

CHARTER OF THE CITY OF MT. HEALTHY, OHIO

PREAMBLE

We, the people of the City of Mt. Healthy, in order to fully secure and exercise the benefits of self-government under the Constitution and Laws of the State of Ohio, do hereby adopt this Charter for the Government of the City of Mt. Healthy.

ARTICLE I INCORPORATION, POWERS, AND FORM OF GOVERNMENT

SECTION 1.01 INCORPORATION

The City presently known as the City of Mt. Healthy, in the County of Hamilton, State of Ohio, shall continue to be a body politic and corporate with all the privileges and powers pertaining thereto. The City shall have the boundaries that now exist and shall have the authority to change its boundaries by annexation, detachment, and other proceedings authorized by the general laws of the State of Ohio. Territory added to the City shall immediately become subject to the provisions of this Charter.

SECTION 1.02 POWERS

The City of Mt. Healthy shall have all the powers of local self-government and the benefits of City home rule that may now or hereafter be lawfully possessed or exercised by municipal corporations under the Constitution of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter, or, to the extent not prescribed herein, in such manner as shall be provided by ordinance or resolution of Council. Any such ordinance or rule shall supersede and override state statutes.

SECTION 1.03 FORM OF GOVERNMENT

The form of government shall be known as the "Mayor-Council-Manager Plan." The powers of the City government shall be distributed among the City, the electorate, the various elected and appointed officials, and the boards and commissions as provided under the provisions of this Charter. In the event of a change in the status of the City to a village, it is the intent of the electors of the City that the form of government expressed in this Charter shall apply whether Mt. Healthy is a city or a village.

ARTICLE II COUNCIL

SECTION 2.01 NUMBER, TERMS, AND QUALIFICATIONS OF COUNCIL

Council shall consist of seven (7) members to be elected at large by popular vote of the electors of the City for staggered four (4) year terms. There shall be a partisan Council election held every two (2) years in odd numbered years and Council shall be sworn into office at the first meeting in January of the year following their election.

Members of Council shall be qualified electors and shall have resided in the City for at least one year next preceding their election. Each member of Council shall be an elector of the City, shall not hold any other public office except that of notary public or a member of the state militia, shall not be interested in any contract with the City, and may not hold employment with said City. A member who ceases to possess any such qualifications or moves from the City shall forfeit the office. Failure to maintain qualifications or removal from office shall not render void nor invalidate any action of Council in which such member participated.

SECTION 2.02 COMPENSATION OF COUNCIL

Ordinances presently in force establishing salaries shall remain in effect for the first Charter Council, and thereafter be established by Council according to its rules of organization.

SECTION 2.03 MEETINGS OF COUNCIL

Council shall meet at such times as set by its rules, but not less than once a month. A majority of all the members elected shall constitute a quorum to do business, but a lesser number may adjourn by majority vote of those in attendance from day to day, and compel the attendance of absent members in such manner as provided by the rules of Council. Except in case of emergency declared by the Mayor, no special meeting may be called unless notice as provided by rules of Council be given thereof at least twelve (12) hours in advance of such meeting.

All meetings of Council shall be open to the public, except as otherwise provided in the Ohio Revised code.

SECTION 2.04 ROLE OF THE MAYOR AND VETO POWER

The Mayor has the right to propose or address legislation and shall have veto power over resolutions and ordinances.

SECTION 2.05 POWERS OF COUNCIL

All legislative power of the City shall be vested in Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, Council shall have the power:

- A. to levy taxes and incur debts subject to the limitation imposed hereon by the Charter and the Constitution of the State of Ohio;
- B. to adopt and provide for the enforcement of local police, sanitary, and other similar regulations;
- C. to provide for the exercise of all powers of local self-government granted to the City by the Constitution of the State of Ohio;
- D. to fix the rates of compensation, including fringe benefits for all employees;
- E. to require such bonds as in the opinion of Council are necessary for the faithful discharge of the duties of the officers and employees of the City;
- F. to create offices, departments, divisions, bureaus and commissions: and the power to combine, change and abolish any office, department, division, bureau, board or commission. Council shall not abolish the offices of Manager, Mayor, Clerk of Council, Council Members, Director of Finance, or Law Director. The Manager may hold such other offices and positions with the City as are provided by this Charter or as Council may authorize by a vote of majority of its members;
- G. to control the development of use of land within the corporate limits and regulate construction thereon;
- H. to provide, without competitive bidding, for an annual or special independent audit(s) of any or all City funds. Such audit(s) may be in addition to an audit by representatives of the State Auditor or other official or agency required under the Constitution of the State of Ohio;
- I. to acquire title to or interests in real and/or personal property, whether such property is acquired by the exercise of power of eminent domain, purchase, gift, lease with option to purchase, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease, lease with option to purchase, or grant any interest in real or personal property shall be vested in Council. Such sale, conveyance, lease, lease with option to purchase, or grant shall be in the manner as provided by the ordinance authorizing the same. Title to all real property shall be taken in the name of the City;
- J. to adopt an annual budget and appropriation measures of the City;
- K. to accept gifts and grants on behalf of the City;

- L. to inquire into the conduct of any officer, employee, agent, or independent contractor in the exercise of their powers, duties, or functions, or in their performance of work or service or provision of equipment, materials, or supplies to or on behalf of the City; and to inquire into and investigate any and all City affairs. In the exercise of this power Council shall have the power to subpoena witnesses and require the production of records and other evidence in the manner provided in the rules, regulations, or by-laws of Council, and in the absence of such provisions, the President of Council shall have the power to issue subpoenas for witnesses and the production of records and other evidence;
- M. to override the Mayor's veto of an ordinance or resolution in accordance with the provisions of the Constitution and the laws of Ohio now or hereafter in effect;
- N. to exercise or provide for the exercise of all other powers granted to legislative authorities of cities by the Constitution of the State of Ohio and to exercise all other powers granted to Council by and under this Charter.

SECTION 2.06 ORDINANCES AND RESOLUTIONS OF COUNCIL

Action of Council shall be by ordinance, resolution, or motion. Motions shall be used to conduct the business of Council, in procedural matters, for elections conducted among Council members, and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form thereof fails to comply with the provision of this section.

Any member of Council or the Mayor may propose an ordinance or resolution, in written form and with a concise title, at a regular or special meeting.

The form and style of ordinances and resolutions shall be determined by Council. Each ordinance or resolution shall be read on two separate meeting days, unless this requirement is dispensed with by a vote of at least three-fourths (3/4) of the members of Council. The readings may be by title only, unless a reading in full is requested by any member of Council.

The vote on the question of passage of each resolution, ordinance, or motion shall be taken by "yea" or "nay" and the vote entered into the minutes. No measure shall be passed without a concurrence of a majority of the members of Council.

Emergency ordinances or resolutions shall require a two-thirds (2/3) vote of Council for enactment. If any emergency ordinance or resolution shall fail to receive the required two-thirds (2/3) affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation. Council, before enacting, shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of Mt. Healthy, Ohio, and the ordinance or resolution shall contain a statement of the necessity of declaring the emergency.

Each ordinance or resolution shall be authenticated by the Clerk. Failure to sign shall not invalidate an otherwise properly enacted resolution or ordinance.

The Clerk shall cause each ordinance and resolution adopted to be made available by posting a concise summary of the provisions of the ordinance/resolution on the homepage of the City of Mt. Healthy's website, and posting copies at both the community center and City Hall for no fewer than 14 days.

Failure to post or to maintain such posting shall not invalidate or delay the effective date of an ordinance or resolution, and in such events the Clerk shall post at a later date.

Notwithstanding the other sections of this Charter, Council may adopt by resolution or ordinance all or part of any technical codes issued by State or Federal agencies, boards, or any other public or private agency. These codes may be adopted by reference but shall include the title and source of the code adopted by reference.

Each resolution or ordinance providing for the appropriation of money, or for improvements petitioned for by the owners of a majority of the adjacent property to be benefited and specially assessed, or an emergency measure for the preservation of the public peace, health, welfare, or safety, shall take effect upon its approval, unless a later date be specified therein. No other resolution or ordinance shall become effective until thirty (30) days after its approval.

SECTION 2.07 OFFICERS OF COUNCIL

The President of Council shall be elected by popular vote of the electors of the City on a partisan ballot for a four (4) year term, to begin on the first day of January following the election. The President of Council shall be an elector of the City and shall preside at all regular and special meetings of the Council, but shall have no vote therein except in case of a tie.

At the first meeting in January of each year following the Council election, the Council shall immediately proceed to elect a President Pro-Tempore from its own, who shall serve until the first meeting in January following the next election of Council members.

When the Mayor is absent from the City or is unable, for any cause as determined by majority vote of Council, to perform his duties, the President of Council shall be the acting Mayor, and shall have all the powers and perform the same duties as the Mayor.

When both the Mayor and President of Council are absent from the city or are unable to perform their duties, for any cause as determined by majority vote of Council, the President Pro-Tempore shall be the acting Mayor and shall have all the powers and perform the same duties as the Mayor.

SECTION 2.08 ORGANIZATION, RULES, AND CLERK OF COUNCIL

Council shall be a continuing body, but shall at its first meeting in January of each year following its election adopt by majority vote rules of organization which shall not conflict with this Charter, and which shall remain in effect until amended, changed, or repealed by a majority vote of Council. These rules shall be effective immediately. On any point not covered by rules of Council, Robert's Rules of Order, as revised, shall apply.

The Clerk of Council shall be appointed by Council. Council shall establish the salary of the Clerk of Council by ordinance. The Clerk of Council may hold another office or position of employment in the City. The Clerk of Council shall have those powers, duties, and functions as are provided in this Charter, by Rules of Council, or by ordinance or resolution. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of Council and a record of all ordinances and resolutions adopted by Council. The Clerk of Council shall give notice of regular and special meetings of Council to its members and to the public as may be provided by this Charter, by the Rules of Council, or by ordinance or resolution. Council may appoint any person as an Acting Clerk of Council to serve in the event of a vacancy in the office, temporary absence, or disability of the Clerk of Council.

SECTION 2.09 AMENDING LEGISLATION

No ordinance or resolution, or section or subsection thereof, shall be revised or amended unless the ordinance or resolution superseding it contains a restatement of the entire resolution or ordinance, or a restatement of the section or subsection thereof to be revised or amended. Upon being revised or amended, the portions of the original legislation which are in conflict with the revised or amended legislation shall be superseded and repealed.

**ARTICLE III
MAYOR****SECTION 3.01 TERM OF THE MAYOR**

The Mayor shall be elected by popular vote of the electors of the City on a partisan ballot for a four (4) year term to begin on the first day of January following election.

SECTION 3.02 LEGISLATIVE POWERS

The Mayor may propose ordinances and resolutions, and may take part in discussion on all matters coming before the Council, but shall have no vote.

SECTION 3.03 JUDICIAL POWERS AND CLERK OF COURTS

The Mayor shall have all the judicial powers granted generally by the laws of Ohio to the Mayor's of Ohio Cities. The Mayor shall exercise all or any such powers in accordance with the procedure established by law governing Mayor's Court. The Mayor may appoint a Magistrate or other permitted official to preside at Mayor's Court.

The Mayor shall appoint the Clerk of Courts. The Clerk of Courts may hold another office or position of employment in the City. The Clerk of Courts shall perform all clerical duties related to Mayor's Court, collection and receipt of fines and cost assessed by the Court, keeping of records thereto, and other clerical duties as assigned. The Mayor may appoint any person as Acting Clerk of Courts to serve in the event of vacancy, temporary absence, or disability of the Clerk of Courts. Council shall establish the salary of the Clerk of Courts and Acting Clerk of Courts by ordinance.

SECTION 3.04 OTHER DUTIES

The Mayor shall be recognized as the official and ceremonial head of the City and by the Governor for military purposes. The Mayor shall have all powers and duties imposed upon the Mayor by ordinance, resolution, and the Ohio Revised Code which do not conflict with other provisions in this Charter.

SECTION 3.05 COMPENSATION

Council shall establish the salary of the Mayor by ordinance.

SECTION 3.06 QUALIFICATIONS

The Mayor shall be a resident and elector of the City for at least twelve (12) consecutive months prior to election and shall continue to be a qualified elector of the City during the elective term of office. The Mayor shall hold no other elective public office. The Mayor shall not be otherwise employed by, nor shall hold any other office in this City, except as provided by this Charter.

**ARTICLE IV
MANAGER**

SECTION 4.01 CITY MANAGER

A City Manager shall be appointed by the Mayor with the approval of Council. A majority vote of the members elected to Council shall be required for the approval of the City Manager (hereinafter referred to as Manager). The Manager shall serve at the pleasure of the Mayor.

SECTION 4.02 QUALIFICATION OF THE MANAGER

The Manager shall be appointed solely on the basis of executive and administrative qualifications.

SECTION 4.03 ACTING MANAGER

In the event of a temporary vacancy in the office of Manager, the Mayor shall designate a person as Acting Manager, who shall, with the approval of Council, exercise all powers, duties, and functions of the Manager until such time as a Manager is appointed.

SECTION 4.04 MAYOR AND COUNCIL RELATION TO MANAGER

Except as provided by this Charter, neither the Mayor, nor Council, nor any member or committee thereof shall give orders to any employees of the Manager, either publicly or privately, unless that employee is assigned said duties, and such orders are approved in writing by the Manager, or noted in a job description.

SECTION 4.05 POWERS AND DUTIES OF THE MANAGER

The Manager shall be the Chief Executive and Administrative Officer of the City. The Manager shall be responsible to the Mayor for the administration of the City. The Manager shall have the following powers and duties:

- A. to appoint and, when the Manager deems it necessary, suspend, remove or otherwise discipline all City employees and supervisors appointed by the Manager, except as provided by, or pursuant to this Charter. The Manager may authorize any supervisor who is appointed by the Manager to exercise these powers with respect to subordinates in that supervisor's department, office or agency;
- B. to direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided in this Charter;
- C. to attend all Council meetings and take part in discussions, but may not vote;
- D. to see that all laws, provisions of this Charter, and ordinances and resolutions of Council, imposing duties on the Manager or employees subject to the Manager's direction and supervision, are faithfully executed;
- E. to prepare and submit to Council the annual budget and capital program;
- F. to submit to Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- G. to make such other reports as Council may require concerning the operations of City departments, offices, boards, commissions, and agencies subject to the Manager's direction and supervision;
- H. to appoint, with the approval of Council, special citizen advisory committees, and discharge such when, in the Manager's judgment and with Council's approval, their function has been served;
- I. to serve as an ex-officio member of all boards and commissions which are authorized under this Charter or subsequently created by the Mayor and/or Council;

- J. to keep Council fully advised as to the financial condition and future operating and capital needs of the City and make such recommendations to Council concerning the affairs of the City as the Manager deems desirable, or as requested by Council;
- K. to require reports and information of subordinate officers and employees of the City as the Manager deems necessary in the orderly operation of the City, or when required to do so by Council or any board or commission of the City;
- L. to be the contracting officer of the City and award and execute contracts and agreements on behalf of the City in the manner and under the procedures required by this Charter;
- M. to perform the duties and have the powers as conferred or required by this Charter, by any ordinance or resolution of Council, or by the laws of the State of Ohio;
- N. to appoint a person as City Clerk to perform the day-to-day duties required for efficient and on-going operation of the Manager's office.

ARTICLE V

ADMINISTRATIVE OFFICIALS AND DEPARTMENTS

SECTION 5.01 CONFLICT OF INTEREST

The laws of the State of Ohio pertaining to interests of municipal officials in contracts and the expenditure of money on behalf of the City shall apply to the officials of the City.

SECTION 5.02 DEPARTMENT OF POLICE

There shall be a Department of Police, the head of which shall be the Police Chief. The Police Chief shall be appointed by and report to the Manager and be a certified police officer in the State of Ohio or become certified within a reasonable period determined by City Council. The operating rules and procedures of the Police Department shall be established by the Police Chief with the approval of the Manager. Disciplinary action shall be taken by the Police Chief with the right of appeal to the Manager. The appointment, promotion, and removal of members of the Police Department, including the Police Chief, shall be made by the Manager in accordance with this Charter.

SECTION 5.03 DEPARTMENT OF PUBLIC WORKS

There shall be a Department of Public Works, the head of which shall be the Public Works Director. The Public Works Director shall be appointed by and report to the Manager. The Department of Public Works shall have custody, care and maintenance of the public buildings, grounds, streets, sewers, and municipal utilities owned by the City. The Public Works Director shall perform such functions and duties with reference to the Public Works Department as may be assigned by ordinance or by order of the Manager.

SECTION 5.04 DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICE (E.M.S.)

There shall be a Department of Fire and E.M.S., the head of which shall be the Fire Chief. The Fire Chief shall be appointed by and report to the Manager. The Department of Fire and E.M.S. shall provide all fire protection and life squad services within the City. The appointment, promotion and removal of members of the Department of Fire and E.M.S. including the Fire Chief shall be made by the Manager in accordance with this Charter.

SECTION 5.05 DEPARTMENT OF LAW

There shall be a Department of Law, the head of which shall be the Law Director. The Law Director shall be appointed by and report to the Manager. The Law Director must be an attorney at law admitted to practice in the State of Ohio. The Law Director's compensation shall be established by ordinance or contract. The Law Director shall be the legal counsel for the City and for all the officials and departments thereof, and shall, when requested, give legal opinions in writing. The Law Director shall represent the City in all litigations to which it may be a party and shall perform all other legal duties as may be assigned by the Manager as well as those imposed by this Charter. The Law Director shall prepare all contracts, bonds, and other instruments in writing in which the City is concerned. The Manager shall have the right to appoint additional legal counsel, including a Prosecutor for Mayor's Court.

SECTION 5.06 DEPARTMENT OF FINANCE

There shall be a Department of Finance, the head of which shall be the Finance Director. The Finance Director shall be appointed by and report to the Manager. The Manager shall consider all relevant factors including education and experience in the fields of accounting, taxation, budgeting, and finance in making the appointment. In such case where there is a vacancy in the office of the Finance Director, the Manager shall occupy the position until such time as someone is appointed to fill such vacancy, but will receive no additional compensation.

The Finance Director shall be the chief fiscal officer of the City. The Finance Director shall have the authority over, and shall be required to keep, the financial records of the City, exhibiting accurate statements of all monies received, expended, and encumbered, of all property owned by the City, and of all taxes and assessments. The Finance Director shall advise the Manager concerning the financial condition of the City and shall examine all payrolls, bills, and other claims against the City and shall issue no warrant unless the Finance Director finds that the claim is in proper form, correctly computed, duly approved, and that an appropriation has been made therefore. The Finance Director shall collect all monies due and payable to the City and shall be custodian of all public money of the City and shall disburse the same as may be required by law or ordinance. The Finance Director shall examine and audit the accounts of all other officers, employees, departments, boards and commissions, and shall assist the Manager in the preparation and submission of appropriation measures, estimates,

budgets, and other financial matters. The Finance Director shall coordinate all other duties now or hereafter imposed on Auditors, Treasurers, and Tax Commissioners under the laws of the State of Ohio. The Finance Director shall also perform such other duties consistent with his or her office as may be required by this Charter, by the State statutes, by ordinance or resolution of Council, or as directed by the Manager.

SECTION 5.07 CITY ENGINEER

The Manager shall appoint or contract with an Engineer. The Engineer must be a registered engineer licensed to practice in the State of Ohio. Council shall establish the compensation of the Engineer by ordinance. The Engineer may be removed by the Manager. The Engineer shall, on request, prepare specifications and drawings for material, equipment, and any other such items which the City is concerned with procuring. The Engineer shall review drawings as required. The Manager shall have the right to employ or contract with additional engineering personnel or services.

SECTION 5.08 BUILDING INSPECTOR

The Manager shall provide for a Building Inspector adequate to meet the needs of the City.

ARTICLE VI BOARDS AND COMMISSIONS

SECTION 6.01 EFFECT OF CHARTER ACTION ON PRE-EXISTING BOARDS AND COMMISSIONS

All official opinions, rulings, decisions, and other prior action of preexisting Boards, Commissions, and/or Committees shall remain in effect, unimpaired and in full force until changed, modified, rescinded, or repealed according to this Charter's provision by any new Boards, Commissions, and/or Committees or until superseded by Council action.

SECTION 6.02 PLANNING COMMISSION

A Planning Commission consisting of five (5) members shall be established. Members shall be the Mayor and four (4) others appointed by the Mayor with the approval of Council. The Planning Commission shall have the powers conferred on it by the Ohio Revised Code, this Charter, and by ordinances of Council. The members shall have terms of four (4) years on a staggered basis. The Planning Commission shall be responsible for maintaining, planning, and advising of City development, and other requests of Council. The Planning Commission shall adopt its own rules of procedure.

SECTION 6.03 CIVIL SERVICE COMMISSION

A Civil Service Commission consisting of three (3) members shall be established. The members shall be appointed by the Mayor with the approval of Council. The members shall have terms of six (6) years on a staggered basis. Not more than two Commissioners shall be of the same political party. The Commission shall enforce the local Civil Service regulations as approved by Council as well as its own rules. Such regulations and rules shall provide for appointments and promotions according to merit and fitness.

The Civil Service Commission shall be responsible for the conduct of entrance and promotional examinations, the classification of all City positions, and the review of such personnel transactions as transfers, reinstatements, and exceptional appointments. In addition, it may hear appeals from suspensions, demotions, or dismissals from service with the City.

SECTION 6.04 BOARD OF ZONING APPEALS

A Board of Zoning Appeals consisting of five (5) members shall be established. The members shall be appointed by the Mayor with the approval of Council. The members shall have terms of three (3) years on a staggered basis. The board shall adopt its own rules of procedure. These members may not serve on the Planning Commission.

SECTION 6.05 INCOME TAX BOARD OF REVIEW

An Income Tax Board of Review consisting of three (3) members shall be established. The members shall be appointed by the Mayor with the approval of Council. The term of office of each Board member shall be four (4) years.

Hearings by the Income Tax Board of Review shall be conducted privately unless otherwise requested by the involved taxpayer.

SECTION 6.06 PARKS AND RECREATION COMMISSION

A Recreation Commission consisting of three (3) to five (5) members shall be established. The members shall be appointed by the Mayor with the approval of Council. The members shall have terms of three (3) years on a staggered basis. The Commission shall serve as an advisory board regarding the recreation needs of the City. The Commission shall adopt its own rules of procedure.

SECTION 6.07 CHARTER REVIEW COMMISSION

A Charter Review Commission consisting of five (5) members shall be established. The members shall be qualified electors of the City and shall be appointed by the Mayor with the approval of Council. The members shall have terms of three (3) years on a staggered basis. The Commission shall review the Charter, or any part thereof, when deemed necessary by the Mayor or Council. The Commission shall adopt its own rules of procedure.

SECTION 6.08 BOARD OF HEALTH

Council may, by ordinance, determine to establish a local Board of Health. In the absence of such determination and establishment Council shall, by ordinance, make adequate provision for health service by contract or otherwise.

SECTION 6.09 VOLUNTEER FIREFIGHTER'S DEPENDANCY FUND BOARD

A Volunteer Firefighter's Dependency Fund Board shall be established. The board shall consist of such members and perform such duties as provided by the Ohio Revised Code.

SECTION 6.10 URBAN TREE COMMISSION

An Urban Tree Commission consisting of five (5) members shall be established. The members shall be appointed by the Mayor with the approval of Council. The members shall have terms of three (3) years on a staggered basis. The Commission shall adopt its own rules of procedure. The purposes, objectives and other procedures of the Commission shall be as provided by Ordinance of Council.

SECTION 6.11 GENERAL PROVISIONS

Members of all boards or commissions shall serve without compensation unless provided by ordinance and can be removed by Mayor for cause.

A majority of all of the members of each board or commission shall constitute a quorum for meetings of such board and commission for the transaction of business. A majority vote of all the attending quorum shall be necessary for the taking of any action or the passage of any measures by such board or commission.

All meetings of each board or commission shall comply with all rules for notification of meetings to the public. All meetings of any board or commission at which a majority of its members are present shall be meetings open to the public. Any rules adopted by said boards or commissions shall supersede and override state statutes to the extent provided by law.

At the first meeting in each calendar year, each board or commission shall elect a chairperson and a secretary by a majority vote of all members appointed thereto. The chairperson shall be a member of the respective body, but the secretary need not be a member of the board or commission and may hold other office or employment with the City. It shall be the duty of the chairperson to attend all meetings of the board or commission. The secretary shall keep accurate record of the proceedings of such board or commission.

SECTION 6.12 VACANCIES IN BOARDS OR COMMISSIONS

Unless otherwise provided by this Charter, a vacancy during the term of any member of a board or commission established by this Charter or by an ordinance passed by Council, shall be filled in the manner and by the appointing authority authorized to make the original appointment, for the remainder of the unexpired term of the member whose death, resignation, or removal created the vacancy.

ARTICLE VII FINANCE, TAXATION AND BORROWING

SECTION 7.01 FISCAL YEAR

The fiscal, budget and accounting year of the City shall be the calendar year from January 1 through December 31.

SECTION 7.02 BUDGET

The Budget procedure of the City shall operate according to the laws of the State of Ohio.

SECTION 7.03 APPROPRIATION ORDINANCE

Prior to the first day of the fiscal year, the Manager shall prepare and submit to Council, an Appropriation Ordinance containing a financial plan for conducting the affairs of the City during the ensuing fiscal or calendar year.

Council may provide for a public hearing upon such ordinance at any time.

Council may pass a temporary Appropriation Ordinance for meeting ordinary expenses of the City but must charge all appropriations therein to the annual Appropriation Ordinance which will be approved not later than April 1 of the fiscal year concerned.

Council may pass such supplemental appropriation ordinances as it deems necessary, adjusting appropriations between the various funds. This is subject to the limitation that the total appropriation for any fiscal year cannot exceed total balances carried forward from previous years plus estimated revenue for the current fiscal year.

SECTION 7.04 TAX LEVY

Council shall not have authority to levy any tax on real or personal property without a vote of the people except as provided by the Constitution and/or general laws of the State of Ohio.

SECTION 7.05 CITY EARNINGS TAX LIMITATIONS

Council may not increase the City Income Tax without a vote of the people except as provided by the Constitution and/or general laws of the State of Ohio.

SECTION 7.06 POWER TO INCURR INDEBTEDNESS

Council may borrow funds for any purpose valid under the Constitution of the State of Ohio, and authorized by ordinance, provided that such borrowing does not exceed debt limitations as imposed from time to time by state statutes.

SECTION 7.07 PURCHASES AND CONTRACTS

No contract involving purchase orders or the expenditure of money shall be made unless there is attached thereto the certificate of the Finance Director that the amount required to meet the obligation has been appropriated for such purchase and is available or in the process of collection. Notwithstanding the above provision, however, provisions of general law regarding appropriations and availability of funds shall govern as to contracts running beyond the fiscal year in which they are made and contracts paid in whole or in part by special assessment for improvements.

All purchases and contracts shall comply with general statutory law in regard to the necessity of advertising and bids in relation to purchases and contracts above the authorized limits unless provided by ordinance.

SECTION 7.08 EXPENDITURES

All expenditures of City funds shall be made by proper warrant drawn against an appropriate fund. Any such warrant shall show upon its face the appropriation against which such expenditure is made and the fund against the warrant is drawn. All such warrants shall be signed as Council may direct.

Notwithstanding the foregoing provision, the Finance Director may establish a petty cash fund or funds as directed by Council. The fund may be established, as necessary, by the Finance Director who shall keep an account of all such expenditures in accordance with established accounting practice.

SECTION 7.09 ANNUAL AUDITS

Council may, at its discretion, authorize a general financial audit of the City. This may be in addition to, or in place of, audits by the State of Ohio and shall be made by a certified public accountant who is not in the employ of the City or financially interested in any transaction to be audited. Council may, in addition, cause other audits of specific funds to be made at any time.

ARTICLE VIII NOMINATIONS, ELECTIONS, AND QUALIFICATIONS

SECTION 8.01 EFFECT OF STATE LAW

Except as otherwise provided in this Charter, the laws of the State of Ohio or amendments thereto, shall govern the nominations and election of elective officers of the City.

SECTION 8.02 VACANCIES

Vacancies in any elected office shall be filled as provided by laws of the State of Ohio.

SECTION 8.03 INITIATIVE, REFERENDUM AND RECALL

- A. INITIATIVE. The electors of the City shall have the power to propose ordinances and other measures by initiative petition in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.
- B. REFERENDUM. The electors of the City shall have the power to approve or reject, at the polls, any ordinance or other measure enacted by Council in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.
- C. RECALL. The electors of the City shall have the power to remove from office by recall election any elected official of the City, in accordance with the provision of the Constitution and laws of Ohio now or hereafter in effect.

**ARTICLE IX
MERIT SYSTEM**

SECTION 9.01 CIVIL SERVICE—CLASSIFIED AND UNCLASSIFIED

Appointments and promotions in the service of the City shall be made according to merit and fitness, pursuant to rules provided by Council. The classified service of the City shall include all offices and positions of the City, except the following, which constitute unclassified offices and positions:

- A. Members of Council
- B. City Clerk, Clerk of Council, and Clerk of Court
- C. Mayor
- D. Manager
- E. Department Heads
- F. Members of Boards or Commissions
- G. Other positions as recommended by the Manager with the approval of Council or as provided in the City Civil Service rules.

All rules and procedures provided by Council shall supersede and override State statutes including State Civil Service statutes and rules.

**ARTICLE X
GENERAL PROVISIONS**

SECTION 10.01 SEPARABILITY

If any provision, section, or part of a section of this Charter is held invalid by a court, the other provisions of this Charter, section, or part of a section shall not be invalidated thereby.

SECTION 10.02 TRANSITIONAL PROCEDURE

This Charter shall be submitted to the electors at the general election of November 6, 2012. If approved, it shall become effective upon passage. All elected officials shall hold office until the expiration of their terms, when the next elected officials shall serve as indicated in the separate sections of this Charter. All other employees of the City as of the effective date of this Charter shall continue in such employment, and thereafter, shall be subject in all respects to the provisions of this Charter, and ordinances, resolutions, rules, or regulations enacted or established thereunder.

At the November 2013 general election the four (4) Council candidates that receive the highest vote totals shall serve terms of four (4) years. The Council candidates receiving the next three (3) highest vote totals shall serve terms of two (2) years. At the November 2015 general election the three (3) Council candidates who receive the highest vote totals shall serve terms of four (4) years. Thereafter Council candidates shall be elected to four (4) year terms and the number to be elected will be based upon the number of expiring Council positions, four (4) in one election and three (3) the next election. (See also Section 2.01)

The Police Chief in office upon the adoption of this charter may only be removed in compliance with Civil Service. (See also Section 5.02)

**ARTICLE XI
ENUMERATION OF POWERS**

SECTION 11.01 ENUMERATION OF POWERS

Any enumeration of powers contained herein shall not limit the scope of a general grant of power to the same body or office.