not be counted towards the quorum.

(e) Voting. A majority vote of the at-large members present at the meeting is required to approve or disapprove any matter coming before the Planning and Zoning Commission. In the event of a tie vote among the at-large members present, the Chairperson may vote in the affirmative and the motion shall be considered passed.

(Charter 8.02)
(Ord. 2022-21. Adopted 07/28/22)

280.05 POWERS AND DUTIES.

(a) Powers and Duties.

- (1) The Planning and Zoning Commission shall perform all duties assigned to it by the City Council, by ordinance or by resolution, related to the planning or regulation of the growth, development, platting, subdivision and land use within the City.**
- (2) The Planning and Zoning Commission shall continuously review and report to the City Council its recommendations concerning the City's subdivision, platting, thoroughfare plans, land use plans, and zoning ordinances and regulations.**
- (3) The Planning and Zoning Commission may conduct such studies, prepare such plans, maps, and reports related to the growth, development, platting, subdivision, and land use within the City and may make such recommendations relative thereto to the City Council as it feels are in the best interests of the City.**
(Charter 8.03)

(b) Additional Powers and Duties. The Planning and Zoning Commission shall also have any other powers or duties assigned to it by City Council, by ordinance, or the laws of the State to the extent that those assigned powers or duties do not conflict with the provisions of the City's Charter.
(Ord. 2022-21. Adopted 07/28/22)

CHAPTER 281
Board of Zoning Appeals

281.01 Establishment; Organization

281.04 Meetings; Rules of Order

281.02 At-Large Members

281.05 Powers and Duties

281.03 Chairperson

281.01 ESTABLISHMENT; ORGANIZATION.

(a) Establishment. A Board of Zoning Appeals was established pursuant to Section 8.01 of the City of Xenia Charter.

(b) Membership. The Board of Zoning Appeals shall consist of five (5) at-large members and a Chairperson who shall be a member of the City Council. (Charter 8.04)

(c) Organization.

(1) At its first meeting of the year, the members of the Board of Zoning Appeals shall elect a Vice Chairperson by a majority vote. When acting as the presiding officer in the absence of the Chairperson, the Vice Chairperson shall still be considered an at-large member and shall have full voting privileges.

(Charter 8.04)

(2) The City Clerk, or his or her designee, shall serve as the Secretary of the Board. It shall be the duty of the Secretary to keep an accurate record of the proceedings of the Board.

(Ord. 2022-21. Adopted 07/28/22)

281.02 AT-LARGE MEMBERS.

(a) Qualifications. The at-large members of the Board of Zoning Appeals shall be qualified electors of the City and shall meet this qualification for membership at the time of their appointment and during their respective terms of office and shall not hold other elected office or employment with the City.

(Charter 8.02)

(b) Oath of Office. Before entering upon the duties of his or her office, each at-large member of the Board of Zoning Appeals shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will:

(1) Support the constitution of the United States and of this State, and the Charter and ordinances of the City;

(2) Faithfully, honestly, and impartially discharge the duties of his or her office.

(Statutory Reference ORC 733.68)

(c) Term. The at-large members of the Board of Zoning Appeals shall be appointed by City Council for four (4) year terms. The terms of the at-large members shall be staggered so that not more than two (2) at-large members' terms expire in the same year.

(Charter 8.04)

(d) Forfeiture of Office; Removal. Any at-large member of the Board of Zoning Appeals may be removed from office in accordance with Section 8.02 D. of the City Charter.

(e) Vacancies. In the event an at-large member of the Board of Zoning Appeals resigns, is unable to serve, forfeits his or her office by failing to attend three (3) consecutive meetings when such absences are unexcused, or is removed from office, the vacant seat shall be filled for the remainder of its unexpired term by the appointment of a new member by the City Council.

(Charter 8.02)

(Ord. 2022-21. Adopted 07/28/22)

281.03 CHAIRPERSON.

(a) Councilmember. The Board of Zoning Appeals shall be chaired by a current member of the City Council, who shall be appointed by Council.

(b) Term. The term of the Chairperson shall be two (2) years, and the Chairperson shall continue in office until his or her successor is appointed.

(c) Vacancy. In the event the Chairperson resigns, is unable to serve, is disqualified to serve, or forfeits his or her office by failing to attend three (3) consecutive meetings when such absences are unexcused by the Board of Zoning Appeals, the City Council shall appoint a new Chairperson by majority vote.

(d) Powers. The Chairperson shall approve the agenda for all meetings of the Board of Zoning Appeals and, when present, shall be the presiding officer at all meetings of the Board. The Chairperson shall have no voting privileges, except in the event of a tie.

(Charter 8.04)

(Ord. 2022-21. Adopted 07/28/22)

281.04 MEETINGS; RULES OF ORDER.

(a) Open Meetings Act. The Board of Zoning Appeals shall comply with Ohio's Open Meetings Act, except when acting in its quasi-judicial capacity when hearing appeals.

(b) Meeting Times. The Board of Zoning Appeals is hereby authorized to conduct its meetings on the dates and at the times established by a majority vote of the Board, and the Board shall meet as is necessary to conduct and transact the business before it.

(c) Rules of Order. The Board of Zoning Appeals may adopt its own rules providing for the conduct of its meetings. In the absence of adopting its own rules, the Board shall comply with the Rules of Council.

(d) Quorum. A majority of the at-large members of the Board of Zoning Appeals shall constitute a quorum for the transaction of business at any meeting of the Board. The Chairperson shall not be counted towards the quorum.

(e) Voting. A majority vote of the at-large members present at a meeting is required to approve or disapprove any matter coming before the Board of Zoning Appeals. In the event of a tie vote among the at-large members present, the Chairperson may vote in the affirmative and the motion shall be considered passed.

(Charter 8.02)

(Ord. 2022-21. Adopted 07/28/22)

281.05 POWERS AND DUTIES.

(a) Powers and Duties.

- (1) The Board of Zoning Appeals shall have the authority to hear and decide appeals for exceptions to, and variances in, the application of ordinances, resolutions, rules, regulations, and measures that govern zoning, building, and housing in the City, subject to such standards as may be prescribed by City Council.**
- (2) The Board of Zoning Appeals shall have the authority to hear and decide appeals from the orders of administrative officials related to the application of ordinances, resolutions, rules, regulations, and measures that govern zoning, building, and housing in the City, subject to such standards as may be prescribed by City Council.**
- (3) The Board of Zoning Appeals shall perform all duties assigned to it by the City Council by ordinance or resolution related to the application of City ordinances, resolutions, rules, regulations, and measures related to zoning, building, and housing within the City.**
- (4) In any appeal from the decision of the order of any administrative official or for exception to, and variances in, the application of any zoning, building, or housing ordinance, resolution, rule, regulation, or measure, the Board of Zoning Appeals shall be deemed to be acting as a quasi-judicial body.**
(Charter 8.04)

(b) Additional Powers and Duties. The Board of Zoning Appeals shall also have any other powers or duties assigned to it by City Council, by ordinance, or the laws of the State to the extent that those assigned powers or duties do not conflict with the provisions of the City's Charter.
(Ord. 2022-21. Adopted 07/28/22)

CHAPTER 282
Civil Service Commission
~~Loan Trust Fund Committee~~

282.01	<u>Establishment; Organization</u>	282.05	<u>Powers and Duties</u>
282.02	<u>Members</u>	282.06	<u>Rules and Regulations</u>
282.03	<u>Chairperson</u>	282.07	Classification of Civil Service
282.04	<u>Meetings; Rules of Order</u>		

282.01 ~~ESTABLISHMENT; ORGANIZATION. COMPOSITION; LEGAL ADVISOR.~~

(a) Establishment. A Civil Service Commission was established pursuant to Section 8.01 of the City of Xenia Charter.

(b) Membership. The Civil Service Commission shall consist of five (5) at-large members, who shall be appointed by the City Council.

(c) Organization.

(1) At its first meeting of the year, the members of the Civil Service Commission shall elect, by majority vote, a Chairperson and a Vice Chairperson from among its members. The Chairperson and the Vice Chairperson shall have full voting privileges.

(2) At its first meeting of the year, the members of the Civil Service Commission shall elect, by majority vote, a Secretary, who may be elected from within or without the membership of the Commission and may hold other office or employment with the City. The Secretary shall keep an accurate record of the proceedings of the Commission, be responsible for the administration of competitive examinations, and for communications between the Commission and the City administration.

(Charter 8.05)

(Ord. 2021-21. Adopted 07/28/21)

~~There is hereby established a Loan Trust Fund Committee. The Committee shall consist of three members, as follows: the Director of Finance, a member of Council recommended by the President of Council and appointed by Council to serve as Chairperson and another member of Council recommended by the President of Council and appointed by Council to serve as Vice Chairperson. The two Council members shall be appointed for one year terms. The Law Director shall act as legal advisor to the Committee.~~

282.02 MEMBERS. PURPOSES.

(a) Members. The members of the Civil Service Commission shall be qualified electors of the City and shall meet this qualification for membership at the time of their appointment and during their respective terms of office and shall not hold other elected office or employment with the City. (Charter 8.02)

~~The purpose of the Loan Trust Fund Committee shall be to carry out the commitments of the city incurred in the city's agreement, dated 12-10-1982, with the Xenia Environmental Neighborhood Improvement Association, Inc., also known as X.E.N.I.A., Inc., in connection with real estate, promissory notes, mortgages, contracts and other obligations consistent with the requirements of the Block Grant Program and federal administrative regulations for community development block grants.~~

(b) Oath of Office. Before entering upon the duties of his or her office, each member of the Civil Service Commission shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will:

- (1) Support the constitution of the United States and of this State, and the Charter and ordinances of the City;**
- (2) Faithfully, honestly, and impartially discharge the duties of his or her office.**
(Statutory Reference ORC 733.68)

~~The Loan Trust Fund Committee shall also approve guidelines for loan programs, administer and be responsible for the collection of promissory notes, agreements and mortgages held by the city, including the housing rehabilitation loans and economic development loans initiated through the city's Community Development programs by the Department of Community Development.~~

(c) Term. The members of the Civil Service Commission shall be appointed by City Council for five (5) year terms, one member to be appointed every year.
(Charter 8.05)

(d) Forfeiture of Office; Removal. Any at-large member of the Civil Service Commission may be removed from office in accordance with Section 8.02 D. of the City Charter.

(e) Vacancies. In the event an at-large member of the Civil Service Commission resigns, is unable to serve, forfeits his or her office by failing to attend three (3) consecutive meetings when such absences are unexcused, or is removed from office, the vacant seat shall be filled for the remainder of its unexpired term by the appointment of a new member by the City Council.

(Charter 8.02)

(Ord. 2022-21. Adopted 07/28/22)

282.03 ~~CHAIRPERSON, AUTHORITY AND DUTIES.~~

~~The authority and duties of the Loan Trust Fund Committee shall be administered within the office of the Director of Finance and shall be as follows:~~

- (a) Term. The Chairperson shall serve until his or her successor is appointed.**

~~To approve guidelines for loan programs developed by the Department of Development;~~

(b) Vacancy. In the event the Chairperson resigns, is unable to serve, or is disqualified to serve, the Civil Service Commission shall appoint a new Chairperson and, if necessary, a new Vice Chairperson by majority vote.

~~To establish policies for the collection of current and delinquent loans;~~

(c) Powers. The Chairperson shall approve the agenda for all meetings of the Civil Service Commission and, when present, shall be the presiding officer at all meetings of the Commission. The Vice Chairperson shall act as the presiding officer in the Chairperson's absence.

(Ord. 2022-21. Adopted 07/28/22)

~~To establish a policy for the use or disposal of real estate acquired as a result of such loans;~~

~~(d) To provide for the fulfillment of the legally binding obligations and commitments assumed by the City;~~

~~(e) To review, monthly, all loans and report to Council;~~

~~(f) To authorize the Law Director to institute or defend legal actions;~~

~~(g) To recommend to Council an investment program of the Trust Fund; and~~

~~(h) To authorize the execution of legal documents on behalf of the Committee and the city in cases when such action is required to carry out the purposes, powers and duties of the Committee.~~

282.04 ~~QUORUM; MEETINGS; RULES OF ORDER. ;MINUTES.~~

(a) Open Meetings Act. The Civil Service Commission shall comply with Ohio's Open Meetings Act.

(b) Meeting Times. The Civil Service Commission is hereby authorized to conduct its meetings on the dates and at times established by a majority vote of the Commission, and the Commission shall meet as is necessary to conduct and transact the business before it.

(c) Rules of Order. The Civil Service Commission may adopt its own rules providing for the conduct of its meetings. In the absence of adopting its own rules, the Commission shall comply with the Rules of Council.

(d) Quorum. A majority of the members of the Civil Service Commission shall constitute a quorum for the transaction of business at any meeting of the Commission. The Chairperson shall be counted towards the quorum.

(e) Voting. A majority vote of the members present at a meeting is required to approve or disapprove any matter coming before the Civil Service Commission.

(Charter 8.02)

(Ord. 2022-21. Adopted 07/28/22)

~~A quorum of the Loan Trust Fund Committee shall consist of two members. Meetings shall be held at the call of the Chairperson or at the call of the other two members of the Committee. The Committee shall adopt its own procedural rules. Minutes of the meetings shall be taken by a clerk designated by the Director of Finance, and a record of such minutes shall be maintained in the Director's office.~~

282.05 ~~POWERS AND DUTIES. CONFIDENTIALITY OF CERTAIN ACTIONS.~~

(a) Powers and Duties.

(1) The Civil Service Commission shall be responsible for the administration of competitive examinations for original appointments and promotions in the classified service of the City.

(2) The Civil Service Commission shall have the authority to hear appeals from administrative determinations that result in suspensions, demotions, and removals, made by an appointed official pursuant to any rules, regulations or policies adopted by Council, any administrative rules, regulations, or policies promulgated pursuant to authorization by Council, or as otherwise permitted by the classified employee's applicable collective bargaining agreement.

(3) The Civil Service Commission shall perform all duties assigned to it by Article X of this Charter or by the City Council, by ordinance or resolution, related to merit system and personnel management policies for classified employees of the City.

(Charter 8.05)

(b) Additional Powers and Duties. The Civil Service Commission shall also have any other powers or duties assigned to it by City Council, by ordinance, or the laws of the State to the extent that those assigned powers or duties do not conflict with the provisions of the City's Charter.

(Ord. 2022-21. Adopted 07/28/22)

~~Discussions and actions by the Loan Trust Fund Committee having to do with loan approval, including any legal and financial documents, delinquent loans, foreclosure of mortgages, the purchase, sale or lease of real estate or pending or threatened court action, are confidential matters in which the privacy of the residents of the city must be protected, and such discussions and actions shall, therefore, be heard in executive session.~~

~~282.06 **RULES AND REGULATIONS. LOAN TRUST FUND BOARD TO MEAN LOAN TRUST FUND COMMITTEE.**~~

~~**(a) Authority. The Civil Service Commission shall make, promulgate and, when necessary, may amend rules and regulations in accordance with Section 10.03 of the City Charter, as well as any laws adopted by the City Council, by ordinance, pertaining to the civil service.**~~

~~**(b) Collective Bargaining Agreements. Rules and regulations adopted by the Civil Service Commission under the authority of Section 10.03 of the City Charter shall apply to all civil service matters, except to the extent that the same are superseded or preempted by the specific terms, provisions and/or content of a collective bargaining agreement between the City and an employee bargaining unit, to the extent that said preemption is permitted by law.**~~
~~**(Ord. 2022-21. Adopted 07/28/22)**~~

~~All references to the Loan Trust Fund Board which appear in ordinances, resolutions, motions, policies, procedures or any other document of the City of Xenia shall mean the Loan Trust Fund Committee.~~

~~**282.07 CLASSIFICATION OF CIVIL SERVICE.**~~

~~**(a) Competitive Class. The competitive class of the civil service shall include all classified positions for which it is practicable to determine merit and fitness by competitive examination.**~~

~~**(b) Noncompetitive Class. The noncompetitive class of the civil service shall include all classified positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by the Civil Service Commission.**~~
~~**(Ord. 2022-21. Adopted 07/28/22)**~~

CHAPTER 283
Charter Review Commission
Economic Development Advisory Board

283.01	<u>Establishment; Organization</u>	<u>283.04 Meetings; Rules of Order</u>
283.02	<u>Members</u>	<u>283.05 Powers and Duties</u>
283.03	<u>Chairperson</u>	

283.01 **ESTABLISHMENT; ORGANIZATION, COMPOSITION; TERMS; VACANCIES.**

(a) **Establishment. A Charter Review Commission was established pursuant to Section 8.01 of the City of Xenia Charter, and shall be appointed at least every five (5) years by the City Council, by majority vote.**

~~An Economic Development Advisory Board is hereby established, which shall consist of five voting members to be appointed by the City Council and one voting member of the Xenia Community School Board of Education to be appointed by the president of the Board of Education. The five members appointed by Council shall be appointed to four year terms. The term of the Board of Education member shall be determined by the president of the Board of Education. In the event of death, resignation or removal of any member, his or her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed. In addition to the five Board members, the President of City Council shall recommend, and the City Council shall appoint, a member of City Council to chair the Board. The City Council Chairperson shall be appointed for a one year term.~~

(b) **Membership. The Charter Review Commission shall consist of an odd number of members, from a minimum of five (5) members to a maximum of eleven (11) members, and no more than two (2) members shall hold other elective office or employment with the City.**

~~The Xenia Community Schools superintendent or his or her designee shall serve as an ex-officio member and shall have no voting privileges.~~

(c) **Organization. At its first meeting, the members of the Charter Review Commission shall elect a Chairperson, a Vice Chairperson and a Secretary by a majority vote of the members appointed to the Commission. The Secretary may be elected from within or without the membership of the Commission and may hold other office or employment with the City. It shall be the duty of the Secretary to keep an accurate record of the proceedings of the Commission.**

(d) **Advisors. The Law Director shall serve as legal counsel to the Commission, and the City Manager and the Finance Director, or their designees, may serve as advisors to the Commission. (Charter 8.06)**
(Ord. 2022-21. Adopted 07/28/22)

283.02 **MEMBERS, ORGANIZATION.**

(a) **Qualifications. The at-large members of the Charter Review Commission shall be qualified electors of the City at their time of appointment and during their respective terms of office. Two (2) members of the Charter Review Commission may hold other elective office or employment with the City, except that the Law Director, the City Manager, the Finance Director, or their designees, shall serve only as advisors to the Charter Review Commission.**

(b) Term. The term of each member shall expire upon the deadline designated by the Council for the Commission to report its recommendations to the Council, including any extensions of time for the filing of such report that are granted by Council, by resolution. (Charter 8.06)

(c) Oath of Office. All members of the Commission, before entering upon the duties of his or her office, shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will:

- (1) Support the constitution of the United States and of this State, and the Charter and ordinances of the City;**
- (2) Faithfully, honestly, and impartially discharge the duties of his or her office. (Statutory Reference ORC 733.68)**

(d) Forfeiture of Office; Removal. Any member of the Charter Review Commission may be removed from office in accordance with Section 8.02 D. of the City Charter.

(e) Vacancies. In the event a member of the Charter Review Commission resigns, is unable to serve, forfeits his or her office by failing to attend three (3) consecutive meetings when such absences are unexcused, or is removed from office, the vacant seat shall be filled for the remainder of its unexpired term by the appointment of a new member by the City Council. (Charter 8.02)

(Ord. 2022-21. Adopted 07/28/22)

~~The Economic Development Advisory Board shall hold such meetings as it may require to conduct its business. The Chairperson of the Economic Development Advisory Board shall establish an agenda for the Board meetings and shall have no voting privileges, except in the event of a tie. Three voting members of the Board shall constitute a quorum for conducting business. A majority vote of the total membership is required to approve or disapprove any matter coming before the Board. A Vice-Chairperson of the Economic Development Advisory Board shall be elected by a majority vote of its members at the first regularly scheduled meeting in January of each year. During the temporary absence of the City Council Chairperson, the Vice Chairperson shall fulfill the duties of the City Council Chairperson.~~

283.03 **CHAIRPERSON, POWERS AND DUTIES.**

~~The Economic Development Advisory Board shall, in the interest of the sustainability of the city and the economic betterment of its citizens, serve as the core advisory body regarding all economic development interests and activities for the city. The Board shall advise and assist administrative leadership and the City Council in matters related to economic development planning and advocacy. The powers and duties of the Economic Development Advisory Board shall be exercised and performed as herein enumerated and shall be as follows:~~

(a) Term. The Chairperson shall serve until his or her successor is appointed or until his or her term expires in accordance with Section 283.02(b).

~~To meet and confer with the Director of Development as herein prescribed for the purposes of reviewing, advising on, and providing support to the various economic development programs, initiatives, and activities as may be pursued by the city or other such things as may be deemed appropriate by the City Council;~~

(b) Vacancy. In the event the Chairperson resigns, is unable to serve, or is disqualified to serve, the Charter Review Commission shall appoint a new Chairperson and, if necessary, a new Vice Chairperson by majority vote.

~~To make recommendations to the City Manager and the City Council on necessary improvements to and expansion of infrastructure systems to encourage growth and investment among private sector enterprises;~~

(c) Powers. The Chairperson shall approve the agenda for all meetings of the Charter Review Commission and, when present, shall be the presiding officer at all meetings of the Commission. The Vice Chairperson shall act as the presiding officer in the Chairperson's absence. (Ord. 2022-21. Adopted 07/28/22)

~~To review and make recommendations to the City Council on: applications for tax incentive programs; Enterprise Zone arrangements; TIF, JEDD, and annexation agreements;~~

~~(d) To make recommendations to City Council as to amending the codified ordinances on matters regarding the business climate, economic development programs and incentives, or other matters directly related to increasing the economic vitality of the community;~~

~~(e) To prepare, on an annual basis and through the coordination of the Director of Development and the City Manager, a long term economic development strategy for recommendation to City Council;~~

~~(f) To appoint subcommittees of the Board, among which shall include, but not be limited to, a Loan Review Committee, a Tax Incentive Review Committee, and an Ohio Enterprise Zone Negotiation Committee, to perform particular aspects of the duties herein described, which shall report findings and recommendations to the full Board and which shall include additional subcommittee members as determined by the Board; and~~

~~(g) To recommend policies and guidelines for the conduct of all groups, subcommittees and other entities, whether volunteer or otherwise, who or which participate in or are in any way involved with any city economic development activity and to present the same to the City Manager and the City Council.~~

283.04 MEETINGS; RULES OF ORDER.

(a) Open Meetings Act. The Charter Review Commission shall comply with Ohio's Open Meetings Act.

(b) Meeting Times. The Charter Review Commission is hereby authorized to conduct its meetings at the dates and times established by a majority vote of the Commission and shall meet as is necessary to conduct and transact the business before it.

(c) Rules of Order. The Charter Review Commission may adopt its own rules providing for the conduct of its meetings. In the absence of adopting its own rules, the Commission shall comply with the Rules of Council.

(d) Quorum. A majority of the members of the Charter Review Commission shall constitute a quorum for the transaction of business at any meeting of the Commission. The Chairperson shall be counted towards the quorum.

(e) Voting. A majority vote of the members present at the meeting is required to approve or disapprove any motion before the Charter Review Commission.

(Charter 8.02)

(Ord. 2021-21. Adopted 07/28/21)

283.05 POWERS AND DUTIES.

The Charter Review Commission shall review the City Charter and, within the time designated by Council at the time the Commission members are appointed, and shall recommend to Council such amendments, additions, or revisions, if any, to the Charter that the Commission deems

necessary or desirable. After the consideration of the recommendations of the Commission, the City Council may submit all or any of such proposed amendments, additions, or revisions to this Charter to the electorate in the manner prescribed by the Constitution of the State of Ohio.

(Charter 8.06)

(Ord. 2022-21. Adopted 07/28/22)

CHAPTER 284
Xenia Recreation and Events Commission
Traffic Commission

284.01	Establishment; Organization	<u>284.04</u>	<u>Meetings; Rules of Order</u>
284.02	<u>At-Large Members</u>	<u>284.05</u>	<u>Nonvoting Members</u>
284.03	<u>Chairperson</u>	<u>284.06</u>	<u>Powers and Duties</u>

284.01 ESTABLISHMENT; ORGANIZATION.

(a) Establishment. There is hereby created a Xenia Recreation and Events Commission (XREC) to plan, organize, and coordinate community events within the City. (Charter 8.01)

A Traffic Commission, to act as an advisory committee, is hereby established as authorized by Sections 8.01 and 8.02 of the Xenia City Charter.

(b) Membership. The Xenia Recreation and Events Commission shall consist of five (5) at-large members and a Chairperson who shall be a member of the City Council. Council shall request the Xenia Community Schools Board of Education to nominate a City resident for appointment as one of the at-large members. If the Board of Education fails to make a nomination within sixty (60) days of Council's request, the Council may appoint without a nomination from the Board.

The Traffic Commission shall consist of five (5) at large members and a member of Council; all members to be appointed by a majority vote of the City Council.

(c) Organization.

(1) At its first meeting of the year, the members of the Xenia Recreation and Events Commission shall elect a Vice Chairperson by a majority vote. When acting as the presiding officer in the absence of the Chairperson, the Vice Chairperson shall still be considered an at-large member and shall have full voting privileges.

(2) The City Clerk, or his or her designee, shall serve as the Secretary of the Commission. It shall be the duty of the Secretary to keep an accurate record of the proceedings of the Commission.

(Ord. 2022-21. Adopted 07/28/22)

~~Organization. The member of Council appointed to the Traffic Commission shall serve as the Chair of the Commission, without the power to vote except in the event of a tie vote. At its first meeting of the year, the members of the Traffic Commission shall elect a Vice Chair by a majority vote of the members appointed to the Commission. The Secretary of the Commission shall be the City Clerk, or other person so designated by City Council. It shall be the duty of the Secretary to keep an accurate record of the proceedings of the Commission.~~

~~(d) Meetings. The Commission shall conduct its meetings at the times designated by City Council, and shall follow the same rules of order as the City Council. In addition, the following rules shall apply to all meetings of the Commission:~~

~~(1) Quorum: A quorum of the Traffic Commission shall be three (3) members, and the Chair shall not be included in the count for a quorum.~~

~~(2) Majority Vote: A majority vote of the at large members present at a meeting shall be necessary to take any action and for the passage of motions, and the Chair shall only vote in the event of a tie vote.~~

~~(3) Open Meetings: The Commission shall comply with Ohio's Open Meeting Act and shall advertise and conduct its meetings in accordance with the same.~~

~~(4) *Rules of Order.* The Commission shall conduct its business and meetings in accordance with the Rules of Council, and where the Rules of Council are silent, Robert's Rules of Order shall apply to the conduct and order of the Commission's meetings.~~

284.02 AT-LARGE MEMBERS; OATH OF OFFICE.

(a) **Qualifications.** **The at-large members of the Xenia Recreation and Events Commission shall be residents of the City and shall meet this qualification for membership at the time of their appointment and during their respective terms of office and shall not hold other elected office or employment with the City.**

~~Qualifications. Members of the Traffic Commission shall be electors of the City at the time of their appointment and during their respective terms of office, and shall not hold other elected office or employment with the City, except as otherwise herein provided, and shall not serve on any other Commission or Board during their term on the Traffic Commission.~~

(b) **Oath of Office.** **Before entering upon the duties of his or her office, each at-large member of the Xenia Recreation and Events Commission shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will:**

- (1) Support the constitution of the United States and of this State, and the Charter and ordinances of the City;**
- (2) Faithfully, honestly, and impartially discharge the duties of his or her office.**
(Statutory Reference ORC 733.68)

~~Term:~~

~~(1) The term of the five (5) at large members shall be four (4) years, and each member shall continue in office until his or her successor is appointed.~~

~~(2) The term of the Councilmember shall be one (1) year, and the appointed Councilmember shall continue in office until his or her successor is appointed. In the event the appointed Councilmember is unable to chair the Commission, the City Council shall designate an alternate Councilmember to chair the Commission.~~

(c) **Term.** **The at-large members of the Xenia Recreation and Events Commission shall be appointed by City Council for four (4) year terms. The terms of the at-large members shall be staggered so that not more than two (2) at-large members' terms expire in the same year.**

~~Oath of Office. All at large members of the Commission, before entering upon the duties of his or her office, shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter and ordinances of the City of Xenia, and that he or she will faithfully, honestly and impartially discharge the duties of his or her office.~~

(d) **Forfeiture of Office; Removal.** **Any at-large member of the Xenia Recreation and Events Commission may be removed from office in accordance with Section 8.02 D. of the City Charter.**

~~Compensation. All appointed members of the Traffic Commission shall serve on the Commission without compensation therefore.~~

(e) **Vacancies.** **In the event an at-large member of the Xenia Recreation and Events Commission resigns, is unable to serve, forfeits his or her office by failing to attend three (3) consecutive meetings when such absences are unexcused, or is removed from office, the vacant seat shall be filled for the remainder of its unexpired term by the appointment of a new member by the City Council.**

(Charter 8.02)

(Ord. 2022-21. Adopted 07/28/22)

~~(1) In the event a vacancy is declared where an at large member resigns or is unable to serve, or where a vacancy has been declared in accordance with division (e)(2) of this section, or where City Council determines there is good cause to remove a member, a vacancy during the term of any member of the Commission shall be filled for the unexpired term by the appointment of a new member upon a majority vote of the City Council.~~

~~(2) A vacancy on the Commission shall be declared by the Chair whenever any member misses or fails to be present at three (3) consecutive regular meetings of the Commission or twenty five percent (25%) of such meetings in any calendar year, unless such absences are excused by the Commission and the reason thereof entered in the proceedings of the Commission.~~

284.03 CHAIRPERSON. POWERS AND DUTIES

(a) Councilmember. The Xenia Recreation and Events Commission shall be chaired by a current member of the City Council, who shall be appointed by Council.

~~Powers. In accordance with Section 8.02 of the City's Charter, the Traffic Commission shall act as an advisory commission to the City Council on all matters assigned to it by Council.~~

(b) Term. The term of the Chairperson shall be two (2) years, and the Chairperson shall continue in office until his or her successor is appointed.

~~Duties. The Traffic Commission shall have the following duties:~~

~~(1) To review and report to Council its recommendations on any traffic matter referred to it by City Council;~~

~~(2) To carry on public education activities in traffic matters;~~

~~(3) To receive and review any complaints from the public having to do with traffic issues, to investigate such complaints, to determine whether such complaints are valid, and to forward such valid complaints to the Public Safety Director, with its recommendations;~~

~~(4) To review requests from private individuals for disability parking spaces on public ways and/or public property and make recommendations to the Public Safety Director on whether to grant such requests; and~~

~~(5) Make monthly reports to City Council, if needed.~~

(c) Vacancy. In the event the Chairperson resigns, is unable to serve, or is disqualified to serve, or forfeits his or her office by failing to attend three (3) consecutive meetings when such absences are unexcused by the Xenia Recreation and Events Commission, the City Council shall appoint a new Chairperson by majority vote.

(d) Powers. The Chairperson shall approve the agenda for all meetings of the Xenia Recreation and Events Commission and, when present, shall be the presiding officer at all meetings of the Commission. The Chairperson shall have no voting privileges, except in the event of a tie.

(Ord. 2022-21. Adopted 07/28/22)

284.04 MEETINGS; RULES OF ORDER.

(a) Open Meetings Act. The Xenia Recreation and Events Commission shall comply with Ohio's Open Meeting Act.

(b) Meeting Times. The Xenia Recreation and Events Commission is hereby authorized to conduct its meetings on the days and at times established by a majority vote of the Commission and shall meet as is necessary to conduct and transact the business before it.

(c) Rules of Order. The Rules of Council shall apply to the conduct and order of all meetings of the Xenia Recreation and Events Commission.

(d) Quorum. A majority of the at-large members of the Xenia Recreation and Events Commission shall constitute a quorum for the transaction of business at any meeting of the Commission. The Chairperson shall not be counted towards the quorum.

(e) Voting. A majority vote of the at-large members present at the meeting is required to approve or disapprove any matter coming before the Commission. In the event of a tie vote among the at-large members present, the Chairperson may vote in the affirmative and the motion shall be considered passed.

(Ord. 2022-21. Adopted 07/28/22)

284.05 NONVOTING MEMBERS.

The Xenia Recreation and Events Commission may, by majority vote, appoint up to three (3) nonvoting members to the Xenia Recreation and Events Commission. Such nonvoting members shall be students at Xenia High School and shall act as student advisors to the Commission. The term of such nonvoting members may be up to two (2) years.

(Ord. 2022-21. Adopted 07/28/22)

284.06 POWERS AND DUTIES.

(a) Powers and Duties. The Xenia Recreation and Events Commission shall have the following powers and duties:

- (1) To study matters of recreation needs of the citizens of the City and make recommendations to City Council in matters pertaining to the supervision, use, maintenance and enhancements to the City's parks and recreation facilities;**
- (2) To study matters regarding recreation programs and events to enhance the use of the City's parks and recreation facilities and make recommendations to City Council on the same;**
- (3) To conduct any form of recreation or cultural activity that will employ the leisure time of people in a constructive and wholesome manner;**
- (4) To study and recommend to the City Council rules and regulations regarding the use of the City's parks and recreation facilities by residents and nonresidents;**
- (5) To advise the City's Planning and Zoning Commission and City Council whether a subdivider or developer shall dedicate parkland, pay a fee in lieu of dedication or provide a combination thereof, in accordance with the City's Land Development Code; and**
- (6) Act as a liaison with the Xenia Community Schools and entities providing, or seeking to provide recreation services, events, or activities in the City regarding the administration, development, or conduct of such services, events, or activities.**

(b) Additional Powers and Duties. The Xenia Recreation and Events Commission shall also have any other powers or duties assigned to it by City Council, by ordinance, or the laws of the State of Ohio to the extent that those assigned powers or duties do not conflict with the provisions of the City's Charter.

(c) Limitations. All powers and duties of the Xenia Recreation and Events Commission shall be subject to the appropriation authority of the City Council.

(Ord. 2022-21. Adopted 07/28/22)

CHAPTER 285
Community Reinvestment Area Housing Council

285.01 Establishment; Organization

285.03 Meetings

285.02 Members

285.04 Powers and Duties

285.01 ESTABLISHMENT; ORGANIZATION.

(a) Establishment. A Community Reinvestment Area (CRA) Housing Council is hereby established, as required by ORC 3735.69, and the CRA Housing Council as herein established shall serve as the CRA Housing Council for each of the City’s community reinvestment areas.

(b) Membership. The CRA Housing Council shall consist of seven (7) members, to be appointed as follows:

- (1) Two (2) members appointed by the Mayor;**
- (2) Two (2) members appointed by the City Council;**
- (3) One (1) member appointed by the Planning and Zoning Commission; and**
- (4) Two (2) members appointed by a majority of the other five (5) members, which two (2) additional members shall be residents of the City.**

(c) Organization. At its first meeting of the year, the members of the CRA Housing Council shall elect a Chairperson, a Vice Chairperson, and a Secretary by a majority vote of the members appointed to the Council. The Secretary may be elected from within or without the membership of the Council and may hold other office or employment with the City. It shall be the duty of the Secretary to keep an accurate record of the proceedings of the Council.

(ORC 3735.69)

(Ord. 2022-21. Adopted 07/28/22)

285.02 MEMBERS.

(a) Qualifications. The members of the CRA Housing Council appointed by the Mayor, the City Council, and the Planning and Zoning Commission may be residents of the City or individuals who own businesses within the City.

(b) Term. The members of the CRA Housing Council shall be appointed to three (3) year terms.

(ORC 3735.69)

(c) Oath of Office. Before entering upon the duties of his or her office, each member of CRA Housing Council shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will:

- (1) Support the constitution of the United States and of this State, and the Charter and ordinances of the City;**
- (2) Faithfully, honestly, and impartially discharge the duties of his or her office.**
(Statutory Reference ORC 733.68)

(d) Forfeiture of Office; Removal.

- (1) In the event a member is absent from three (3) consecutive meetings of the CRA Housing Council and such absences are unexcused, the member shall be deemed to have forfeited his or her office and the seat shall be deemed vacant.**

(2) The CRA Housing Council, upon a determination by a majority vote of the members of Council that good cause exists, may remove a member from his or her office and declare the member's seat vacant upon such removal.

(e) Vacancies. In the event a member of the CRA Housing Council resigns, is unable to serve, forfeits his or her office, or is removed from office, the vacant seat shall be filled for the remainder of its unexpired term in the same manner as the initial appointment was made.

(ORC 3735.69)

(Ord. 2022-21. Adopted 07/28/22)

285.03 MEETINGS.

(a) Meetings. The CRA Housing Council shall meet at least annually, and at other times as needed, to meet its obligations under this Chapter and ORC Chapter 3735.

(ORC 149.43)

(b) Open Meetings Act. The CRA Housing Council shall comply with Ohio's Open Meetings Act.

(c) Rules of Order. The Rules of Council shall apply to the conduct and order of all meetings of the CRA Housing Council.

(d) Quorum. A majority of the members of the CRA Housing Council shall constitute a quorum for the transaction of business at any meeting of the Housing Council.

(e) Voting. A majority vote of the members present at the meeting is required to approve or disapprove any matter coming before the CRA Housing Council.

(Ord. 2022-21. Adopted 07/28/22)

285.04 POWERS AND DUTIES.

(a) Inspections. The CRA Housing Council shall make an annual inspection of properties within the City's Community Reinvestment Areas for which exemptions have been granted pursuant to ORC 3735.67.

(b) Appeals. The CRA Housing Council shall hear appeals pursuant to ORC 3735.70.

(c) Status Report. On or before the 1st day of March of each year, the CRA Housing Council shall submit to the City Council a status report summarizing the activities and projects within the City's Community Reinvestment Areas for which exemptions have been granted pursuant to ORC 3735.67. City Council shall submit the status report to the Ohio Director of Development on or before the 31st day of March each year.

(ORC 149.39)

(Ord. 2022-21. Adopted 07/28/22)

CHAPTER 286
Records Commission
Pretreatment Review Committee

<u>286.01</u>	<u>Establishment; Organization</u>	<u>286.03</u>	<u>Meetings</u>
<u>286.02</u>	<u>Chairperson</u>	<u>286.04</u>	<u>Powers and Duties</u>

286.01 ESTABLISHMENT; ORGANIZATION.

(a) Establishment. A Records Commission was created by ORC 149.39.

(b) Membership. The Records Commission shall consist of the City Manager or his or her appointed representative, the Finance Director, the Law Director, and a resident of the City appointed by the City Manager.

(c) Secretary. The Records Commission shall appoint a secretary, who may or may not be a member of the Commission, and who shall serve at the pleasure of the Commission. The secretary shall keep an accurate record of the proceedings of the Commission.
(ORC 149.39)
(Ord. 2022-21. Adopted 07/28/22)

286.02 CHAIRPERSON.

(a) City Manager. The City Manager, or his or her appointed representative, shall serve as the chairperson of the Commission.
(ORC 149.43)

(b) Powers. The Chairperson shall approve the agenda for all meetings of the Records Commission and shall be the presiding officer at all meetings.
(Ord. 2022-21. Adopted 07/28/22)

286.03 MEETINGS.

(a) Meetings. The Records Commission shall meet at least once every six (6) months upon the call of the Chairperson and shall comply with Ohio's Open Meetings Act.
(ORC 149.43)

(b) Quorum. A majority of the members of the Records Commission shall constitute a quorum for the transaction of business at any meeting of the Commission.

(c) Voting. A majority vote of the members present at the meeting is required to approve or disapprove any matter coming before the Commission.
(Ord. 2022-21. Adopted 07/28/22)

286.04 POWERS AND DUTIES.

(a) Functions. The Records Commission shall provide rules for the retention and disposal of records of the City and shall review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by the various City departments, divisions and offices.

(b) Records Disposal. The Records Commission may dispose of records pursuant to the procedure outlined in ORC 149.381. The Commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in ORC 149.381.

(ORC 149.39)

(Ord. 2022-21. Adopted 07/28/22)

CHAPTER 269
General Provisions

269.01 Establishment; Organization	269.04 Rules of Order
269.02 Members; Oath of Office	269.05 Matters Referred to Council
269.03 Meetings	

~~269.01 ESTABLISHMENT; ORGANIZATION.~~

~~— (a) Charter Created: The following Boards and Commissions are established as required by the City's Charter, and the organization of such Boards and Commissions shall be as set forth in the City's Charter:~~

- ~~(1) Planning and Zoning Commission;~~
- ~~(2) Board of Zoning Appeals;~~
- ~~(3) Civil Service Commission;~~
- ~~(4) Charter Review Commission.~~

~~— (b) Additional Boards and Commissions: In addition to those Board and Commissions required by the City's Charter, City Council may, by ordinance, from time to time as it deems proper, create, alter or abolish other Boards, Commissions or Committees. The organization of such Boards, Commissions or Committees shall be as set by Council.~~

~~269.02 MEMBERS; OATH OF OFFICE.~~

~~— (a) Membership: Membership of all Boards, Commissions or Committees shall be as set forth in the City's Charter or the ordinance creating such Board, Commission or Committee, as applicable. Members of all Boards, Commissions and Committees shall meet all qualifications for membership at the time of their appointment and during their respective terms of office, and shall not hold other elected office or employment with the City, unless so authorized by City Charter or by the ordinance creating the Board, Commission or Committee.~~

~~— (b) Oath of Office: All members of any City Board, Commission or Committee, before entering upon the duties of his or her office, shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will:~~

- ~~(1) Support the constitution of the United States and of this State, and the Charter and ordinances of the City;~~
 - ~~(2) Faithfully, honestly, and impartially discharge the duties of his or her office.~~
- ~~— (Statutory Reference ORC 733.68)~~

~~269.03 MEETINGS.~~

~~— (a) Open Meetings Act: All City Boards, Commissions and Committees shall comply with Ohio's Open Meeting Act.~~

~~— (b) Meeting Times: Unless otherwise provided by City Charter or by the ordinance creating the Board, Commission or Committee, all City Boards, Commissions and Committees are hereby authorized to conduct their meetings at times established by the Chairperson of such Board, Commission or Committee.~~

~~269.04 RULES OF ORDER.~~

~~—Unless otherwise provided by City Charter or by the ordinance creating the Board, Commission or Committee, all City Boards, Commissions and Committees shall conduct their meetings in accordance with the Rules of Council, or in the absence of such Rules, in accordance with Robert’s Rules of Order.~~

~~269.05 MATTERS REFERRED TO COUNCIL.~~

~~—In any case where a City Board, Commission or Committee finds it is unable to act on a matter before it because a majority vote, either for or against, cannot be reached due to abstentions, the Board, Commission or Committee shall refer such matter to City Council who shall act *in loco* for such Board, Commission or Committee.~~

~~CHAPTER 270
Planning and Zoning Commission~~

~~CHAPTER 272
Board of Zoning Appeals~~

~~CHAPTER 274
Civil Service Commission~~

~~CHAPTER 276
Community Relations Commission~~

~~276.01 ESTABLISHMENT; COMPOSITION; TERMS; VACANCIES; ORGANIZATION;
ADMINISTRATIVE SUPPORT.~~

~~—(a) A Community Relations Commission is hereby established, which shall consist of five members, residents of the city, appointed by the City Council. The five members shall be appointed for four year terms. In the event of death or resignation of any member, his or her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed. In addition to the five Commission members, the President of City Council shall recommend, and the City Council shall appoint, a member of City Council to chair the Commission. The term of the City Council Chairperson appointed to chair the Commission shall be one year.~~

~~—(b) The Community Relations Commission shall hold such meetings as it may require to conduct its business. The Chairperson of the Commission shall establish an agenda for the Commission meetings and shall have no voting privileges, except in the event of a tie. Three voting members of the Commission shall constitute a quorum for conducting business. A majority vote of the total membership is required to approve or disapprove any matter coming before the Commission. A Vice Chairperson of the Commission shall be elected by a majority vote of its members at the first regularly scheduled meeting in January of each year. During the absence of the City Council Chairperson, the Vice-Chairperson shall fulfill the duties of the City Council Chairperson. All meetings and records shall be open to the public. The City Manager shall designate a staff member to serve as Secretary of the Commission and shall provide such administrative support as may be required.~~

~~276.02 PURPOSE; GOALS.~~

~~—(a) The aim of the Community Relations Commission is to enhance and promote a mutual understanding and respect between all members of the community regardless of race, color, religion, sex, familial status, national origin, handicap, age, ancestry or HIV positive status. The goal of the~~

~~Community Relations Commission is to discourage, prevent and eliminate discriminatory practices. This goal shall be achieved through programs and activities that provide knowledge and enhance sensitivity for its citizens. This goal shall also be achieved through the dissemination of information, educational materials and reports and through the cooperation of the Commission with various community groups and agencies in educational campaigns.~~

~~—(b) It is hereby declared to be the policy of the city, in the exercise of its police power for the protection of the public safety, the public health and the general welfare, for the maintenance of peace and good government and for the promotion of the city's trade, commerce and manufacture, to promote and protect the right and opportunity of all persons to participate in the social, cultural and economic life of the city, free from restrictions because of race, color, religion, sex, familial status, national origin, handicap, age, ancestry or HIV positive status. In order to eliminate prejudice and discrimination, an instrumentality of government shall be established, through which residents may be kept informed of developments in human relations and from which the elected and appointed officials and the departments of the city may obtain advice and assistance in adopting those measures to keep peace, good order and harmony among residents, to bring about and maintain harmony and avoid intergroup tensions, to promote tolerance and goodwill, and to ensure equality of treatment and opportunity for all individuals regardless of race, color, religion, sex, familial status, national origin, handicap, age, ancestry or HIV positive status.~~

~~276.03 DUTIES AND RESPONSIBILITIES.~~

~~—The Community Relations Commission shall have the following duties and responsibilities.~~

~~—(a) To promote mutual understanding and respect among all racial, religious and nationality groups and to work to discourage and prevent discriminatory practices against any such group by recommending various programs, policies or legislation to the City Council or other appropriate agency for further action.~~

~~—(b) To disseminate information and educational materials and reports which will assist in the elimination of prejudice, intolerance, intergroup tensions and discrimination or which will promote programs of community education and information with the object of promoting better human relations.~~

~~—(c) To gather information regarding specific situations arising between groups or individuals involving discrimination prohibited by these Codified Ordinances and to report the same to the City Council with recommendations for corrective action.~~

~~—(d) To assist various groups and agencies of the community and to cooperate in educational campaigns devoted to the elimination of group prejudices, racial or area tensions, intolerance and discrimination.~~

~~—(e) To cooperate with city, township, county, federal, state and other agencies in order to promote better human relations.~~

~~—(f) To aid in seeing that no person is deprived of equal services by reason of discrimination on account of race, color, religion, sex, familial status, national origin, handicap, age, ancestry or HIV positive status.~~

~~—(g) To recommend to the City Council such legislation as may be deemed appropriate and necessary to promote harmony in the area of human relationships.~~

~~—(h) To prepare periodically, but at least annually, for the City Council or the City Manager, as may be appropriate, reports and recommendations as to corrective or ameliorating actions the Commission may deem appropriate in furtherance of the goal as stated. Special reports and recommendations may be~~

~~prepared and rendered when deemed warranted by the Community Relations Commission or when requested by the City Council or the City Manager.~~

~~—(i) To refer parties, where appropriate, to the City of Xenia Citizens Conflict Resolution Program, to the Ohio Civil Rights Commission or to any other appropriate agency.~~

~~—(j) To uphold the policies of the city as regards discriminatory practices.~~

~~—(k) To provide services to Xenia's youth through programs, recognition, information or other programs designed to instill leadership and community involvement.~~

CHAPTER 278

Board for Recreation, Arts and Cultural Activities

~~278.01 ESTABLISHMENT; COMPOSITION; TERMS; CHAIRPERSON; MEETINGS.~~

~~—(a) There is hereby established a Board for Recreation, Arts and Cultural Activities. The Board shall consist of five members, residents of the city, who are appointed by City Council. One Board member shall be a representative of the Board of Education of the Xenia Community Schools who is a resident of the city and whose membership is nominated by the Board of Education. In addition to the five Board members, the President of City Council shall recommend, and the City Council shall appoint, a member of City Council to be the Chairperson of the Board. In addition to the five Board members and the City Council Chairperson of the Board, the City Council may appoint ex officio, non voting members of the Board, one of whom may be a student at Xenia High School, to advise the Board. All voting members of the Board shall be appointed for four year terms. The City Council Chairperson of the Board and the ex officio members of the Board shall be appointed for one year terms. The City Council Chairperson of the Board shall have no voting power except in case of a tie vote.~~

~~—(b) The Board shall hold such meetings as it may require to conduct its business. The Chairperson of the Board shall preside over the meetings of the Board and shall establish an agenda for the Board meetings. Three voting members of the Board shall constitute a quorum for conducting business. A majority vote of the total membership is required to approve or disapprove any matter coming before the Board. A Vice Chairperson of the Board shall be elected by a majority vote of its members at the first regularly scheduled meeting in January of each year. During the absence of the City Council Chairperson, the Vice Chairperson shall fulfill the duties of the Chairperson of the Board.~~

~~278.02 DUTIES.~~

~~—The duties of the Board for Recreation, Arts and Cultural Activities shall be exercised and performed as herein provided and shall be as follows:~~

~~—(a) To meet and confer with the Director of Parks and Recreation or with the representative of any entity providing recreation services to the city and to make recommendations in all matters pertaining to the supervision, use and enjoyment of all parks, playgrounds and recreational facilities owned, operated or leased by the city when used for recreational, artistic or cultural events or activities;~~

~~—(b) To assist the Director of Parks and Recreation or the representative of any entity providing recreation services to the city in the development and creation of studies regarding the recreational needs of the citizens of the city and the desirability of implementing programs and events of artistic and cultural significance for the citizens of the city;~~

- ~~—(c) To assist the Director of Parks and Recreation or the representative of any entity providing recreation services to the city in the preparation of such plans and reports concerning the recreational, artistic and cultural needs of the citizens of the city as are deemed necessary and to present the same to the City Manager and the City Council;~~
- ~~—(d) To assist the Director of Parks and Recreation or the representative of any entity providing recreation services to the city in preparing rules, regulations and policies in the coordination and promotion of all recreational programs within the city and to recommend a comprehensive program for recreation for all inhabitants of the city and to present the same to the City Manager and the City Council;~~
- ~~—(e) To appoint subcommittees of the Board to perform particular aspects of the duties herein described, which shall report findings and recommendations to the full Board;~~
- ~~—(f) To recommend policies and guidelines for the conduct of all groups, clubs, organizations and other entities, whether volunteer or otherwise, who or which participate in or are in any way involved with any city recreational, artistic or cultural event or activity and to present the same to the City Manager and the City Council;~~
- ~~—(g) In accordance with § 1236.14(f), to advise the City Planning and Zoning Commission and City Council whether a subdivider or developer shall dedicate land, pay a fee in lieu of land dedication or provide a combination of land dedication and fee payment. The staff representative to the Board shall ensure that the Board's recommendation is given to the City Planning and Zoning Commission and City Council; and~~
- ~~—(h) To seek cooperation with the Board of Education of the Xenia Community Schools, with all citizens of Xenia, and with other entities in the administration of recreational, artistic and cultural events and activities which involve the use of facilities or properties of the Board of Education, the citizens of Xenia or other entities in such a manner so as to secure the maximum benefits and advantages from all such facilities and properties for the citizens of the city.~~

CHAPTER 289

Records Commission and Public Records

~~289.01 RECORDS COMMISSION.~~

- ~~—(a) The Records Commission shall be composed of the City Manager, the Finance Director, the Law Director, and a citizen appointed by the City Manager.~~
- ~~—(b) The citizen appointed to the Records Commission shall have resided in Xenia for five years. The citizen shall serve a term of three years and may be re-appointed to additional terms of three years. The citizen shall serve without compensation. Failure to attend two consecutive meetings of the Records Commission by the citizen shall be cause for dismissal from the commission.~~
- ~~—(c) The Records Commission shall appoint a secretary who is not a member of the commission and who shall serve at the pleasure of the commission.~~
- ~~—(d) The secretary to the commission shall keep minutes of all meetings, schedule all meetings, and notify the members of the date, time and location of the meetings.~~
- ~~—(e) The Records Commission shall meet at least once every six months, in January and July, and meet at other times upon call of the City Manager. All meetings shall be open to the public. Notice of said~~

~~meetings shall be posted on the City's website and government television channel at least 14 days in advance of the meeting.~~

~~—(f) *Functions of the commission.*~~

~~—(1) The commission shall provide rules for retention and disposal of records of the municipal corporation using the latest edition of the Ohio Municipal Records Manual, published by the Ohio Historical Society as a guide.~~

~~—(2) The commission shall review all applications for one time disposal of obsolete records and schedules of records retention and disposition submitted by the city's departments and divisions.~~

~~—(3) The commission may review any schedule it has previously approved and may revise that schedule in consultation with the department or division head. The commission may dispose of records pursuant to the procedure outlined in subsection (h) of this section.~~

~~—(g) *Files of the commission.*~~

~~—(1) The Records Commission shall maintain a central file containing copies of all schedules, applications, and certificates of records disposal approved or received by the commission. The commission shall maintain minutes of all commission meetings. All commission records shall be considered permanent records.~~

~~—(2) Copies of schedules, applications, and certificates of records disposal shall be provided to each department and/or division as they pertain thereto.~~

~~—(h) *Procedure for disposition of obsolete records.*~~

~~—(1) The commission shall send all applications for one time disposal of obsolete records (RC 1) or any schedule of records retention and disposition (RC 2) submitted by department and division heads to the Local Government Records Program at the Ohio Historical Society for review. The Ohio Historical Society shall review the application or schedule within a period of not more than 60 days after its receipt of it. During the 60 day review period, the Ohio Historical Society may select for its custody from the application for one time disposal of obsolete records any records it considers to be of continuing historical value, and shall denote upon any schedule of records retention and disposition any records for which the Ohio Historical Society will require a certificate of records disposal prior to their disposal. Once reviewed by the Ohio Historical Society, the Ohio Historical Society shall forward the application for one time disposal of obsolete records or the schedule of records retention and disposition to the Auditor of State for the Auditor of State's approval or disapproval. The Auditor of State shall approve or disapprove the application or schedule within a period of not more than 60 days after receipt of it. The commission shall be notified and shall, in turn, provide a copy of the approval or disapproval to the appropriate department or division head.~~

~~—(2) Before public records are to be disposed of pursuant to an approved schedule of records retention and disposition (RC 2), the records commission shall inform the Ohio Historical Society of the disposal through the submission of a certificate of records disposal (RC 3) for only the records required by the schedule to be disposed of, and shall give the society the opportunity for a period of 15 business days to select for its custody those public records, from the certificate submitted, that it considers to be of continuing historical value.~~

~~289.02 RECORDS MANAGEMENT PROCEDURES.~~

~~—(a) The head of each department or division shall do the following:~~

~~—(1) Establish, maintain, and direct an active continuing program for the effective management of the records of that department or division as specified in the latest edition of the Ohio Municipal Records Manual. This includes an inventory of all records found in the department or division, an appraisal of those records, adoption of retention schedules for those records, and disposal of records once the retention~~

~~schedules have been approved by the Records Commission, the Ohio Historical Society and the Auditor of State.~~

~~— (2) Submit to the Records Commission, in accordance with applicable standards and procedures, records retention schedules (RC 2s) with the records series titles, the functions of the records, how and why they were created, the importance to the office, and the organization of the records proposing the length of time each record series warrants retention for administrative, historical, legal, or fiscal purposes after it has been received or created by the department or division. The department or division head also shall submit to the Records Commission applications for disposals of records in the department or division head's custody that are not needed in the transaction of current business and are not otherwise scheduled for retention or destruction.~~

~~— (3) Within one year after their date of creation or receipt, schedule all records for disposition or retention in the manner prescribed by law and procedures.~~

~~289.03 LAWS PROHIBITING THE DESTRUCTION OF RECORDS.~~

~~—If any law prohibits the destruction of records, the department or division head or the appointing authority shall not order their destruction or other disposition. If any law provides that records shall be kept for a specified period of time, neither the department or division head nor the appointing authority shall order their destruction or other disposition prior to the expiration of that period.~~

~~289.04 MAKING ONLY NECESSARY RECORDS.~~

~~—The head of each department or division or appointed official shall cause to be made only such records as are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the department or division, and for the protection of the legal and financial rights of the city and persons directly affected by the department or division's activities.~~

~~289.05 PROHIBITING DESTRUCTION OR DAMAGE OF RECORDS.~~

~~—(a) All records are the property of the public office concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the Records Commission. Those records shall be delivered by outgoing officials and employees to their successors and shall not be otherwise removed, destroyed, mutilated, or transferred unlawfully.~~

~~—(b) Any person who is aggrieved by the removal, destruction, mutilation, or transfer of, or by other damage to or disposition of a record in violation of subsection (a) of this section, or by threat of such removal, destruction, mutilation, transfer, or other damage to or disposition of such record, may commence either or both of the following in the Greene County Court of Common Pleas:~~

~~— (1) A civil action for injunction relief to compel compliance with subsection (a) of this section, and to obtain an award of the reasonable attorney's fees incurred by the person in the civil action; or~~

~~— (2) A civil action to recover a forfeiture in the amount of one thousand dollars (\$1,000) for each violation, but not to exceed a cumulative total of ten thousand dollars (\$10,000), regardless of the number of violations, and to obtain an award of the reasonable attorney's fees incurred by the person in the civil action not to exceed the forfeiture amount recovered.~~

~~—(c) (1) A person is not aggrieved by a violation of subsection (a) of this section if clear and convincing evidence shows that the request for a record was contrived as a pretext to create potential liability under this section. The commencement of a civil action under subsection (b) of this section waives any right under this chapter to decline to divulge the purpose for requesting the record, but only to~~

~~the extent needed to evaluate whether the request was contrived as a pretext to create potential liability under this section.~~

~~— (2) In a civil action under subsection (b) of this section, if clear and convincing evidence shows that the request for a record was a pretext to create potential liability under this section, the court may award reasonable attorney's fees to any defendant or defendants in the action.~~

~~— (d) Once a person recovers a forfeiture in a civil action commenced under paragraph (b)(2) of this section, no other person may recover a forfeiture under that paragraph for a violation of subsection (a) of this section involving the same record, regardless of the number of persons aggrieved by a violation of subsection (a) of this section or the number of civil actions commenced under this section.~~

~~— (e) A civil action for injunctive relief under paragraph (b)(1) of this section or a civil action to recover a forfeiture under paragraph (b)(2) of this section shall be commenced within five years after the day in which subsection (a) of this section was allegedly violated or was threatened to be violated.~~

~~289.06 PUBLIC RECORDS POLICY.~~

~~— (a) *Purpose.* The City of Xenia maintains many records that are used in the administration and operation of the city. In accordance with state law, the City of Xenia Records Commission has adopted a schedule of records retention and disposition that identify these records and this schedule is available in the City Manager's office and in each department. This schedule lists generally the types of records that are stored on a fixed medium (paper, computer, film, and the like) that are created, received, or sent under the jurisdiction of the city and document the organization, functions, policies, decisions, procedures, operations, or other activities of the city. The records maintained by the city and the ability to access them are means to provide trust between the public and the city.~~

~~— (b) *Custodian of public records; when available.* The Clerk of Council is the official Public Records Custodian of all records which are centrally maintained by the city. Department heads are the official custodians of all records maintained within their departments. Public records requests may be made directly to department heads, their employees, or through the Public Records Custodian. Requests for records from the Police Department may be made directly to the Police Records Clerk. Public records requests will be accommodated during regular business hours when offices maintaining said records are open for business. Public records requests will not be accepted on weekends or holidays.~~

~~— (c) *General provisions.*~~

~~— (1) *Public records.*~~

~~— A. Public records include the following: Any document—paper, electronic (including, but not limited to, e mail), or other format—that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City of Xenia are public unless they are specifically exempt from disclosure under the Ohio R.C. 149.43 or Federal law.~~

~~— B. It is the policy of the City of Xenia that records will be organized and maintained so that they are readily available for inspection and copying.~~

~~— (2) *Record requests.* Each request for public records should be evaluated for a response using the following guidelines:~~

~~— A. Although no specific language is required to make a request, the requestor must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the employee or the Public Records Custodian must contact the requestor for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.~~

~~— B. 1. The Public Records Custodian, department heads, or employees may ask the requestor to put a verbal request in writing or may inquire about the intended use of the information; but a written request is not mandatory, identifying information is not required and the intended use does not have to be disclosed. However, providing such information would benefit the requestor by enhancing the ability of the Public Records Custodian to identify, locate and deliver the public records requested. The Public Records Custodian and departments are to use Form RC 100 that the requestor has the option of using in making the request.~~

~~— 2. Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requestor will personally pick up from the Public Records Custodian; or a request for copies of public records that the requestor wants to have mailed or otherwise transmitted to the requestor.~~

~~— 3. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.~~

~~— a. Request to view public records. The requestor may make a request to view public records. The Public Records Custodian shall prepare the public records for inspection "promptly," as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as the location of the records, the manner kept or the volume of records requested).~~

~~— b. Copies of public records. The requestor may make a request to the Public Records Custodian or to the department to have copies of public records made.~~

~~— c. Transmitting copies of public records. A requestor may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records, and will be provided. While the city is under no obligation to provide records in electronic format, it is the policy of the city to provide information to the public in the most practical and convenient manner, considering all of the circumstances. Therefore, if the city receives a request for information to be made available in an electronic format, such request will be forwarded to the Public Records Custodian for a determination as to whether such information will be generated and released in an electronic format.~~

~~— C. Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, and the like. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e mailed or downloaded easily, these should be made as quickly as the equipment allows.~~

~~— D. All requests for public records must either be satisfied or be acknowledged in writing by the public office within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:~~

~~— 1. An estimated number of business days it will take to satisfy the request.~~

~~— 2. An estimated cost if copies are requested.~~

~~— 3. Any items within the request that may be exempt from disclosure.~~

~~— (3) Fees and payment.~~

~~— A. Those seeking public records will be charged only the actual cost of making copies or printing pictures and shall also pay the actual cost (e.g. postage) of delivery and other supplies used in mailing, delivery or transmission of the public record. Payment for public records requests is required prior to the actual copying or printing of records.~~

~~— B. The cost for copies made on letter or legal size paper is set forth in Chapter 298 of the Codified Ordinances. If the Public Records Custodian uses an outside copying service to make the copies, the requestor will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than normal letter or legal paper will be "at cost," without~~

~~taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)~~

~~C. Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian's discretion. Under no circumstances will the requestor be permitted to make the copies himself or herself. The manner of copying is at the discretion of the Public Records Custodian or the department. Requests to copy a certain number of public records on a given page, by "reducing" copy size or otherwise, may be met at the discretion of the Public Records Custodian or department.~~

~~D. Individual departments may adopt a policy that if fewer than 10 pages or copies are requested, no fee will be charged. All requests exceeding ten pages will be charged a fee of seven cents (\$0.07) per page for all pages copied. No receipt will be required to be issued for payments received of less than one dollar (\$1.00).~~

~~E. Ohio law may provide for specific fees to be charged for certain records (e.g. police accident reports: four dollars (\$4.00) each, with photographs at an additional cost, pursuant to Ohio R.C. 5502.12).~~

~~(4) Denial of a public records request.~~

~~A. Under certain circumstances, records are not defined as "public records" under Ohio law or are exempt from disclosure under federal law. In these situations, the public record request will be denied on that basis. The Ohio Revised Code requires that any denial be supported by legal authority. A denial that is responding to a written public records request will also be given in writing using Form RC 101. Written reasons for denial will not be required for verbal public records requests. Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, unless federal or state law authorized or requires the redaction.~~

~~B. The Ohio Revised Code regards certain actions as being "denials" of public record requests. These situations are handled as follows:~~

~~1. Redaction.~~

~~a. The Ohio Revised Code defines a "redaction" as "obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a 'record' in Ohio R.C. 149.011." Examples of redaction are "blacking out" or "whiting out" or "cutting out" portions of a document.~~

~~b. When a public record contains information that is not within the definition of a "public record" as defined by law, or is exempt by law, the Public Records Custodian will make available that portion of the public record that does meet the definition of a "public record." The Public Records Custodian shall make a copy of the public record, perform the redaction, then make a copy of that sheet and make the second copy available to the requestor. The requestor will not be charged for the first copy made. If practical, the first copy will be retained by the Public Records Custodian.~~

~~2. Requests that are ambiguous, overly broad, or are difficult to identify the public records requested. At times, a requestor may make a public records request from which the Public Records Custodian cannot determine which public records are being sought. In such circumstances, the Public Records Custodian will inform the requestor that the public records request is denied, but will give the requestor an opportunity to more accurately describe the public records sought. If the requestor is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records Custodian will inform the requestor of the manner that the public records of the office under discussion are maintained and accessed. The requestor may then submit a public records request that more accurately reflects the actual organization of the public records sought.~~

~~—(d) *Compliance.* The Public Records Custodian reserves the right to consult with legal counsel prior to the release of any public records. This is to allow the city to comply with laws regarding the release of certain records.~~

~~—(e) *Failure to respond to a public records request.* The City of Xenia recognizes the legal and non-legal consequences of failure to properly respond to a public records request. A public office's failure to comply with a request may result in remedies and damages according to Ohio R.C. 149.43.~~