

CHARTER REVIEW COMMISSION MINUTES

<https://youtu.be/HwJMwcDrGIE>

A. Call to Order

Made by Todd Bergstrom at 7:02 p.m.

B. Roll Call

|                |              |           |              |                |            |              |
|----------------|--------------|-----------|--------------|----------------|------------|--------------|
| Present        | Present      | Present   | Present      | Present        | Present    | Present      |
| Todd Bergstrom | Rick Dobbins | John Isak | Dave Kennedy | Denise Mullins | Josh Smith | Ellen Stokes |

C. Discussion

Committee discussed how to divide review of the Charter. Determined to use track changes and to share the document to the Committee following each meeting. The Committee reviewed all of the administration and Council's recommendations for changes to the Charter as its initial review of the Charter. Mr. Markey explained the basis for the recommended changes to Sections 2.03, 2.09, 3.08, 3.10, 3.12, 3.19, 5.02, 5.03, 5.08, 5.09 and 8.02. Committee determined that it needed more information related to salaries of the Mayor and Council in order to make a recommendation regarding salary. Committee determined that they needed more information of duties of the Mayor and Council. Committee discussed other questions related to the Charter which are captured on the attached Charter. Mr. Bergstrom determined the Committee should meet every two weeks and set the next meeting for 5-1-2021.

D. Adjourn

Todd Bergstrom adjourned the meeting at 7:32 p.m..

## **ARTICLE I NAMES, BOUNDARIES, WARDS AND POWERS**

### **SECTION 1.01 NAME.**

The municipal corporation now existing in the counties of Summit and Wayne and State of Ohio and known as the City of Norton (hereinafter, the "Municipality") shall continue to be a body politic and corporate under the name of the City of Norton according to the classification of municipal corporations under the Constitution and laws of the State of Ohio hereto in effect.

### **SECTION 1.02 BOUNDARIES.**

The Municipality shall have the same boundaries as exist on the effective date of this Charter with the power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the laws of Ohio, except that no territory shall be detached from the Municipality, nor shall the Municipality be annexed to or merged with any other body politic, nor shall the corporate existence of the Municipality be terminated, without the assent of a majority of the electors of the Municipality voting on such proposal at an election held and conducted in the manner provided by Council to the extent not provided by general law.

### **SECTION 1.03 WARDS.**

Not later than its last regular meeting of December, 1991, and every tenth year thereafter, the then incumbent Council must by ordinance redivide the Municipality into four wards or determine that no change in ward boundaries is necessary. Such an ordinance shall not be subject to veto by the Mayor. Wards so formed shall be composed of contiguous and compact territory within the Municipality bounded by street or railroad lines and natural boundaries, and shall be as nearly equal in population as shall be practicable, but wards shall not differ by more than ten percent by population from the smallest ward. Upon failure of the Council to establish such ward boundaries or to determine that no change in ward boundaries is necessary, the Mayor shall establish the ward boundaries as provided above and shall file such plan with the Clerk of Council and with the Summit County Board of Elections. This plan shall thereupon become the new division by wards of the Municipality.

When any territory is annexed to the Municipality, Council shall by ordinance determine the contiguous ward or wards to which such territory shall be annexed.

### **SECTION 1.04 POWERS.**

The Municipality shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and general laws of the State of Ohio. The powers of

this Municipality shall be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such manner as the Council may determine. The powers of the Municipality may also be exercised, except as a contrary intent or implication appears in this Charter or in the enactments of the Council, in such manner as may now or hereafter be provided by the general laws of the State of Ohio.

## **ARTICLE II THE MAYOR**

### **SECTION 2.01 ELECTION AND TERM.**

The Mayor shall be elected at alternate regular Municipal elections for a term of four years commencing on the first day of January next following his or her election, and shall serve until his or her successor is elected and qualified.

The Mayor shall have all of the powers and duties provided by this Charter and by the general laws of Ohio to the extent such laws are not inconsistent with this Charter.

### **SECTION 2.02 QUALIFICATIONS.**

The Mayor shall be a qualified elector of the Municipality and shall have been immediately prior to the date of election a continuous resident of the Municipality for three years. During the term of office, the Mayor shall continuously and physically reside within the Municipality. ~~Notwithstanding vacations, the Mayor is expected to be a visible presence in the Municipality.~~ The Mayor shall not conduct any business with, nor be otherwise employed by, the Municipality, or hold any other public office, except as otherwise provided in this Charter. The Mayor may be a Notary Public or a member of the State Militia or Reserve Corps of the United States. If the Mayor shall cease to possess any of these qualifications for such office, the Mayor shall forfeit the office.

**Commented [MJ1]:** Does this language lead to potential problems down the road? Part-time Mayor means part-time accessibility. Reference Section 2.06.

### **SECTION 2.03 ACTING MAYOR.**

When the Mayor is ~~temporarily absent from the Municipality or is~~ unable for any reason to perform the duties of the office of the Mayor, the President of Council shall act as Mayor with all the duties, rights, and powers of the Mayor during the period of the Mayor's ~~absence or~~ inability to perform the duties, with the exception of judicial powers. If the Mayor and President of Council are both ~~temporarily absent from the Municipality or~~ unable to perform their duties, the Vice-President of Council shall act as Mayor.

**Commented [MJ2]:** Agree with the change. Is there a way to better define what it means to be unable to perform the duties?

### **SECTION 2.04 VACANCY**

In the event of the death, resignation, recall, or removal of the Mayor, the President of Council shall thereupon become the Mayor until a successor is elected and qualified in the next Municipal election. In the event the President of Council shall decline the office

of Mayor due to the vacancy, he or she may remain as President of Council and the Vice-President of Council shall thereupon become the Mayor until a successor is elected and qualified in the next Municipal election. In the event the Vice-President of Council shall decline the office of Mayor due to vacancy, he or she may remain as Vice-President of Council. The Council shall then appoint a member of Council to fill the vacancy. If a Mayor-elect fails to qualify for office, a vacancy shall be deemed to exist and the President of Council elected at the organization meeting following such regular Municipal election shall become Mayor in the manner provided in this section.

**SECTION 2.05 JUDICIAL POWERS.**

The Mayor shall have all the judicial powers now or hereafter granted by the general laws of the State of Ohio to mayors of municipalities of the class of this Municipality. The Mayor may delegate the judicial powers to a Magistrate as prescribed by State law.

**SECTION 2.06 EXECUTIVE AND ADMINISTRATIVE POWERS; DUTIES.**

The Mayor shall:

(a) Be the chief executive officer of the Municipality. The Mayor shall supervise the administration of all the affairs of the Municipality and the conduct and administration of all departments and divisions thereof, except the Council, and as otherwise provided in this Charter.

(b) Be the chief conservator of the peace within the Municipality and shall see that all laws, resolutions and ordinances are enforced therein, except as otherwise provided in this Charter.

(c) Unless otherwise provided by ordinance, execute on behalf of the Municipality all authorized contracts, conveyances, evidences of indebtedness, and all other instruments to which the Municipality is a party, and shall, where required, attach thereto the official seal of the Mayor's office, which shall be the seal of the Municipality.

(d) Keep the Council advised of the condition and needs of the Municipality and shall recommend to the Council such measures as he or she may deem necessary or expedient for the welfare of the Municipality.

(e) Subject to the Civil Service provisions of this Charter, and except where this Charter provides that others shall perform such function, appoint and remove all directors of departments and all subordinate officers and employees in the departments.

(f) Be the official and ceremonial head of the Municipality [and be a visible presence?].

(g) Perform such other duties as may be prescribed by this Charter or required by Council.

**SECTION 2.07 VETO POWERS.**

Every ordinance or resolution adopted by Council shall be signed by the President of Council or other presiding officer, attested by the Clerk of Council and presented promptly to the Mayor. If the Mayor approves such ordinance or resolution, the Mayor shall sign and return it to the Clerk of Council within ten days after its adoption by Council, but if the Mayor does not approve it, the Mayor shall return it to Council within said ten days with written objections by delivery to the Clerk of Council, which objections shall be entered in full on the journal of the Council. If the Mayor does not sign or so return an ordinance or resolution within said ten-day period, it shall take effect in the same manner as if the Mayor had signed it. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise the Mayor's approval or disapproval shall be addressed to the entire ordinance or resolution. When the Mayor has disapproved an ordinance or resolution, or a part or item thereof as herein provided, the Council shall, not later than its next regular meeting, proceed to reconsider it, and if upon reconsideration the ordinance or resolution or part or item thereof disapproved by the Mayor be approved by the affirmative vote of at least two-thirds of the members of Council, it shall then take effect without the signature of the Mayor in the same manner as if the Mayor had signed it. In all such cases the votes shall be taken by yes's and no's and entered upon the journal.

**SECTION 2.08 REMOVAL.**

The Mayor may be removed in accordance with Section 9.04 of this Charter.

**SECTION 2.09 COMPENSATION.**

Commencing on January 1, 2022, the compensation of the Mayor will be set at the annual salary rate of \$20,000. Thereafter, the Mayor's salary rate may only be increased by a two-thirds vote of the members of Council. Council shall annually review the salary rate of the Mayor. ~~—The compensation of the Mayor will be set at the 01-01-07 salary rate unless submitted to and approved by ballot by the electors of the Municipality for the next term of office commencing January 1 of the ensuing year, and such compensation shall not thereafter be changed with respect to such period.~~

**ARTICLE III  
THE COUNCIL**

**SECTION 3.01 LEGISLATIVE AUTHORITY.**

Except as otherwise provided in this Charter, all legislative power of the Municipality shall be vested in Council.

**SECTION 3.02 ELECTION.**

The Council shall be composed of seven members, three of whom shall be elected at-large and four of whom shall be elected from wards as provided herein.

At the regular Municipal election to be held in the year 1965, and every fourth year thereafter, four members shall be elected from wards, one from each ward, for four-year terms.

At the regular Municipal election to be held in the year 2011, and every fourth year thereafter, three members shall be elected at-large for a term of four years.

All members of Council shall assume office on the first day of January following their election.

### **SECTION 3.03 QUALIFICATIONS.**

Each Councilperson shall have been a continuous resident and qualified elector of the Municipality for at least two years prior to the date of his or her election or appointment and shall continue to be a resident and qualified elector of the Municipality during his or her term of office. Each ward Councilperson shall also have been a continuous resident of the ward he or she represents for at least one year prior to the date of his or her election or appointment and shall continue to be a resident of such ward during his or her term of office. The period of residence hereby required shall include the period of residence in any territory which has been annexed to the Municipality or ward thereof.

A Councilperson shall hold no other elective office. The Councilperson shall not be otherwise employed by, nor hold any other office, in this Municipality except as provided in this Charter.

### **SECTION 3.04 PRESIDENT AND VICE-PRESIDENT.**

At the time set by Council on the first business day of each year, Council shall meet in the Council Chambers for the purpose of organization. At such organization meeting, Council shall, by a majority of the members elected and appointed to Council, elect from its membership a President of Council and a Vice-President of Council, each to serve for a term of one year. Any member of Council elected to the office of President of Council for two consecutive terms shall thereafter be ineligible for that office for the next succeeding year. The President of Council shall have all the powers, duties, obligations and rights of any other member of Council, including the right to vote, and shall appoint the various committees of Council.

The President of Council, or in his or her absence, the Vice-President of Council, shall preside at all meetings of Council. The President and Vice-President of Council, neither by holding such offices, nor in performing the duties of the acting Mayor as provided in Section [2.03](#) of this Charter, shall be deprived of their powers and rights or be relieved of their duties or obligations as members of Council.

**SECTION 3.05 REMOVAL.**

The Council may remove any member in accordance with Section [9.04](#) of this Charter.

**SECTION 3.06 VACANCIES.**

Whenever the office of a Councilperson shall become vacant for any reason and the unexpired term of office of the vacant Councilperson shall be greater than or equal to nine calendar months, the vacancy shall be filled for the remainder of the term at the next general election or primary election occurring not less than 90 days after the date of such vacancy. The nominating petitions for candidates to fill such vacancy shall be submitted to the Board of Elections not less than 60 days prior to the date of such general election or primary election to fill such vacancy. Pending the general election or the primary election to fill such vacancy. Council shall make an appointment to temporarily fill such vacancy by a majority vote of all remaining members of Council within 30 days after the next regular meeting following receipt of official notification by Council of such vacancy (a "Temporary Appointment"). If Council fails to fill the vacancy with a Temporary Appointment within said 30 day period the Mayor shall make the Temporary Appointment to fill such vacancy. The Councilperson appointed by Temporary Appointment shall serve until the result of the general election or primary election shall be certified by the Summit County Board of Elections.

Whenever the office of a Councilperson shall become vacant for any reason, and the unexpired term of office of the vacant Councilperson shall be less than nine calendar months, the vacancy shall be filled for the remainder of the term by a majority vote of all remaining members of the Council. Such appointment shall be made within 30 days after the effective date next regular meeting following receipt of official notification by Council of such vacancy. If Council fails to fill the vacancy within said 30 day period the Mayor shall make the appointment.

If the office of President becomes vacant because of the succession of the President of Council to the office of Mayor or for any other reason, the Vice-President of Council shall become President of Council and Council shall elect by a majority vote of the members elected and appointed to Council a new Vice-President from its members. If the President of Council declines to serve as Mayor, he or she may remain as President of Council and the Vice-President of Council shall thereupon become the Mayor until a successor is elected and qualified in the next Municipal election. In the event the Vice-President of Council shall decline the office of Mayor due to vacancy, he or she may remain as Vice-President of Council and Council shall then appoint one of its remaining members to the office of Mayor.

The person elected or appointed to fill a vacancy on the Council shall have the qualifications for the particular office specified in Section [3.03](#) of this Charter.

**SECTION 3.07 RESIGNATIONS.**

No person holding an elective office of the Municipality who resigns from his or her office shall be eligible for appointment to any elective or appointive position with the Municipality during the term for which the person was elected.

**SECTION 3.08 COMPENSATION AND REIMBURSEMENTS.**

~~Commencing on January 1, 2022, the compensation of the Council members will be set at the salary rate equal to \$12,000 per year; provided, the compensation of the Council member serving as the President of Council will be set at the salary rate equal to \$14,000 per year. Thereafter, the salary rate of Council shall not be increased unless approved by a two-thirds vote of the members of Council. The compensation of the Council members will be set at the 01-01-07 salary rate unless submitted to and approved by ballot by the electors of the Municipality for the next term of office commencing January 1 of the ensuing year, and such compensation shall not thereafter be changed with respect to such period.~~ Council shall set by ordinance the compensation of each officer and employee, or member of any board or commission, of the Municipality, excluding the Mayor and members of Council except as specifically provided otherwise in this Charter. The compensation of every other officer, employee and member of any board or commission of the Municipality, as set by Council, may at any time be changed by ordinance at the discretion of Council.

Commented [MJ3]: Match OPERS requirements?

Council may authorize the payment or reimbursement of expenses incurred by any officer, employee or member of any board or commission of the Municipality, for traveling or other expenses incidental to the authorized furtherance of the interests of the Municipality.

**SECTION 3.09 BONDS.**

The Mayor, Director of Finance, Director of Public Service, and such other officers, employees or members of any board or commission as Council may by resolution or ordinance require, shall give bond in such amount and with such surety as may be approved by Council. The premium on such bonds shall be paid by the Municipality.

**SECTION 3.10 CLERK OF COUNCIL.**

Council shall appoint a Clerk of Council, **who may be the Director of Finance**, and shall serve at the pleasure of Council. The Clerk of Council shall attend all meetings of Council, keep its records and perform all other duties prescribed by Council. During the absence or disability of the Clerk of Council, the Council shall appoint someone, who need not be a member of Council, to perform all the duties of the office. The Clerk of Council shall keep an accurate and complete journal of all the proceedings of Council authenticated by the signature of the Clerk of Council and the President of Council. The Clerk of Council



shall have custody of all laws, ordinances, resolutions, official documents, reports, papers, communications and files of Council.

**SECTION 3.11 RULES AND JOURNAL OF COUNCIL.**

Council shall adopt its own rules, regulations or by-laws, and shall keep a journal of all its proceedings which shall be open for public inspection during normal business hours. The voting upon any ordinance or resolution shall be by roll call, and the vote of each Councilperson shall be recorded upon the journal.

**SECTION 3.12 REGULAR MEETINGS; EXECUTIVE SESSION.**

Council shall meet at such times as may be prescribed by its rules, regulations or by-laws, or by resolution or ordinance, except that it shall hold regular meetings at least once during each calendar month. All ~~regular~~ meetings of Council shall be held ~~at the Council Chambers and shall be open to the public~~ in compliance with Section 121.22 of the Revised Code.

The members of Council may hold an executive session in accordance with the provisions of Section 121.22 of the Revised Code at any regular meeting or special meeting of Council for the sole purpose of the consideration of any of the ~~following~~ matters ~~set forth, as such matters may be amended from time to time~~ in Section 121.22 of the Revised Code, as amended from time to time.

~~—(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, Council shall not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office.~~

~~(2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.~~

~~—(3) Conferences with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action;~~

~~—(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;~~

~~—(5) Matters required to be kept confidential by federal law or regulations or state statutes;~~

(6) Details relative to the security arrangements and emergency response protocols ~~for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office.~~

**SECTION 3.13 SPECIAL MEETINGS.**

Special meetings of Council may be called as provided by its rules, regulations or by-laws, or by resolution or ordinance. In the absence of any such provision, special meetings may be called by the Clerk of Council upon the written request of the Mayor, or the President of Council, or any three members of Council, upon no less than 24 hours written notice by the Clerk of Council to each member. All special meetings of Council shall be held at the Council Chambers and shall be open to the public.

**SECTION 3.14 QUORUM.**

A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of Council, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be provided by resolution or ordinance.

**SECTION 3.15 RIGHTS IN COUNCIL OF EXECUTIVE OFFICERS.**

The Mayor, the Administrative Officer, and the directors of all departments established by this Charter or that hereafter may be established by ordinance, shall be entitled to seats in the Council. Neither the Mayor, the Administrative Officer, nor the directors of any department shall have a vote in Council, but the Mayor and the Administrative Officer shall have the right to recommend legislation and take part in the discussion of all matters coming before the Council. The directors of departments shall be entitled to take part only in those discussions in Council that relate to their respective departments.

**SECTION 3.16 OPENING PRAYER AT MEETINGS.**

In recognition of our dependence upon Almighty God for guidance, each regular or special meeting shall be opened with prayer by the Mayor, a member of Council, the Clerk of Council, or a guest, or by the observance of not less than one minute of silence.

**SECTION 3.17 ORDINANCES AND RESOLUTIONS.**

All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form, and on the passage of each ordinance or resolution the vote shall be taken by yes's and no's and entered upon the journal.

No by-law, ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right or involving the expenditure of money or the levying of a tax, other than a resolution providing for an election on the question of issuing bonds or levying a tax, or for the purchase, lease, sale or transfer of property, shall be passed unless it has been read on three different days, and with respect to any such by-law, ordinance or resolution, there shall be no authority to dispense with this rule except by the affirmative vote of two-thirds of the members of Council taken by yes's and no's on each by-law, ordinance or resolution and entered upon the journal. All readings shall be by title only, unless otherwise voted by a majority of the members of Council.

Ordinances or resolutions providing for the appropriation of the current expenses of the Municipality or for street improvements petitioned for by the owner of a majority of the foot front of the property benefitted and to be specially assessed for the cost thereof, and emergency ordinances or resolutions necessary for the immediate preservation of the public peace, or health or safety in the Municipality, shall take effect, unless a later time be specified therein, upon the signature of the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. Such emergency ordinances or resolutions must receive the affirmative vote of two-thirds or more of the members of Council and the reason for such emergency shall be set forth in one section or a preamble of the ordinance or resolution. All other ordinances and resolutions shall take effect and be operative in the manner provided by the laws of the State of Ohio.

No action of the Council authorizing the surrender of any of its powers or in granting any franchise, or contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally or privately-owned, or amending or repealing any zoning ordinance, or changing any ward boundaries, or authorizing any change in the boundaries of the Municipality, shall be taken as an emergency measure.

Except as otherwise provided in this Charter, the adoption, rejection, amendment, authentication and recording, time of taking effect and the signing of every ordinance, resolution, by-law or measure shall be in the same manner provided by the laws of the State of Ohio as the same apply to municipalities.

Ordinances shall be revised, codified, rearranged and published in book form under appropriate titles, chapters and sections and such revision and codification may be made in one ordinance.

### **SECTION 3.18 LEGISLATIVE PROCEDURE.**

No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title, and no ordinance or resolution shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution revised, or the section or sections as so amended, and the section or sections so amended shall be considered to be repealed. This requirement shall not prevent the amendment of an

ordinance or resolution by the addition of new sections and in such case the full text of the ordinance or resolution need not be set forth.

An affirmative vote of four or more members of Council shall be required for the enactment of every resolution or ordinance, unless a larger number be required by the provisions of this Charter.

**SECTION 3.19 PUBLIC NOTICE.**

Except as otherwise provided by law, all ordinances, resolutions, statements, orders, proclamations, notices and reports required by Ohio law or this Charter to be published or posted shall be posted at the City Administrative Building, ~~the Norton Branch of the Akron Summit County Public Library~~ and the Municipality's website.

Council shall cause each resolution and ordinance to be given public notice, commencing not later than seven days after its first reading in the event that the rule requiring three readings is not suspended, and within seven days like public notice shall be given each resolution and ordinance after its adoption and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

The Clerk of Council shall, no later than forty-eight hours before the time of a regular Council meeting, post notice of the time and place of such regular meeting on the City's website. In the event of a special Council meeting, the Clerk of Council shall, no later than twenty-four hours before the time of a special meeting, post notice of the time, place and purposes of such special meeting on the City's website. Upon the adjournment of any regular or special meeting to another day, the Clerk of Council shall promptly post notice of the time and place of such adjourned meeting to the Municipality's website. In case of an emergency requiring immediate official action, the Clerk of Council shall immediately post notice of the time, place and purposes of such special meeting and the general nature of the emergency requiring immediate official action.

**SECTION 3.20 TELEVISED MEETINGS.**

Effective upon passage by the electors, the Administration and Council shall have up to sixty days to arrange for and commence public airings of all Council meetings, work sessions, and workshops. All aforementioned Council meetings shall be televised "live", in their entirety, without censorship and/or editing. Such televised broadcasts shall further be offered twice weekly during repeat airings for public accessibility. Additionally, Council shall arrange for copies of the recorded Council meetings to be available at minimum cost to the public upon request or at no cost to citizens supplying their own suitable medium for recording.

**ARTICLE IV  
ADMINISTRATIVE OFFICER**

**SECTION 4.01 APPOINTMENT.**

The Mayor shall appoint an Administrative Officer who must be confirmed by a majority of the members elected and appointed to Council.

Commented [MJ4]: Change title?

**SECTION 4.02 QUALIFICATIONS.**

The Administrative Officer shall be chosen solely on the basis of executive, administrative and engineering qualifications, with special reference to actual experience in, or knowledge of, accepted practice with respect to the duties of the office as herein set forth.

**SECTION 4.03 POWERS AND DUTIES.**

The Administrative Officer shall be responsible to the Mayor for the proper administration of all areas of government assigned to him or her by this Charter or by ordinance of Council adopted pursuant to the Charter. The Administrative Officer shall:

(a) Until Council provides otherwise, serve as Director of Public Safety, Director of Public Service and Director of Personnel in accordance with Charter Sections 5.05A, 5.06A and 5.07B.

(b) Report to, consult with, and keep the Mayor informed on all matters pertaining to the general welfare of the Municipality.

(c) Recommend appropriate action to the Mayor and Council to provide for the welfare of the Municipality.

(d) Perform such other duties as the Mayor may assign if not inconsistent with this Charter.

**SECTION 4.04 REMOVAL. (See Section 5.09 - ADMINISTRATIVE DEPARTMENT REMOVALS)**

**SECTION 4.05 REPLACEMENT.**

In the event of death, resignation or removal of the Administrative Officer, the Mayor shall, within ninety days of vacancy of the office, appoint a new Administrative Officer in accordance with Sections 4.01 and 4.02. During the period of such vacancy in the office of the Administrative Officer, the Mayor shall assume all powers and duties of that office. If the Mayor is unable to serve due to illness or absence from the City, the President of Council shall serve until the Mayor is able to resume such duties or until a replacement is hired. Council shall provide compensation to the person filling this position until a new Administrative Officer is appointed by the Mayor and approved by a majority of the members elected and appointed to Council.

## **ARTICLE V ADMINISTRATIVE DEPARTMENTS**

### **SECTION 5.01 GENERAL PROVISIONS.**

A Department of Finance, Department of Law, Department of Public Safety, Department of Public Service, Department of Personnel and Department of Community Development are hereby established by this Charter as administrative departments, and the Council shall provide by ordinance for the organization thereof. The Council may by ordinance provide for the establishment and organization of other departments or divisions thereof and may provide for the abolishment or combination of any department or division not established by this Charter.

**Commented [MJ5]:** Solicitor can make conforming change.

### **SECTION 5.02 DEPARTMENT OF FINANCE AND FINANCES.**

#### **A. DIRECTOR OF FINANCE.**

The Director of Finance shall be the head of the Department of Finance and shall have knowledge of and experience in accounting, taxation, budgets and financial control. The Director of Finance shall be appointed by the Mayor and must be confirmed by a majority of the members elected and appointed to Council.

#### **B. DUTIES OF DIRECTOR OF FINANCE.**

The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for the collection, disbursement, and custody of all funds. He/She shall establish and maintain those records and procedures necessary to perform his/her duties.

The Director of Finance shall perform such other functions as may be assigned by ordinance or resolution or by order of the Mayor. He/She shall perform all other duties performed by city treasurers and city auditors under the general laws of the State of Ohio.

#### **C. DEPUTY AND ASSISTANT DIRECTORS OF FINANCE.**

#### **D. TRANSFERS OF APPROPRIATIONS.**

The Director of Finance may transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within the various accounts for which a specific fund was established by the original or revised appropriation, under limits set by ordinance.

#### **E. COMPETITIVE BIDDING.**

Any purchase of or contract for supplies, materials, labor, services or equipment shall be made in accordance with the provisions of the general laws of Ohio, including those relating to competitive bidding, to the extent not inconsistent with this Charter and ordinances of the Council, provided that Council shall not have power to change the dollar amount limit provided by the laws of Ohio below which competitive bidding is not required by municipalities. Any purchase of or contract for supplies, materials, labor, services or equipment by the Municipality in accordance with procedures established in the Ohio Revised Code for cooperative purchasing by the State of Ohio shall satisfy the

competitive bidding requirements of this paragraph E. No contract involving an expenditure in excess of ~~ten twenty-five~~ thousand dollars shall be awarded without the approval of a majority vote of Council.

Commented [MJ6]: Increase, but how much?

**F. LIMITATION ON RATE OF TAXATION/ADDITIONAL LEVY OUTSIDE LIMITATION.**  
~~The power of Council to levy taxes shall be subject to the limitation now or hereafter provided by the Constitution and the laws of Ohio, and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitations without a vote of the people.~~

The Council may levy in any year, including a levy in the year 2021 for collection upon the 2022 tax duplicate, in addition to all taxes now or hereafter authorized by the Constitution or laws of the State of Ohio, a tax at rates aggregating not over [three (3)] mills per dollar of valuation on all the taxable property in the City; which additional taxes shall be outside of all limitations now or hereafter provided by the Constitution or laws of the State of Ohio, and may be levied for the [purpose paying the costs of the design, construction, improvement or maintenance of stormwater improvements in the City] or for the payment of debt charges on any bonds or notes now or hereafter outstanding and issued by the City.

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**SECTION 5.03 BOARD OF CONTROL.**

**A. COMPOSITION AND DUTIES.**

The Mayor, President of Council, Vice-President of Council, Director of Finance and Administrative Officer shall constitute the Board of Control of the Municipality. Each member shall have a vote. The Mayor shall be the presiding officer.

**B. APPROVAL OF CONTRACTS.**

No contract involving an expenditure in excess of ~~five-ten~~ thousand dollars shall be awarded without the approval of the Board of Control.

**C. INVESTMENTS.**

~~The Board of Control shall direct the Director of Finance on the institution of the investments of the Municipality.~~

Commented [MJ7]: Scrivener change?

**SECTION 5.04 DEPARTMENT OF LAW.**

**A. SOLICITOR.**

The Solicitor shall be the head of the Department of Law and shall be appointed by the Mayor with the concurrence of a majority of the members elected and appointed to Council. The Solicitor shall be an attorney-at-law, admitted to the practice of law in the State of Ohio. The Solicitor shall be the legal advisor of and attorney and counsel for the Municipality and for all officers and divisions thereof in all matters relating to their official duties, and shall, when requested, give legal opinions in writing. The Solicitor shall represent the Municipality in all suits or cases in which it may be a party and shall prosecute all offenses against the ordinances of the Municipality and such offenses against the laws of Ohio as may be required. The Solicitor shall on request of the Council prepare contracts, legislation, bonds and other instruments in writing in which the

Municipality is concerned, and shall endorse on each approval of the form and corrections thereof.

The Solicitor shall make necessary editorial corrections and changes in the form of the Charter, but such changes shall relate to matters of form only, shall in all cases be approved by resolution of Council and shall in no event affect the construction, meaning, substance or intent of the Charter as adopted and amended by the people.

(a) The Solicitor shall correct obvious misspellings and typographical errors.

(b) The Solicitor may divide the text of any section or paragraph into shorter paragraphs or subparagraphs and letter or number the same to improve clarity and ease of reference.

(c) The Solicitor may renumber the sections and rearrange their order to provide:

- (1) More coherent grouping of sections related in subject matter, and
- (2) Continuous, consecutive numbers of sections.

(d) Upon the adoption of any Charter amendment that creates or abolishes an office or offices or changes the powers or duties of any officer or agency of the Municipality, the Solicitor shall make necessary correlative changes in existing sections that refer to such offices, officers or agencies by deleting therefrom, as the case may be, the name of the office abolished or the title of the officer or agency no longer having such powers or duties and inserting therein, as the case may be, the name of the office created or the title of the officer or agency then having such powers or duties.

The Solicitor shall perform such other duties as the Mayor or Council may impose consistent with the office.

At such times that an assistant and/or special counsel to the Solicitor is deemed necessary by the Mayor, Council shall provide for their services. The Solicitor and any assistants or special counsel need not reside in the Municipality.

## **SECTION 5.05 DEPARTMENT OF PUBLIC SAFETY.**

### **A. DIRECTOR OF PUBLIC SAFETY.**

The Mayor shall appoint a Director of Public Safety who must be confirmed by a majority of the members elected and appointed to Council. The Administrative Officer shall be the Director of Public Safety until such time as Council shall by ordinance provide for some other person as Director of Public Safety. The Department of Public Safety shall include, but need not be limited to, a Police Division and a Fire and Emergency Medical Services Division. The Department of Public Safety shall be organized by ordinance of Council.

### **B. DUTIES OF THE DIRECTOR OF PUBLIC SAFETY.**



The Director of Public Safety shall be responsible for the enforcement of all police, fire and emergency medical services and all health, safety and sanitary requirements that may be prescribed by resolutions and ordinances of the Municipality or by laws of the State of Ohio. The Director of Public Safety shall have all the powers and duties connected with and incident to the appointment, regulation and government of the Department of Public Safety, and the removal and discipline of the officers and employees thereof, as are now or may hereafter be conferred upon the Director of Public Safety of a city by the general laws of the State of Ohio as supplemented by legislation of Council to the extent they are not inconsistent with this Charter.

C. POLICE DIVISION.

The Police Division shall consist of a Chief of Police and such other officers, patrolmen and personnel as Council shall provide by ordinance.

The Chief of Police shall be responsible for the issuance of all licensing in the Municipality pertaining to peddlers, going out of business sales, fire sales, bankrupt sales, organization solicitation or other activities authorized by Council.

The Police Division shall be responsible for all traffic controls. This shall include the normal duties of traffic law enforcement, surveys of traffic density within the Municipality for recommendations to Council and/or the State of Ohio for the installation of traffic lights or traffic signs, and other controls deemed necessary by Council.

D. FIRE AND EMERGENCY MEDICAL SERVICES DIVISION.

The Fire and Emergency Medical Services Division shall consist of the Fire Chief and such other officers, fire-fighters and personnel as Council shall provide by ordinance.

**SECTION 5.06 DEPARTMENT OF PUBLIC SERVICE.**

A. DIRECTOR OF PUBLIC SERVICE.

The Administrative Officer shall be the Director of Public Service until such time as Council shall by ordinance provide for some other person as Director of Public Service.

The Mayor shall appoint a Director of Public Service who must be confirmed by a majority of the members elected and appointed to Council.

B. DUTIES OF THE DIRECTOR OF PUBLIC SERVICE.

The Director of Public Service shall have the responsibility for construction, improvement and maintenance of Municipally-owned utilities, public works, buildings, grounds, cemeteries, parks, roads, streets and all other public places of the Municipality, and for the collection and disposal of wastes. The Director of Public Service shall have

charge of, and shall supervise the maintenance of, all Municipal property and equipment, and the storage of all materials and supplies. The Director of Public Service shall be responsible for the issuance of all building and zoning permits, supervise the administration and enforcement of the zoning and building ordinances, and perform such other duties as Council may require. The Director of Public Service shall have all the powers and duties connected with and incidental to the appointment, regulation and government of the Department of Public Service, and the removal and discipline of the officers and employees thereof, as are now or may hereafter be conferred upon the Director of Public Service of a city by the general laws of the State of Ohio as supplemented by legislation of Council to the extent they are not inconsistent with this Charter.

C. MUNICIPAL ENGINEER.

The Mayor shall appoint, subject to confirmation by a majority of the members elected and appointed to Council, a Municipal Engineer who shall be a graduate engineer and registered professional engineer in the State of Ohio.

The Municipal Engineer shall be required to make such engineering studies as may be required by the Department of Public Service other than those which are of such magnitude as to require, in the opinion of the Mayor and Council, the services of outside consulting engineers or professional architects. The Municipal Engineer shall be functionally responsible for the satisfactory completion of such projects as come under the Municipal Engineer's jurisdiction, but shall not have direct authority over the employees of the Department of Public Service.

**SECTION 5.07 PERSONNEL DEPARTMENT.**

A. DIRECTOR OF PERSONNEL.

The Mayor shall appoint a Director of Personnel who must be confirmed by a majority of the members elected and appointed to Council. The Administrative Officer shall serve as the Director of Personnel until such time as Council shall by ordinance provide for some other person as Director of Personnel.

B. GENERAL PROVISIONS.

In the interest of establishing and maintaining a sound personnel policy so that qualified career personnel may be attracted by openings in the various Municipal departments and to assure their fair and equitable treatment after employment, there shall be a Personnel Department, whose functions shall be to:

- (a) Establish a system of job classification and description covering all departments and personnel thereof.

(b) Establish and recommend to Council for adoption a salary schedule covering the established classifications, together with a system for periodic review of salaries by department heads so that satisfactory performance may be rewarded by salary increases within the established limits for the various classifications.

(c) Determine and recommend to Council those positions which shall be placed in the classified service of the civil service, with the intent that to the greatest possible extent positions in the Municipal government and its departments shall be free from the "spoils system" so that qualified employees may be attracted to and held in these positions.

(d) Serve as the employment department for the Municipality to the extent that all requests for personnel shall be handled through this department. It shall be its function to receive all applications for these positions, screen the applicants for proper qualification, and recommend to the various department heads those whom it deems qualified.

C. PERSONAL INTEREST.

No officer or employee of this Municipality shall directly or indirectly solicit, contract for or receive any gift, profit or emolument from or on account of any contract, job, work or service with or for the Municipality, other than his or her compensation and expenses as fixed by Council under penalties provided by the statutes of the State of Ohio.

**SECTION 5.08 ~~RESERVED~~ DEPARTMENT OF COMMUNITY DEVELOPMENT.**

~~A. GENERAL PROVISIONS.~~

~~—Council shall provide by ordinance for the organization of the Department of Community Development.~~

~~B. DIRECTOR OF COMMUNITY DEVELOPMENT.~~

~~—The Director of Community Development shall be the head of the Department of Community Development and shall be appointed by the Mayor and confirmed by a majority of the members elected and appointed to Council.~~

~~C. DUTIES OF THE DIRECTOR OF COMMUNITY DEVELOPMENT.~~

~~The Director of Community Development shall serve as a planning advisor and coordinator, and community promoter for the Municipality. The Director shall have the responsibility for enhancing and attracting orderly, beneficial growth within the Municipality. The Director shall confer regularly with the Mayor, the Council and the Planning Commission, and shall be an ex officio member of the Planning Commission.~~

**SECTION 5.09 ADMINISTRATIVE DEPARTMENT REMOVALS.**

The Administrative Officer, Solicitor, Directors of Finance, Public Safety, Public Service ~~and~~, Personnel, ~~and Community Development~~, and the Municipal Engineer, may only be removed by the Mayor with the majority of the members elected and appointed to Council in accordance with the provisions of subsections (a) through (f) in Section 9.04 of this Charter. The Solicitor, Directors of Finance, Public Safety, Public Service, Personnel, and Community Development, and the Municipal Engineer, have the right to be heard on the

question of removal at a public hearing of Council, which shall be held not earlier than twenty days, nor later than thirty days, of the written request for a hearing. This request shall be made within ten days after the Mayor's decision to remove. Pending confirmation of removal by Council, and for that reason only, and for that period only, the Mayor may suspend the Administrative Officer, the Solicitor, Directors of Finance, Public Safety, Public Service, Personnel, and Community Development, and the Municipal Engineer, from office. The removal decision of Council shall be final.

**SECTION 5.10 SALE AND DISPOSITION OF MUNICIPAL PROPERTY.**

When determined by Council that property of the Municipality is no longer needed for municipal purposes, such property may be sold and disposed of in a manner determined by Council to be in the best interest and financial advantages of the Municipality.

**ARTICLE VI  
BOARDS AND COMMISSIONS**

**SECTION 6.01 GENERAL PROVISIONS.**

The Mayor shall establish the date, time and place for the first meeting of each year for all boards and commissions, at which meeting the board or commission shall organize under a Chairperson and Vice-Chairperson elected from among the elector members for a period of one year. The board or commission shall appoint a secretary who need not be a member of that board or commission.

The board or commission shall establish its own rules or procedures, except that meetings shall be open to the public, and a record of its resolutions, findings and determinations shall be maintained and shall be open to the public at all reasonable times and the Planning Commission shall be required to act upon every application received by the Planning Commission within thirty days after the date it is filed with the Planning Commission. Failure to act upon said application within thirty days shall be deemed approval of said application.

**SECTION 6.02 PLANNING COMMISSION AND ZONING PROCEDURE.**

**A. COMPOSITION AND TERM.**

Commencing January 1, 2022, the Planning Commission shall consist of the Administrative Officer or his/her designee and one member of the Parks and Cemetery Board and four five electors of the Municipality not holding other Municipal office. The five electors shall be appointed by the Mayor with confirmation by Council. The Mayor, President of Council and Director of Public Service shall serve as ex officio members without the right to vote.

The Park and Recreation Board, by majority vote, shall, each January, elect its representative to the Planning Commission for one year. The four electors, one from each of the four wards, shall be appointed by the Mayor with confirmation by Council.

Each regular appointment of an elector to the Planning Commission shall be for a term of three years.

A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

**B. POWERS AND DUTIES.**

The Planning Commission shall have such powers as may be conferred upon it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the zoning and rezoning of the Municipality for any lawful purpose, and such other powers as may now or hereafter be conferred upon it by ordinance of the Council or by the general laws of the State of Ohio to the extent not inconsistent with this Charter or such ordinances. All plans, recommendations and regulations made by the Planning Commission shall be submitted to the Council for approval before the same shall become effective.

No public building or structure, street, boulevard, parkway, park, playground, public ground, river front, harbor, dock, wharf, bridge, viaduct, tunnel, or other public way, ground, works or utility, whether publicly or privately owned, or a part thereof, shall be constructed or authorized to be constructed in the Municipality, nor shall any public street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referring to zoning or other regulations controlling the use of development of land be passed, unless and until the matter shall have been submitted to the Planning Commission for report and recommendation. Any matter so submitted to the Planning Commission shall be acted upon by it within sixty days from the date of referral unless an additional thirty days be allowed by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. If any provision of such ordinance, resolution or order is disapproved by formal action of the Planning Commission, the adoption of such ordinance, resolution or order shall require an affirmative vote of four members of Council.

**C. PUBLIC HEARINGS BY COUNCIL.**

Council shall hold a public hearing on each resolution or ordinance enacting, amending or repealing any zoning regulations, and shall give fifteen days public notice of the time and place thereof in the manner established under Section 3.19 of this Charter.

A written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least fifteen days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from the area which is the subject of the proposed resolution or ordinance. Such written notices shall be mailed to the addresses of such owners appearing on the current tax list of the County. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation.

**D. ACTION BY COUNCIL ON MATTERS PROPOSED BY PLANNING COMMISSION.**

When the Planning Commission makes a recommendation to Council for a change in, or addition to, any ordinance or building code, Council shall study each such recommendation and take action within sixty days by placing on its first reading an ordinance properly covering such recommendation. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than ninety days after its first reading. If the Council shall fail to act within the ninety days allotted, it shall be deemed to have approved such matter. No resolution, ordinance, regulation, measure or order of Council which violates, differs from or departs from the plan or recommendation submitted by the Planning Commission, shall take effect unless enacted or approved by not less than the affirmative vote of four members of Council.

**SECTION 6.03 BOARD OF ZONING AND BUILDING APPEALS.**

**A. COMPOSITION AND TERM.**

~~Commencing January 1, 2022, the members of the Planning Commission, excluding the Administrative Officer or his/her designee, shall be Board of Zoning and Building Appeals of the City. The Administrative Officer or his/her designee shall be the Secretary of the Board of Zoning and Building Appeals. Board of Zoning and Building Appeals shall consist of six electors of the Municipality not holding other Municipal office. The six electors, one from each of four wards, one at-large and one alternate at-large, shall be appointed by the Mayor with confirmation by Council. Both at-large electors shall be from different wards. The alternate at-large elector shall participate as a voting member only in the absence of one of the five regular electors.~~

~~Each regular appointment shall be for a term of three years. A vacancy occurring during the term of any member of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the manner authorized for an original appointment.~~

**B. JURISDICTION.**

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning and building in the Municipality, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council, and such other powers as may be granted to it by Council.

C. APPEALS TO THE BOARD.

The Board of Zoning and Building Appeals shall hold a public hearing on each appeal, and written notice of the hearing shall be sent by the Secretary of the Board by first class mail at least ten days before the date of the hearing to the owners of property within and contiguous to and directly across the street from the property which is the subject of the appeal. Such written notices shall be mailed to the addresses of such owners appearing on the current tax list of the County. Where the subject of the public hearing involves twenty or more property owners of the Municipality, such written notice of the hearing shall not be required. The failure of delivery of such notice shall not invalidate any action taken by the Board of Zoning and Building Appeals on such appeal.

Each appeal received by the Board of Zoning and Building Appeals shall be acted upon by it within thirty days from the date it is filed with the Board. Failure to act upon said appeal within thirty days shall be deemed approval of said appeal.

**SECTION 6.04 CIVIL SERVICE COMMISSION.**

The Council shall by ordinance establish a Civil Service Commission and civil service system. The ordinance shall provide which employees of the Municipality shall be within the classified service and which shall be within the unclassified service, provided that regular full-time members of the Police and the Fire and Emergency Medical Services Divisions shall be in the classified service.

The provisions of the laws of Ohio regarding selection, promotion, demotion, discipline and removal shall be applicable except as otherwise provided by ordinance of Council adopted pursuant to this Charter.

**SECTION 6.05 PARK AND CEMETERY BOARD.**

A. COMPOSITION AND TERM.

The Park and Cemetery Board shall consist of five electors of the Municipality not holding other Municipal office except as provided in Section 6.02A of this Charter. They shall be appointed by the Mayor with confirmation by Council.

Each regular appointment shall be for a term of three years. A vacancy occurring during the term of any member of the Park and Cemetery Board shall be filled for the unexpired term in the manner authorized for an original appointment.

B. POWERS AND DUTIES.

The Park and Cemetery Board shall suggest general policy making and planning for all Municipal parks and for all Municipal cemeteries, subject to the appropriations of Council, and shall have such other powers and duties as may be conferred upon it by Council not inconsistent herewith.

Labor and equipment to perform the work shall be supplied by, and shall be under the supervision of, the Director of Public Service, who shall also be responsible for the purchasing function.

**SECTION 6.06 REMOVAL FROM BOARDS AND COMMISSIONS.**

Members of the Boards and Commissions may be removed by the Mayor and approved by a majority of the members elected and appointed to Council in accordance with the provisions of subsections (a) through (f) in Section [9.04](#) of this Charter.

**ARTICLE VII  
SPECIAL BOARDS AND COMMISSIONS**

**SECTION 7.01 CHARTER REVIEW COMMISSION.**

In January, 1966, and each five years thereafter, the Mayor shall appoint, subject to confirmation by a majority of the members elected and appointed to Council, seven qualified electors of the Municipality holding no other office or appointment in this Municipality, as members of a Charter Review Commission to serve no more than 12 months from the date of its first meeting. The members shall serve without compensation.

**ARTICLE VIII  
NOMINATIONS AND ELECTIONS**

**SECTION 8.01 REGULAR MUNICIPAL ELECTION.**

The regular Municipal election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year. All elections shall be non-partisan, without

**SECTION 8.02 PRIMARY ELECTION.**

There shall be no primary election for a municipal office unless the number of persons filing nomination petitions exceeds one (1) more than two (2) times the number of offices available for nomination. For the office of Mayor, there shall be no primary election unless four (4) or more persons file nominating petitions.

For the office of Council At-large, if there are three (3) offices available, there shall be no primary election unless eight (8) or more persons file a nominating petition. For the office of Ward Council Member, there shall be no primary election for such ward unless four (4) or more persons file a nominating petition for such ward. For purposes of this provision effecting the necessity of a primary election, the term "nominating petition" shall include only those petition and nomination papers, which the Board of Elections have reviewed, examined, and certified as to their sufficiency and validity.



In the event it is necessary to hold a primary election, such nonpartisan primary election shall be held in the Municipality on the **leighth Tuesday prior to such Municipal election**. Those persons receiving the highest vote totals, and equal in number to twice the number of offices for which such election is held, shall be designated candidates for such office, subject to applicable provisions of this Charter.

**Commented [MJ8]:** Board of Elections has requested that we move the primary to the first Tuesday in May prior to the Municipal Election.

**SECTION 8.03 NOMINATIONS.**

Each person desiring to become a candidate for nomination to be voted for at a primary election shall, not later than 4:00 p.m. of the ninetieth day before the day of such primary election, file with the Board of Elections of Summit County, Ohio, a declaration of candidacy and a nominating petition. Each nominating petition of a candidate for an office filled by election for Mayor and Council At-large shall be signed by not less than fifty qualified electors of the Municipality and shall contain signatures of qualified electors from each ward in the Municipality. Each nominating petition of a candidate for ward Councilperson shall be signed by not less than twenty-five qualified electors from such ward. Each candidate shall file a separate nominating petition. Group petitions shall not be used.

**SECTION 8.04 OTHER ELECTIONS.**

Such other elections shall be held as may be required by law or provided for in this Charter. Any matter which, by the terms of this Charter, may be submitted to the electors at any special election may be submitted at the time of a primary or regular election.

**SECTION 8.05 GENERAL PROVISIONS.**

Except as otherwise provided in this Charter, the laws of the State of Ohio applicable to elections shall govern the procedure for the nomination and election of the elective officers of the Municipality and the method of holding and conducting elections.

**ARTICLE IX  
INITIATIVE, REFERENDUM, RECALL AND REMOVAL**

**SECTION 9.01 INITIATIVE.**

The electors of the Municipality 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.

**SECTION 9.02 REFERENDUM.**

The electors of the Municipality 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.

### **SECTION 9.03 RECALL.**

The electors of the Municipality shall have the power to remove from office by a recall election any person holding an elective position of the Municipality. If a person holding an elective position shall have served six months of a term, a form of petition demanding removal may be filed with the Director of Finance, who shall note thereon the name and address of the person filing the petition, and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. A petition in such form may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name, address and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. Such petition for all elected officers, except a ward council member, shall be signed by qualified electors of the Municipality equal in number to at least twenty-five percent of the total number of electors registered to vote in the Municipality at the last preceding regular Municipal election. For a ward council member, such petition shall be signed by qualified electors of such ward equal in number to at least twenty-five percent of the total number of electors registered to vote in such ward at the last preceding Municipal election. Except as expressly modified herein, all such petitions in form, circulation, placement and withdrawal of signatures, alterations and corrections, shall conform to the laws of the State of Ohio applicable to the holding of any issue.

Within ten days after the day on which such petition shall have been filed the Director of Finance shall determine whether or not it meets the requirements hereof. If the Director of Finance shall find the petition insufficient, Director of Finance shall promptly certify the particulars in which the petition is defective, deliver a copy of the Director of Finance's certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a one-time period of twenty days after the day on which delivery was made in which to make the petition, and all parts thereof if so filed, sufficient. If the Director of Finance shall find the petition sufficient, the Director of Finance shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and make a record of such delivery.

If such officer shall not resign within five days after the day on which delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty days nor more than seventy-five days after the date of such delivery. In the case of a recall election for a ward Councilperson, the election shall be held in the ward represented by that Councilperson. At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office) with the provisions being made on the ballot for voting affirmatively or negatively on such question." If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, when the results of the election are certified by the Board of Elections, the office shall be declared vacant, and such vacancy shall be

filled as provided by this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

**SECTION 9.04 REMOVAL.**

The Council may remove the Mayor, or a Councilperson, or confirm action to remove by the Mayor as provided elsewhere in this Charter, upon determination that he or she:

- (a) Does not possess, or has ceased to possess, the qualifications of office; or
- (b) Has failed to take the required oath or to give any bond required within twenty days after notification of election, or an obligation to give a new or additional bond; or
- (c) While in office, has been convicted of a felony or a crime involving moral turpitude; or
- (d) Has been adjudicated legally incompetent; or
- (e) Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance or nonfeasance in office; or
- (f) Has violated his or her oath of office.

In addition to the grounds for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three consecutive regular meetings.

The decision of Council to remove the Mayor or a Councilperson shall be made only upon the affirmative vote of three-fourths of the members of Council entitled to vote on such question after a public hearing upon the charge or charges brought, provided that the accused officer shall have been notified in writing of the charge or charges against him or her at least fifteen days in advance of such public hearing, and provided further that the person's counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges. An accused member of Council shall not vote on the question of his or her removal. The decisions of Council after compliance with this section shall be final. Upon the removal of such officer, the vacancy thereby occurring in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.

**SECTION 9.05 DISQUALIFICATION OF SERVICE**

Neither the Mayor nor any member of Council voted out of office at any election, or being removed by petition, shall hold an appointed position within the Municipality or serve on any board or commission, including Advisory Boards, for a period of two (2) years from the date of that termination.

**ARTICLE X  
CHARTER**

**SECTION 10.01 AMENDMENTS TO CHARTER.**

**A. SUBMISSION TO ELECTORS.**

Council may, by affirmative vote of two-thirds of its members, submit to the electors any proposed amendment to this Charter, or, upon petition signed by the number of electors of the Municipality as set forth in the Constitution and laws of the state of Ohio setting forth any proposed amendment to this Charter, Council shall submit such proposed amendment to the electors in accordance with the provisions of the Constitution and laws of the State of Ohio.

**B. ADOPTION.**

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

**SECTION 10.02 EFFECT OF CHARTER UPON EXISTING LAWS AND RIGHTS.**

The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of this Municipality shall continue in effect until lawfully amended or repealed.

**SECTION 10.03 SAVING CLAUSE.**

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon that part declared invalid.