

CHARTER

PREAMBLE

We, the people of the City of Montgomery, in the County of Hamilton, State of Ohio, in order to secure the benefits of municipal home rule and local self-government under the Constitution and Laws of the State of Ohio, do hereby adopt this Charter.

ARTICLE I - NAME AND BOUNDARIES

Sec. 1.01 NAME.

The City now existing in the County of Hamilton, State of Ohio, and known as Montgomery shall continue to be a body politic and corporate under the name of the City of Montgomery.

Sec. 1.02 BOUNDARIES.

The City of Montgomery shall have the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the laws of Ohio.

ARTICLE II. FORM OF GOVERNMENT AND POWERS

Sec. 2.01 FORM.

The Municipal government provided by this Charter shall be known as the "Council-Manager" form of government.

Sec. 2.02 POWERS.

The City of Montgomery hereby reserves to itself all powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or exercised by any municipal corporation of Ohio.

Sec. 2.03 EXERCISE OF POWERS.

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed in this Charter, or provided by ordinance of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until Council shall provide a different manner of exercising such powers.

ARTICLE III. COUNCIL

Sec. 3.01 NUMBER AND TERM.

The legislative powers of the City except as otherwise provided by this Charter and by the Constitution of the State of Ohio shall be vested in a Council of seven members. All members shall be elected from the City at large. The members of Council shall be elected for overlapping terms of four years. The elected members of Council shall take office on the first Wednesday of December of the year in which they are elected. If a person elected to Council for any reason is not seated within forty-five

(45) days after commencement of his term of office, his office shall be forfeited and the vacancy shall be filled in the manner provided in Section 3.09 of this Charter.

Sec. 3.02 QUALIFICATIONS.

Each member of Council shall be a resident of the City for at least one year prior to taking office and shall be a qualified elector thereof throughout his term of office. Other than as provided in this Charter, a member of Council shall not hold any other public office except that of notary public, or that of member of the state militia, or national guard, or a reserve component of the United States Armed Forces, or any branch thereof, or that of a member of the county central committee of the political party of which he is a member, or that of a delegate to a state or national political party convention of the political party of which he is a member. A Council member may serve on county or regional commissions or other public bodies provided that Council determines that such service will enhance the quality of life in the City of Montgomery and consents thereto. Any member of Council who ceases to possess or who violates any of the qualifications herein provided shall forfeit his office, but failure to maintain such qualifications shall not render void or ineffective any action of Council in which such member has participated.

Sec. 3.03 ORGANIZATION OF COUNCIL AND OFFICES.

After taking the oath of office on the first Wednesday in December in each odd-numbered year, Council shall meet in the Council Chamber for the purpose of organizing. At such organizational meeting, Council shall choose one of its members as Mayor and one as Vice Mayor. The Mayor shall be the presiding officer of Council. The Mayor shall make appointments to the Standing and Special Committees of Council, and shall coordinate the work of said committees. In the absence of the Mayor, the Vice Mayor shall act as the presiding officer of the Council. In the event of a vacancy in the office of Mayor, the Vice Mayor shall become Mayor for the unexpired term, and Council shall elect a new Vice Mayor for the unexpired term.

Council may, from time to time, appoint from among its members a Mayor *pro-tem* to serve for a specific temporary period of time in the absence of both the Mayor and the Vice Mayor. The Mayor *pro-tem* shall have all powers of the Mayor and Vice Mayor in their absence.

Sec. 3.04 COUNCIL MEETINGS.

Council shall hold not less than one regular meeting each calendar month at such place and at such times as shall be established by Council. Special meetings may be called by the presiding officer of Council or by any three members of Council by notice given to each member of Council personally, or by written notice left at the residence of each member at least 24 hours in advance of the time of such special meeting. The presiding officer, or three members of Council, who choose to call a special meeting must also give written notice of the time and place of such special meeting to the Clerk of Council during the regular business hours of the office of the Clerk of Council to enable the Clerk to provide appropriate public notice of such meeting. In the event it is necessary to call a special meeting of Council in an emergency and timely advance notice cannot be given to the members of Council or the office of the Clerk of Council, the Council convening in such circumstances by a vote of five of its seven members may waive such advance written notice and proceed with the regular business of Council. In such an emergency Council cannot waive its responsibilities to provide advance public notice of such meeting and the presiding officer shall be responsible to see that such advance public notice is appropriately given. Notice need not be given if a special meeting is announced at a prior meeting.

All regular and special meetings of Council, its committees or City commissions, shall be open to the public. Council, its committees or City commissions, may hold Executive Sessions at a regular or

special session as permitted by Revised Code § 121.22 or similar state statute governing meetings of public bodies.

Council shall adopt its own Rules of Procedure from time to time.
(Amended 3-7-00)

Sec. 3.05 SALARIES.

Council shall fix the compensation paid by the City to all officers and employees. The compensation of elected officials shall not be increased or decreased during their terms of office and shall be fixed at least thirty days prior to the last day for the filing of nominating petitions for said term of office.

Sec. 3.06 QUORUM.

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

Sec. 3.07 COUNCIL RECORDS AND APPOINTEES.

Council shall keep an accurate and complete journal of its proceedings. Council shall appoint such employees as it deems necessary to perform this duty and assist in the proper discharge of other duties. Council may, by resolution, authorize any office-holder or employee to perform said duties.

Sec. 3.08 REMOVAL.

Council may remove a member of Council for gross misconduct; or malfeasance, misfeasance or nonfeasance in or disqualification for office; or for the conviction while in office of a crime involving moral turpitude; or for a violation of his oath of office; provided, however, that such removal shall not take place without the affirmative vote of five (5) members of Council after the member has been notified, in writing, of the charge against him at least fifteen days in advance of a public hearing upon such charge, and he or his counsel has been given an opportunity at such hearing to be heard, present evidence, and examine any witness appearing in support of the charge. In case of removal from office, the person so removed may appeal such removal to the Court of Common Pleas of Hamilton County. Such appeal shall be taken within ten days, and if so taken will stay any removal until final determination by the Court.

Sec. 3.09 VACANCIES ON COUNCIL.

Any vacancy in Council shall be filled by a majority vote of the remaining members of Council. If such vacancy is not filled within sixty days after it occurs, then the Mayor may fill it by appointment made by a written document filed with the Clerk of Council. Council's authority to fill a vacancy shall not terminate at the end of said sixty day period, thereafter, the Council and Mayor shall have concurrent authority to fill such vacancy. Council, after such sixty day period, may fill such vacancy at any regular meeting held prior to the filing with the Council of a written appointment by the Mayor filling such vacancy. Any person selected to fill a vacancy in Council shall serve for the unexpired term unless the vacancy occurs prior to July 1 in the second year of said term, in which event an election shall be held at the next scheduled general municipal election at which members of Council are elected to fill the balance

of the unexpired term, and the term of the person appointed by the Council shall terminate upon the certification of election of a person to fill the balance of the unexpired term.

Sec. 3.10 MAYOR.

The Mayor shall be the official and ceremonial head of the City, and shall be recognized as such by the Governor of the State of Ohio for military purposes and by the Courts for the purpose of serving civil processes. The Mayor shall have all the judicial powers granted to mayors by the laws of the State of Ohio, and shall perform such other duties as directed by this Charter or ordinance of Council. In the case of the absence or disability of the Mayor, the Vice Mayor shall exercise all of the powers and duties conferred on the Mayor by this Charter or the law including the judicial powers granted to Mayors by the laws of the State of Ohio. In the case of the absence or disability of both the Mayor and the Vice Mayor, the Mayor *pro-tem*, selected by Council, shall exercise all the powers and duties conferred upon the Mayor by this Charter or the laws of the State of Ohio including the judicial powers granted to the Mayors.

ARTICLE IV. CITY MANAGER

Sec. 4.01 QUALIFICATIONS.

The City Manager shall be appointed or removed by a vote of five (5) members of Council. The Manager shall be chosen on the basis of his executive and administrative qualifications and such other qualities as the Council deems relevant to public service. At the time of appointment the Manager need not be a resident of the City, but shall become a resident of the City within twelve (12) months after his appointment unless this requirement is waived or modified by a vote of four (4) members of Council.

Sec. 4.02 POWERS AND DUTIES.

The Manager shall be the chief executive officer and the head of the administrative branch of the City Government, and shall be responsible to the Council for the proper administration of all the affairs of the City and the enforcement of all the laws and ordinances, except as provided by this Charter. The Manager shall have the following powers, and all such other powers conferred by law:

1. Appoint and, when necessary, remove any of the appointive officers and employees of the City, except as otherwise provided under this Charter.
2. Direct and supervise the administration of all departments.
3. Prepare the budget estimates annually, submit them to Council, and administer the budget adopted by Council.
4. Prepare and submit to the Council and to the public annually, a complete report on the finances and administrative activities of the City for the preceding year.
5. Attend all meetings of Council, unless excused therefrom, with the right to participate in its discussions, but without the right to vote.
6. Keep Council advised monthly as to the financial condition and future operating and capital needs of the City and make recommendations to Council concerning the affairs of the City as he deems desirable.

7. Award contracts on behalf of the City up to the limits provided by law for awarding contracts without competitive bidding and execute all such contracts and agreements on behalf of the City as provided by law.
8. Perform such other duties, not inconsistent with this Charter, as may be required by Council.
9. Serve as an ex-officio member of all Commissions established by this Charter or Council. The Manager may participate in the deliberations of each commission, but shall not be entitled to vote as a member of such commissions.

The Manager may delegate to subordinate officers and employees of the City any duties conferred upon him by this Charter or by action of Council, and hold them responsible for their faithful discharge.

Sec. 4.03 DEPARTMENTS AND ADMINISTRATION.

In order to meet the administrative needs of the City, the Council shall establish by ordinance those departments that are deemed necessary and the power and duties of each department. Each department head shall be appointed by the City Manager and serve at the pleasure of the City Manager. Each department head shall have the supervision and control of that department, subject to the direction of the City Manager. Two or more departments may be headed by the same person. The Manager may serve as head of one or more departments in addition to his duties as Manager, if approved by Council.

Sec. 4.04 SEPARATION OF POWERS.

The City Manager shall be responsible for the appointment, discipline or removal of subordinates in the administrative service of the City. The Council and its members shall deal with employees who are subordinate to the City Manager through the City Manager.

Sec. 4.05 ABSENCE, DISABILITY, OR VACANCY.

The Manager may designate, by letter filed with the Clerk of Council, any qualified administrative director or department head of the City to perform his duties during his temporary absence or disability for a period not exceeding thirty (30) days. In the event that such a designation has not been made or in the event that a temporary absence or disability exceeds thirty (30) days, Council may, by resolution, appoint a qualified administrative director or department head of the City or other qualified person to perform the duties of the Manager until he shall return or his disability cease. In the event of a vacancy in the office of City Manager, Council shall designate a person as Acting Manager, who shall exercise all duties, powers, and functions of the Manager until a Manager is appointed.

ARTICLE V. ADMINISTRATIVE DIRECTORS

Sec. 5.01 ADMINISTRATIVE DIRECTORS.

The administrative functions of the City shall be carried on by the Director of Finance, the Director of Law, and the City Manager. The duties of the City Manager shall be as described in Article IV.

Sec. 5.02 DIRECTOR OF LAW.

The Director of Law shall be appointed or removed by a majority of Council. The Director shall serve the Council, the City Manager, the City departments, and the officers, boards, and commissions of the City as legal counsel in connection with municipal affairs and shall represent the City as legal counsel in all judicial and administrative proceedings. The Director shall perform all other duties now or hereafter imposed on Law Directors and City Solicitors under the laws of Ohio, unless otherwise provided by ordinance of Council. The Director shall perform such other duties consistent with his office as the Council or City Manager may request. No person shall act as Director of Law unless he is admitted to the practice of law in the State of Ohio.

Sec. 5.03 DIRECTOR OF FINANCE.

The Director of Finance shall be appointed by and serve under the supervision and direction of the City Manager. The Director shall be the fiscal officer of the City, and shall be responsible for the accounting, collection, custody and disbursement of the funds of the City. The Director shall serve the Council and the City Manager as financial advisor in connection with City affairs, and shall perform such other duties, consistent with his office, as the Council or City Manager may request.

ARTICLE VI. BOARDS AND COMMISSIONS

Sec. 6.01 PLANNING COMMISSION.

The Planning Commission shall consist of seven (7) members who shall be residents of the City appointed by Council to serve for four (4) year staggered terms commencing February 1 in the appropriate year of appointment. Vacancies to the Commission shall be filled by Council for the unexpired term in the manner in which original appointments were made.

The Planning Commission shall have such powers and duties as are provided by the general laws of Ohio and the ordinances of the City of Montgomery.

Any ordinance before the Council which would enact, amend or repeal any zoning ordinance or provision thereof shall not be acted upon by the Council until the Planning Commission has reviewed and issued to Council its written recommendation and the reasons therefore. Action by Council contrary to such Planning Commission recommendation shall require the affirmative vote of at least five (5) members of Council. Action to accept such recommendation requires a simple majority.

Planning Commission shall hold regularly scheduled meetings at announced times. The quorum shall be four (4) members. At its first meeting each February it shall organize, selecting its Chairman and Vice Chairman. The Commission shall establish its own Rules of Procedure and it shall keep a record of its proceedings in all matters before it.

With the adoption of these amendments to the Charter in the year 2002, all current Commissioner's offices shall be extended from December 31 of the year the term is scheduled to end until January 31 of the following year to extend the current offices to meet the amended schedule of appointments.

Sec. 6.02 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall consist of seven (7) residents of the City. The members shall be appointed by Council to serve for four (4) year staggered terms commencing February 1 in the

appropriate year of appointment. Vacancies to the Board shall be filled by Council for the unexpired term in the manner in which original appointments were made.

The Board shall have such jurisdiction, powers and duties as are provided by the ordinances of Council.

The Board shall hold regularly scheduled meetings at announced times. The quorum of the Board shall be four (4) members. At its first meeting each February it shall organize, selecting its Chairman and Vice Chairman. The Board shall establish its own Rules of Procedure and it shall keep a record of its proceedings in all matters coming before it.

With the adoption of these amendments to the Charter in the year 2002, the current term on the Board ending December 31, 2002 shall be extended to January 31, 2003. The term ending December 31, 2003 shall be extended to January 31, 2004. The term ending December 31, 2004 shall be extended to January 31, 2005. Thereafter the successor to each of these terms shall serve a four year term. The term ending December 31, 2005 shall be extended to January 31, 2006. The term ending December 31, 2006 shall be extended to January 31, 2007. Thereafter the successor to each of these terms shall serve a two year term. Two new positions shall be created with terms commencing February 1, 2003 and continuing for a four year term ending January 31, 2007.

Sec. 6.03 PARKS AND RECREATION COMMISSION.

The Parks and Recreation Commission shall consist of seven (7) members. The members shall be appointed by Council to serve three (3) year staggered terms commencing February 1 of the appropriate year of appointment. The membership may include non-residents as determined by Council. Vacancies to the Commission shall be filled by Council for the unexpired term in the manner in which original appointments were made.

The Commission shall provide advice and assistance to the Administration regarding the development and operation of the parks, playgrounds, and recreation facilities and programs for the City. It shall render assistance to and cooperate with organized groups conducting recreation programs, make recommendations to Council on the general state of the City's recreation and park programs and facilities, and perform such other duties and functions as the Council may require by ordinance.

The Parks and Recreation Commission shall hold regularly scheduled meetings at announced times. The quorum shall be four (4) members. At its first meeting each February it shall organize, selecting its Chairman and Vice Chairman. The Commission shall establish its own Rules of Procedure and it shall keep a record of its proceedings in all matters coming before it.

With the adoption of these amendments to the Charter in the year 2002, all current Commissioner's offices shall be extended from December 31 of the year the term is scheduled to end until January 31 of the following year to extend the current offices to meet the amended schedule of appointments.

Sec. 6.04 CIVIL SERVICE COMMISSION.

The Civil Service Commission shall consist of three (3) members who shall be residents of the City and who shall be appointed by Council. Members shall be appointed for three (3) year terms. Each seat on the Commission shall expire on a rotating annual basis. Vacancies to the Commission shall be filled by Council for the unexpired term in the manner in which original appointments were made. No member of the Civil Service Commission shall hold any other office or employment with the City.

The Commission shall oversee appointments and promotions in the classified service of the City. The Commission shall hear appeals, as appropriate, concerning suspensions, demotions or removals in the classified service. The Civil Service Commission may arrange with the civil service commission of another city in Hamilton County to conduct Civil Service Examinations for the City of Montgomery.

Council shall establish by Ordinance the classified and unclassified service in the City. The classified service shall not include:

1. Elected Officials
2. Custodian of Council records
3. Members of Boards and Commissions appointed by Council or City Manager
4. The City Manager and Assistant City Manager
5. The Administrative Directors and Department Heads including the Chief of Police and Fire Chief
6. Unskilled labor, as defined by the Civil Service Commission
7. Any temporary or part-time office or position requiring the qualifications of an expert.
8. Members of an auxiliary unit of the Police Department

The Council shall, by ordinance, provide rules for the determination of merit and fitness as the basis for appointments and promotions in the classified service. Promotion to any position in the classified service shall be based on competitive examinations and merit, efficiency, character, conduct, and seniority. Promotional examinations may be restricted to current employees; or, on recommendation of the City Manager, the Civil Service Commission may open any promotional examination to qualified candidates from outside the classified service.

With the exception of probationary appointments, no officer or employee in the classified service shall be suspended, demoted or removed except for cause. Council shall establish by ordinance the procedure for appeal to the Civil Service Commission from a decision to suspend for more than three (3) days, demote or remove a classified employee.

The applicable state statutes pertaining to the civil service of cities shall be applicable to the classified service of the City, except as otherwise provided by this Charter or by ordinance of Council adopted pursuant to this Charter.

All offices on the Civil Service Commission shall commence February 1 in the years provided herein. At the first meeting after February 1 each year, the Commission shall elect a Chair and Vice Chair and appoint a Secretary. The Secretary of the Commission need not be a member of the Commission. The Commission shall hold meetings as called by the Chair as necessary to conduct its business. All meetings of the Commission shall be open to the public to the extent permitted by Ohio law. The Commission shall adopt its own Rules of Procedures from time to time and it shall maintain a record of all proceedings before the Commission.

With the adoption of these amendments to the Charter in the year 2002, all current Commissioner's offices shall be extended from December 31 of the year the term is scheduled to end

until January 31 of the following year to extend the current offices to meet the amended schedule of appointments. With the expiration of each current term, a successor shall be appointed for a three (3) year term.

Sec. 6.05 LANDMARKS COMMISSION.

The Landmarks Commission shall consist of seven (7) members appointed by Council to serve a three (3) year staggered term commencing February 1 in the appropriate year of appointment. Council by ordinance shall designate the requirements for membership among residents, property owners within the city and professionals who need not be residents of the city, but who provide the expertise necessary to the Landmarks Commission to fulfill its responsibilities. Vacancies to the Commission shall be filled by Council for the unexpired term in the manner in which the original appointments were made.

The Landmarks Commission shall conduct a continuing survey of all areas, places, buildings, structures, works of art, and similar objects in the City which the Commission, on the basis of information available to it, has reason to believe are or will be eligible for designation as landmarks, shall work for the continuing education of the citizens of the City with respect to its historic and architectural heritage, shall maintain a register of landmarks, and perform such other duties as the Council may provide by ordinance.

The Landmarks Commission shall hold regularly scheduled meetings at announced times. The quorum shall be four (4) members. At its first meeting each February it shall organize, selecting its Chairman and Vice Chairman. The Commission shall establish its own Rules of Procedure and it shall keep a record of its proceedings in all matters coming before it.

With the adoption of these amendments to the Charter in the year 2002, all current Commissioner's offices shall be extended from December 31 of the year the term is scheduled to end until January 31 of the following year to extend the current offices to meet the amended schedule of appointments.

Sec. 6.06 CITY BOARDS AND COMMISSIONS.

Council from time to time by ordinance may create additional Boards or Commissions as Council deems appropriate to provide advice to Council and the administration and to administer the programs of the City.

Sec. 6.07 REMOVAL OF MEMBERS OF BOARDS OR COMMISSIONS.

By an affirmative vote of five (5) members of Council, after a request for a recommendation from the affected Board or Commission, Council may remove any Council-appointed member of a Board or Commission for cause, including, but not limited to, disqualification from office, absenteeism, neglect of duty, incapacity to serve, conviction of a crime of moral turpitude or gross misconduct. There shall be no appeal from the decision of Council.

ARTICLE VII. LEGISLATION

Sec. 7.01 LEGISLATIVE ACTION.

All legislative action shall be by ordinance or resolution except where otherwise required by the Constitution or Laws of Ohio. Council shall keep a journal of its proceedings which shall be a public record. The "yeas" and "nays" on every vote on every ordinance shall be taken and entered on the journal. No ordinance shall be passed without the affirmative vote of four (4) members of Council.

Every ordinance and resolution shall be read in full when proposed, unless upon motion and the affirmative vote of five (5) of its members, Council waives this requirement. Council may then approve the ordinance or resolution at its first reading by title only. Council may only waive this requirement if a copy of the ordinance or resolution has been made available to the public before adoption. Additionally, every ordinance shall be read by title only on a second and third day unless the requirement of a second and third reading is dispensed with by motion and the affirmative vote of five (5) members of Council.

No ordinance or resolution shall contain more than one subject which shall be expressed in its title. Council may adopt codification ordinances which codify, revise, or rearrange the City ordinances, or any portion thereof.

Sec. 7.02 EFFECTIVE DATE OF LEGISLATION.

An ordinance which is not subject to referendum and all resolutions shall take effect upon adoption by Council. All other ordinances shall take effect thirty days after adoption by Council.

An emergency ordinance shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of five (5) members of Council. Such emergency ordinance shall take effect immediately or as stated within the ordinance. If an emergency ordinance receives the affirmative vote of four (4) members of Council, but not five (5) votes, it need not be resubmitted, and the ordinance shall take effect thirty days after adoption by Council. No ordinance changing the zoning of property, establishing a zoning district, amending the Zoning Code and/or zoning map, and no ordinance granting any franchise or providing for the supply to the City or its inhabitants of the product or service of any utility, shall be enacted as an emergency measure.

Sec. 7.03 PUBLICATION OF LEGISLATIVE ACTION.

Council shall cause each ordinance and resolution that it passes to be published, either in full or by title and summary, once in a newspaper of general circulation within the City or by posting a copy of such legislative action in a conspicuous public place, which place shall be designated from time to time by Council. Ordinances adopting or incorporating by reference uniform or model codes may be published by title only. Such publication shall include a reference to the fact that a complete copy of the ordinance, including uniform or model codes if pertinent, is on file in the office of the custodian of the Council records and available for public inspection. The custodian of the Council records shall enter on the record of ordinances a certificate stating the manner by which publication occurred and on what dates such publication was made. A failure to publish or omission, delay, or error in said publication on the part of the newspaper, its officers, employees, or agents, shall not cause such ordinance or resolution to be declared invalid or otherwise affect the validity of such ordinance or resolution, and in such event the Council may authorize publication at a later date.

ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL

Sec. 8.01 ESTABLISHMENT.

The initiative, referendum, and recall are reserved by this Charter to the people of Montgomery to be exercised as prescribed in this Charter. Electors of the City equal in number to not less than ten percent of the number of those who voted in the preceding gubernatorial election within the municipality may by an initiative petition propose to Council the passage of legislation set forth therein, or by a referendum petition require legislation to be submitted to the electors for approval in accordance with

Section 8.04 of this Charter. By petition, electors may propose the recall of an elected officer as provided in Section 8.05 of this Charter.

Sec. 8.02 THE PETITION.

The form, content, verification of, and other requirements for initiative, referendum, and recall petitions, except as otherwise prescribed in this Charter, shall be those prescribed by the general laws of Ohio. In addition to the statutory requirements, each petition shall appoint a committee of three to represent the proponents of the petition in any further proceedings before Council. Such committee shall have the power to fill vacancies in the committee by action of the surviving members.

Whoever seeks to propose an ordinance or measure in the City by initiative petition or whoever files a referendum petition against any ordinance or measure before circulating such petition shall file a copy of the petition with the Clerk of Council. Additionally, whoever seeks to propose an ordinance or measure in the City by initiative petition must file with such proposed petition a copy of the text of the proposed ordinance or measure with the Clerk of Council.

The completed petition, whether initiative, referendum or recall, shall be filed with the Clerk of Council, who thereafter within ten days shall refer the petition to the Board of Elections to verify the signatures upon such petition. Within thirty days of the return of the petition from the Board of Elections, Council shall determine whether the petition is valid and sufficient according to law. If the petition is determined to be invalid or insufficient, no further action shall be had. A petition shall be determined to be insufficient if it does not contain a sufficient number of signatures as required herein or if it fails for sufficiency according to state law. A petition shall be determined to be invalid if it was not timely filed, if it is directed to a purpose which is not a valid purpose for such petition, or if it is invalid according to state law.

Sec. 8.03 INITIATIVE.

Legislation initiated by a valid and sufficient petition as determined according to Section 8.02 of the Charter shall be referred by Council to a committee of Council to hold a public hearing thereon and to report its recommendations to Council within thirty days of the date such matter is referred to such committee. Council shall, not later than thirty days following the public hearing by the committee, either pass the legislation in its original form, or in a form agreed to by a majority of the committee appointed by said petition, or Council shall take appropriate action to submit the legislation to a vote of the electors at the next primary or general election to be held not less than seventy-five (75) days after the referral by Council to the Board of Elections. A copy of the proposed legislation shall be available for review on the date of the election at all polling places within the City. If initiated legislation is approved by a majority of the electors voting thereon, it shall be legislation of the City effective as of the date of the original certification of the result of such election, or at such later date as may be provided in the legislation.

Sec. 8.04 REFERENDUM.

The referendum shall not be applicable to:

1. Legislation appropriating money;
2. Legislation levying a tax authorized by, or pursuant to, Section 9.01 or Section 9.02 of this Charter;

3. Legislation providing for improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be especially assessed therefor;
4. Legislation submitting any measure to a vote of the electors;
5. Legislation subsequent to the first legislative measure of a series of legislative steps required to be taken to accomplish a particular purpose or objective;
6. Emergency legislation passed in compliance with the provisions of this Charter;
7. Legislation accepting a contract; or
8. Any administrative action by Council.

The effective date of any legislation subject to referendum shall be postponed by the filing of a valid and sufficient referendum petition within thirty days after the passage thereof. Each referendum petition found to be valid and sufficient shall be referred to a committee of Council to hold a public hearing thereon and to report its recommendations to Council within thirty days after such matter has been referred to such committee. Council shall, not later than thirty days following the public hearing by the Committee, either repeal the legislation or take appropriate action to submit it to a vote of the electors at the next primary or general election to be held not less than seventy-five (75) days after the referral to the Board of Elections. A copy of the proposed legislation shall be available for review on the date of the election at all polling places within the City. If the legislation is approved by a majority of the electors voting thereon, the legislation shall take effect immediately upon official certification of the result of such election.

Sec. 8.05 RECALL.

Electors shall have the power to remove from office by recall election any elected officer of the City. After a holder of an elected office has served six months of his term, a petition demanding his recall and removal may be filed with Council. Such petition shall be signed by electors equal in number to at least twenty-five per cent of the total votes cast at the preceding gubernatorial election within the municipality. Council, within thirty days of the filing of the petition, shall determine its validity and sufficiency in accordance with Section 8.02 of this Charter. If Council determines that the petition is valid and sufficient, it shall cause to be delivered, within forty-five days of such determination, notification of such determination to the officer whose removal is sought. Unless such officer resigns within five days after the receipt of such notification, Council shall fix a day for holding a recall election not less than thirty days, nor more than forty-five days, from the date of receipt of such officer of said notification. The form of the ballot used shall be:

"Shall _____ be removed from his office as _____?" If a majority of the votes are affirmative, such officer shall be considered as removed, his office will be deemed vacated, and such vacancy shall be filled as provided in this Charter; otherwise he shall remain and continue in office. An officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

ARTICLE IX. FINANCES

Sec. 9.01 TAXES.

Council, by vote of five (5) members, shall levy annually a tax for current expenses on real and personal property in the City. The rate of such tax shall not exceed five mills on a dollar of assessed valuation.

Sec. 9.02 EXTRA LEVY.

Upon the affirmative vote of five (5) members, the Council, at anytime and in any year, may declare by resolution that the amount of money that may be raised by taxation under Section 9.01 of this Charter, together with all other funds available during the ensuing year, will be insufficient to provide an adequate amount for the necessary requirements of the City, and it is necessary to levy taxes in excess of said limitation either to meet the current expenses of the City or for any specific purpose as allowable by Ohio law. Such resolution shall specify the additional rate of levy required and the duration during which such increased rate may be levied. This resolution shall be certified to the Board of Elections to be placed upon the ballot at any special, primary or general election. Such certification to the Board shall occur not less than seventy-five (75) days before the election upon which the issue will be voted. Such resolution shall take effect upon its adoption and shall be certified by the Clerk of Council forthwith to the election authorities who shall place said question upon the ballot.

The question shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election. If a majority of those voting thereon vote for the approval of such levy, Council shall immediately make such levy, or such part thereof as it finds necessary, pursuant to such approval, and certify the same to the County Auditor to be placed on the tax list and collected as other taxes.

Sec. 9.03 CONTRACTS AND EXPENDITURES.

All contracts and purchase orders involving the expenditure of funds which exceed the amount specified by the laws of the State of Ohio for which funds may not be expended without advertisement and competitive bidding, shall first be authorized by Council. The Manager may execute said contract or purchase order on behalf of the City with the lowest and best bidder as determined by Council in their discretion considering the amount of the bid, the reputation and past performance of the bidder, his financial condition and other pertinent information, after advertising at least one time more than seven (7) days prior to the final day for receipt of bids, in a newspaper of general circulation in the community. Modifications to contracts and purchase orders in excess of ten percent of the original contract amount or the amount then set forth in the Ohio Revised Code as the maximum expenditure which an officer in the executive branch may authorize, shall first be authorized by Council. Such modification may be accepted by Council without further advertising or bidding. Compensation of employees, contracts for professional or expert personal services and expenditures required because of a real or present emergency need not be advertised nor bids sought. At least five (5) members of Council must approve an expenditure under the real and present emergency need.

The City Manager may reject any proposed bid which is not in compliance with the bid specifications, or the City Manager may elect to reject all bids and re-bid such contract if such bids are not consistent with the budgetary requirements for such project or contract.

ARTICLE X. NOMINATIONS AND ELECTIONS

Sec. 10.01 GENERAL.

All elections for office of the City shall be nonpartisan. Nomination for City office shall be by petition only. Each nominating petition and statement of candidacy shall be filed with the Board of Elections not later than the first Tuesday in August of the year in which the election is to be held. Each petition shall be signed by not less than twenty-five electors of the City. Nominating petitions and statements of candidacy shall be in the form prescribed in accordance with the state law for independent candidates. The candidates for member of Council, equal in number to the places to be filled on Council, who received the highest number of votes, shall be declared elected. If an unexpired term of a member of Council is to be filled, it shall be submitted as a separate proposition. The general laws of the State of Ohio not inconsistent with the provisions of this Article shall apply to and govern the nomination and election of all elective officials of the City.

ARTICLE XI. MISCELLANEOUS PROVISIONS

Sec. 11.01 CONTINUATION OF ORDINANCES.

All ordinances of the City in effect at the time of adoption of this Charter shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.

Sec. 11.02 CONTINUATION OF OFFICERS.

All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall be made, in conformity with the Charter, for the performance of such duties by a successor, or the office is abolished. The present Council members shall continue in office as Council members under this Charter until the first Wednesday of December of the last year of their respective terms.

Sec. 11.03 CONTINUATION OF EMPLOYEES.

Every employee of the City when this Charter takes affect, shall retain his or her employment and shall thereafter be subject in all respects to the provisions of this Charter.

Sec. 11.04 EFFECTIVE DATE AND TRANSITION.

The Charter revision submitted at the November, 2002, election shall be effective on and after acceptance by a majority of the electors of the City voting upon such issue.

Sec. 11.05 AMENDMENTS.

This Charter may be amended in accordance with the provisions of Article XVIII, Section 9 of the Ohio Constitution.

Sec. 11.06 SEVERABILITY.

If any provision of this Charter be held to be unconstitutional or invalid it shall in no way affect the validity, force, or effect of any other provision of this Charter.

Sec. 11.07 IMPLIED LIMITATION.

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