

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.

ARTICLE II COUNCIL

SECTION 2.01 NUMBER, TERMS, AND QUALIFICATIONS OF COUNCIL

Council shall consist of seven (7) members to be elected for four (4) year terms. One councilperson shall be elected from each of four (4) wards in the City and three (3) shall be elected at large. 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 ward, if elected from a ward, or from the City, if elected from the City at large, 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:

- A. 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 three 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 published in at least one of the following manners to be determined by Council:

- A. by publishing a concise summary of the provisions of the ordinance/resolution on website, community center and posted at City Hall.

Failure to post or publish, 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/publish 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 benefitted 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

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

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 other 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

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.

The Mayor shall appoint the Clerk of Courts. The Clerk of Courts may hold other 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 5.03 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 5.07 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.