CHARTER

OF

PATASKALA, OHIO

TABLE OF CONTENTS

PREAMBLE

ARTICLE I NAME; BOUNDARIES; FORM OF GOVERNMENT
Section 1.01 Name and Boundary. (11-8-05)
Section 1.02 Form of Government.

ARTICLE II CORPORATE POWERS
Section 2.01 Powers Granted.
Section 2.02 Exercise of Powers.
Section2.03 Construction of Powers.
Section2.04 Intergovernmental Cooperation. (11-8-16)

ARTICLE III COUNCIL
Section3.01 Powers of Council.
Section3.02 Composition, Term and Qualifications. (11-8-16)
Section3.03 Wards and Boundaries. (11-8-16)
Section3.04 Clerk of Council. (11-8-16)
Section3.05 Council Meetings. (11-8-16)
Section3.06 Council Organization and Rules. (11-8-16)
Section3.07 Salaries of Elected Officials. (11-8-05)
Section3.08 Council Vacancies. (11-8-16)

ARTICLE IV LEGISLATIVE PROCEDURE
Section4.01 Form of Action by Council. (11-6-07)
Section4.02 Introduction of Ordinances and Resolutions. (11-6-07)
Section4.03 Form of Ordinances and Resolutions. (11-6-07)
Section4.04 Reading Ordinances and Resolutions. (11-8-11)
Section4.05 Vote Required for Passage. (11-8-11)
Section4.06 Content of Emergency Legislation. (11-6-07)
Section4.07 Effective Date of Legislation. (11-6-07)
Section4.08 Authentication. (11-6-07)
Section4.09 Recording Legislation. (11-6-07)
Section4.10 Amendment. (11-6-16)
Section4.11 Zoning Measures. (11-8-16)
Section4.12 Adoption of Technical Codes. (11-8-16)
Section4.13 Codification. (11-8-16)
Section4.14 Publications of Ordinances and Resolutions. (11-8-16)

ARTICLE V MAYOR - ADMINISTRATOR
Section5.01 The Mayor. (11-8-16)
Section5.02 Powers of Mayor. (11-8-16)
Section 5.03 Mayoral Vacancies (11-8-16)
Section5.04 City Administrator. (11-8-16)
Section5.05 Powers of City Administrator. (11-8-16)

ARTICLE VI ADMINISTRATIVE DEPARTMENTS
Section6.01 Director of Law. (11-8-16)
Section 6.02 Director of Finance. (11-8-16)
Section6.03 Other Administrative Departments. (11-8-16)
Section6.04 Acting Department and Division Heads. (11-8-16)

ARTICLE VII BOARDS AND COMMISSIONS
Section7.01 Merit System - Personnel Board of Review. (11-8-16)
Section7.02 Planning and Zoning Commission. (11-8-16)
Section 7.03 Board of Zoning Appeals. (11-8-16)
Section7.04 Park and Recreation Board. (11-8-16)
Section7.05 Charter Review Commission. (11-8-16)
Section7.06 Organization, Vacancies. (11-8-16)

ARTICLE VIII FINANCE, TAXATION AND DEBT
Section 8.01 General.
Section8.02 Contracting Powers and Procedures. (11-8-16)

ARTICLE IX NOMINATIONS AND ELECTIONS
Section9.01 Nominations. (11-8-16)
Section9.02 Regular Municipal Elections. (11-8-16)
Section9.03 Special Elections.
Section9.04 Conduct of Elections.

ARTICLE X INITIATIVE, REFERENDUM AND RECALL
Section 10.01 Initiative and Referendum.
Section10.02 Recall. (11-8-16)

ARTICLE XI GENERAL PROVISIONS
Section11.01 Removal of Officials.
Section11.02 Conflicts of Interest, Ethics, Campaign Financing.
Section11.03 Succession.
Section11.04 Effect of Charter on Existing Laws and Rights. (11-8-05)
Section11.05 Retirement System - Health District.
Section11.06 Amendment of Charter. (11-8-16)
Section11.07 Effect of Partial Invalidity.
Section 11.08 Oath of Office. (11-8-16)

ARTICLE XII TRANSITIONAL PROVISIONS
Section 12.01 Effective Date of Charter. (11-8-05)
Section12.02 Effect of Charter on Existing Offices. (11-8-05)
Section12.03 Continuance of Present Employment. (11-8-05)

CHARTER

OF

PATASKALA, OHIO

PREAMBLE

In order that we may have the benefits of municipal home rule and exercise all of the powers of local self-government conferred under the Constitution and Statutes of the State of Ohio, We, the citizens of the City of Pataskala, Ohio, do hereby adopt this Charter for our municipality.

ARTICLE I
NAME; BOUNDARIES; FORM OF GOVERNMENT

SECTION 1.01 NAME AND BOUNDARY.
The municipal corporation existing as the City of Pataskala shall continue to be a body politic and corporate under this Charter. The Municipality shall have the same boundaries that exist on the effective date of this Charter and as established thereafter, with power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio.
(Amended 11-8-05.)

SECTION 1.02 FORM OF GOVERNMENT.
The municipal government provided for by this Charter shall be known as the "Mayor, Council, Administrator Plan."

ARTICLE II
CORPORATE POWERS

SECTION 2.01 POWERS GRANTED.
The City shall have all the powers that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of Ohio. Title to all real property shall be taken in the name of the municipality.

SECTION 2.02 EXERCISE OF POWERS.

All powers shall be exercised in the manner prescribed in this Charter, or if not so prescribed, in the manner provided by ordinance or resolution of Council. When not prescribed in this Charter or by ordinance or resolution, then the powers shall be exercised in the manner provided by the laws of Ohio until Council provides a different manner of exercising the powers.

SECTION 2.03 CONSTRUCTION OF POWERS.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this Article.

SECTION 2.04 INTERGOVERNMENTAL COOPERATION.

(A) In carrying out any lawful function or power of the municipality, the Council may, by a majority vote of its members, authorize the execution of contracts or in any other manner provide for cooperation or joint action, between the municipality and:

(1) Political Subdivisions, special districts, instrumentalities, or other units of government of the State of Ohio or other states.

(2) The State of Ohio, its officers, departments, divisions, instrumentalities or other units or agencies.

(3) Other states, their officers, departments, divisions, instrumentalities, or other units or agencies.

(4) The federal government, its officers, departments, divisions, instrumentalities or other units or agencies.

(5) Councils of governments or other instrumentalities consisting of other political subdivisions, special districts, instrumentalities or other governmental units or agencies allowed under the laws of Ohio, other states or the federal government.

(6) Persons, corporations whether for profit or non-profit, firms and other entities; unless such contracts, cooperation or joint actions are prohibited by the Constitution of the State of Ohio.

(B) The powers granted by this section shall be liberally construed to authorize and encourage intergovernmental cooperation, but shall not authorize the avoidance of the provisions of this Charter concerning taxation or initiative or referendum. (Amended 11-8-16)

ARTICLE III
COUNCIL

SECTION 3.01 POWERS OF COUNCIL.

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

(1) The power to levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter and the Constitution of Ohio.

(2) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws.

(3) The power to provide for the exercise of all powers of local self-government granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.

(4) The power, by ordinance or resolution, to establish or authorize the number of officers and employees in the various offices, departments, divisions, bureaus, boards and commissions of the City and to establish or authorize the establishment of the rate of their compensation, hours of work, and to provide such other fringe benefits and conditions of employment as deemed proper by the Council.

(5) The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the City. The premium for said bonds shall be paid by the City.

(6) The power to create, combine, change and abolish other offices, departments, divisions, bureaus, boards and commissions. The power herein expressed in this sub-section shall be exercised by ordinance or resolution.

(7) The power to establish, by ordinance or resolution, the rates or charges made of consumers of all municipal utilities and services.

(8) The power to acquire and to sell or otherwise convey interests in real property; and to lease, as lessor or lessee, or otherwise grant or receive interests in real property, in the manner authorized by ordinance or resolution.

(9) The power to provide for an independent audit of the accounts and records of the City, which may be in addition to audits by state offices and agencies as may be required under the general laws of Ohio.

(10) To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

SECTION 3.02 COMPOSITION, TERM AND QUALIFICATIONS.

(A) The Council shall be composed of seven (7) members. Four members of Council shall be elected from wards. Three members of the Council shall be elected at large. Members of Council shall serve four year terms each. The three members of Council elected at large shall serve four-year overlapping terms with the four members of Council elected from wards. The terms of members of Council shall commence on the first day of January following their election.

(B) Candidates for Council shall have been electors* of the City or any area annexed to the City for at least two years immediately prior to the time they file for office and remain so qualified during their term of office. Members of Council shall not hold any other public office or employment with the City during a term, except they may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to represent the municipality or to further intergovernmental cooperation, and may hold any office permitted by the Charter or the laws of Ohio. (Amended 11-8-16)

SECTION 3.03 WARDS AND BOUNDARIES.

(A) Upon the availability of decennial census information from the federal government, the Council at the next regular Council meeting shall appoint a Commission consisting of seven (7) members who are electors of the City during their term in office to divide or redivide the City into four wards for the purpose of electing four ward Council members at the next regular municipal election. The Commission shall take action by a majority vote of its members and report its recommendations to Council within six months. The division or redivision of the City into four wards shall provide for substantially equal population in each ward. The Council and Mayor shall take all actions necessary to implement the actions of the Commission.

(B) In addition to the redivision of the City into wards as required by Division (A) of this Section, the Council may, appoint a seven member commission, as described in Section 3.03(A) to redivide the City into four wards at any other time in order to provide substantially equal population in each ward.

(C) All wards shall be bounded, as far as practical, by county lines, streets, alleys, avenues, public grounds, canals, watercourses, municipal boundary lines, center lines of platted streets or railroads, or lot lines of platted subdivisions. Redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of Ward Council members; however, at succeeding elections, Ward Council members shall be elected from the wards, as reapportioned or re-established under this Section.

(D) Council shall have the power to cause a census of the City to be taken if it determines a census is necessary for the proper apportionment of the City's wards. The Council may authorize officials and employees of the City, independent contractors or state or federal government agencies to conduct the census under the control and direction of the Council. (Amended 11-8-16)

SECTION 3.04 CLERK OF COUNCIL.

The Council shall appoint, by a majority vote of its members, a person to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of the Council and may be suspended or removed without cause by a majority vote of the members of Council. The Clerk of Council may hold other office or position of employment in the City. The Clerk of Council shall have those powers, duties and functions as are provided in this Charter, by the Rules of Council or by ordinance or resolution. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members and to the public as may be provided by this Charter, the Rules of Council or by ordinance or resolution. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision of the City Administrator. The Council, by ordinance or resolution, may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided for under this Charter.

* “Elector” as used in this Charter is defined as “a person having the qualifications provided by law to be entitled to vote” pursuant to Ohio Revised Code Section 3501.01(N). (Amended 11-18-16)

SECTION 3.05 COUNCIL MEETINGS.

(A) The Council shall determine, by a majority vote of its members, the frequency, dates and times of regular meetings in order to properly conduct its business, but it shall hold at least one regular meeting in each month in at least eleven months of each year.

(B) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four hours notice to the Mayor and each member of the Council, which notice may be served personally left at the usual place of residence, or by electronic notification. In the event the Mayor or any three members of the Council determine an emergency exists, the twenty-four hour notice shall not apply.

Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. Special meetings may be cancelled beforehand by whomever initially called for such special meeting.

(C) Any regular or special meeting of the Council may be adjourned or recessed to another time, date or place without giving the notice required in Division (B) of this Section.

(D) All meetings of the Council and of other boards and commissions of the City shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies. (Amended 11-8-16)

SECTION 3.06 COUNCIL ORGANIZATION AND RULES.

The Council shall be a continuing body, but shall meet in the Council Chamber at its first meeting in January of each year for the purpose of organization. Council shall adopt, by a majority vote of its members, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed or repealed by a majority vote of its members. The Rules shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as Council shall determine to be necessary for the proper functioning and government of Council. (Amended 11-8-16)

SECTION 3.07 SALARIES OF ELECTED OFFICIALS.

The salaries of all elected officials of the City shall be established by Council by ordinance or resolution to be adopted no later than the last date of filing for election in each odd numbered year which precedes a regular municipal election at which members of the Council are to be elected. The salaries so established shall not be changed to be effective during the current term of office. In the event Council shall fail to establish salaries as required in this Section, the salaries in effect for the prior term shall remain in effect until changed in accordance with this Section.
(Amended 11-8-05.)

SECTION 3.08 COUNCIL VACANCIES.

(A) A vacancy in the Council shall be filled by the affirmative vote of a majority of the remaining members of the Council. If the vacancy occurs subsequent to twenty days before the date when candidates for the office of Council member must file their nominating petitions or if two years or less remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve for the unexpired term. If the vacancy occurs at least twenty days prior to the date when candidates for the office of Council member must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve until a successor is elected at the next regular municipal election and qualified to serve for the remainder of the unexpired term. The person elected for the unexpired term at the next regular municipal election shall take office on the first day of January following their election. (Amended 11-8-16)

(B) If the Council shall fail to elect a person to fill a vacancy in the Council under Division (A) of this Section within sixty days after the occurrence of the vacancy, its power to do so shall lapse and the Mayor shall appoint a person to serve for the time as provided in Division (A) of this Section.

ARTICLE IV
LEGISLATIVE PROCEDURE

SECTION 4.01 FORM OF ACTION BY COUNCIL.

Action of Council shall be by ordinance, resolution or motion.

Every action of a general and permanent nature, or granting a franchise, or authorizing a development plan; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefore shall be taken by ordinance, in the manner hereinafter provided. All other action may be by resolution.

Action by Council which is not required by this Charter to be taken by ordinance, or which is not of general public application or interest, may be taken by resolution. Such a resolution shall be introduced by a member of Council and may be adopted by a voice vote of a majority of the members present. If adopted it shall be assigned a resolution number and reduced to writing. No waiting period, notice, hearing or publication shall be required, and a resolution shall become effective upon its adoption. The Clerk of Council shall record resolutions by number, at length, in a separate book, which shall be a public record.

Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among and appointments made by Council members, to provide directions to and to make requests of administrative officers and employees and Members of Boards and Commissions, and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section.
(Amended 11-6-07.)

SECTION 4.02 INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

Any member of Council may introduce any ordinance or resolution, at a regular or special meeting. Ordinances shall be in written or printed form when introduced and shall contain a concise title. (Amended 11-6-07.)

SECTION 4.03 FORM OF ORDINANCES AND RESOLUTIONS.

(A) The form and style of ordinances and resolutions shall be determined by the Rules of Council.

(B) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title; provided that appropriation ordinances may contain the various subjects, accounts and amounts for which monies are appropriated, and that ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject. (Amended 11-6-07.)

SECTION 4.04 READING ORDINANCES AND RESOLUTIONS.

Each ordinance shall be read by title only on three separate days, unless this requirement is dispensed with by the affirmative vote of at least two-thirds of the members of the Council. Readings shall be by title only, unless any member of the Council shall request that any ordinance be read in full. Copies of each ordinance shall be available for public inspection at the meetings of the Council at which the ordinance is considered. Resolutions not in written form when introduced shall be available for public inspection once reduced to written form. (Amended 11-8-11.)

SECTION 4.05 VOTE REQUIRED FOR PASSAGE.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by a roll call of members to be entered on the Journal, or other record of proceedings of the Council. The adoption of an Ordinance requires the affirmative vote of a majority of the members of Council as set forth in this Charter. The adoption of Resolutions or Motions requires only the majority vote of the quorum in attendance and voting on such matters. In consideration whether a matter Resolution or Motion has received a majority vote, an abstention is considered to be an acquiescence in the action taken by the majority of those who do vote. (Amended 11-8-11.)

SECTION 4.06 CONTENT OF EMERGENCY LEGISLATION.

Each emergency ordinance shall determine that the ordinance is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for the emergency. Zoning ordinances or resolutions shall not be adopted as emergency measures. (Amended 11-6-07.)

SECTION 4.07 EFFECTIVE DATE OF LEGISLATION.

(A) The following ordinances shall take effect upon passage unless a later time is specified therein:

(1) Appropriation of money.
(2) An annual tax levy for current expenses.
(3) Improvements petitioned for by owners of a majority of the front footage or of the area of the property benefitted and to be assessed.
(4) Submission of any question to the electorate or the determination to proceed with an election.
(5) Approval of a revision, codification, recodification, or rearrangement of ordinances.
(6) Any emergency ordinance.

(B) All other ordinances shall go into effect thirty days after their passage by the Council. Resolutions shall go into effect upon adoption. (Amended 11-6-07.)

SECTION 4.08 AUTHENTICATION.

Each ordinance and resolution shall be authenticated by the signature of a presiding officer of the Council and the Clerk of Council. The failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution. (Amended 11-6-07.)

SECTION 4.09 RECORDING LEGISLATION.

Each ordinance and resolution shall be recorded in a book or other record prescribed by Council. The Clerk of Council or a duly authorized representative of the Clerk shall, upon request of any person and upon the payment of a fee, if established by Council, certify true copies of any ordinance or resolution, which copies shall be admissible as evidence in any court. (Amended 11-6-07.)

SECTION 4.10 AMENDMENT.

(A) A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council present and voting on the amendment. An amendment of an ordinance shall not require additional readings unless amended during the final reading. A reading, or readings, as necessary, in addition to the readings prescribed in Section 4.04 of this Charter shall be permitted and required unless the pending ordinance is deemed to comply with Section 4.06.

(B) Any ordinance or resolution, or codified ordinances or resolutions of the City, may be amended by the passage of subsequent ordinances or resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereto; or repeal existing sections or parts thereof. This Division (B) of this Section does not prevent repeals by implication.
(Amended 11-8-16)

SECTION 4.11 ZONING MEASURES.

(A) Ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations may be initiated by a member of Council or as otherwise provided by ordinance. The Council shall determine, by ordinance, all procedures to be followed by the Council and the Planning and Zoning Commission with respect to zoning within the City and other land use regulations and matters, including but not limited to: public hearings; notices to owners of land; and notices to the general public.

(B) A concurring vote of at least two-thirds of the membership of Council shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall an ordinance be considered as having passed unless it receives at least an affirmative vote by a majority of the members of Council.
(Amended 11-8-16)

SECTION 4.12 ADOPTION OF TECHNICAL CODES.

(A) Council may, by ordinance or resolution, adopt standard ordinances and codes prepared by the State or any department, board or other agency or subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, heating, electrical, ventilation, air conditioning, refrigeration machinery, state pressure piping, piping, boilers, buildings standards, housing standards, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference.

(B) The ordinance or resolution adopting any such standard ordinance or code shall make reference to the date and soruce of such standard ordinance or code without reproducing the same at length in the ordinance or resolution. In such cases, publication of the standard ordinance or code shall not be required, but copies of such code shall be available for review by interested persons with the Clerk of Council. Such access can be provided by posting on the City's website,

but access must be provided in the office of the Clerk of Council during normal business hours. If the standard ordinance or code is amended after its adoption by reference by the Council, the Council may adopt the amendment or change by incorporation by reference under the same procedure as is established herein for the adoption of the original standard ordinance or code. (Amended 11-8-16.)

SECTION 4.13 CODIFICATION.

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of the City to be revised, codified, recodified, rearranged, or published in book form, and such action shall become effective immediately upon approval thereof by a majority vote of the members of Council and may contain new matter therein.

The Clerk of Council shall cause a notice of such proposed action by the Council to be published one time pursuant to Council rule, at least seven days prior to Council's action, and no further publication shall be necessary. Copies of actions of Council shall be maintained and available for review in the office of the Clerk of Council. A current service supplementing the City's codified ordinances and resolutions shall be maintained in the manner prescribed by the Council. The Director of Law shall exercise due diligence over the codification process. (Amended 11-8-16)

SECTION 4.14 PUBLICATIONS OF ORDINANCES AND RESOLUTIONS.

(A) Each ordinance or resolution shall be published by causing a brief summary by number and title, noticed within the City once a week for two consecutive weeks. Council may satisfy publication by electronic means on the City's website with a conspicuous identification. Full-text copies of actions of Council shall be maintained and available for review in the office of the Clerk of Council.

(B) Failure to publish, as required by Division (A) of this Section shall not invalidate an ordinance or resolution, and in such events, the Clerk of Council may authorize publication pursuant to Division (A) of this Section, at a later date. (Amended 11-8-16)

ARTICLE V
MAYOR - ADMINISTRATOR

SECTION 5.01 THE MAYOR.

(A) The Mayor shall be elected for a term of office of four years, commencing on the first day of January following the election, with all the powers, duties and function provided by this Charter. Candidates for the office of Mayor shall be electors of the City or an area annexed to the City for at least two (2) years immediately prior to the time of filing for office, and if elected, shall remain so qualified during the term of office.

(B) The Mayor shall not hold any other public office or employment with the City during a term; except that the Mayor may hold an office in a political party, or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to represent the City or to further intergovernmental cooperation, and may hold any office permitted by the Charter or the laws of Ohio. (Amended 11-8-16)

SECTION 5.02 POWERS OF MAYOR.

(A) The Mayor shall preside at all meetings of the Council but shall not vote except that the Mayor may vote on any matter, other than the appointment or removal or suspension of any person appointed, suspended, or removed by the Mayor, in the event of a tie vote among the members of the Council. The Mayor shall have the right to convene a Mayor's Court and appoint a Magistrate to preside over its proceedings after obtaining confirmation by Council by a majority

vote of its members. The Magistrate serves at the pleasure of the Mayor and can be suspended or removed from office without cause either by the Mayor or by the Council by a two-thirds (2/3) vote of its members without the consent of the Mayor. The Mayor shall have those judicial and military powers, if any, as may be granted by the general laws of Ohio, and shall be permitted to perform marriages as allowed by the general laws of Ohio, shall have ceremonial powers on behalf of the City and shall have such other powers, duties and functions as provided under this Charter and the City's ordinances and resolutions. The Mayor shall not have any power to veto ordinances or resolutions or motions passed by the Council.

(B) At its organizational meeting in each year the Council shall elect from among its members a president pro-tempore and a vice-president pro-tempore by a majority vote of its members. The president pro-tempore of the Council shall exercise the powers, duties and functions of the Mayor in case of a vacancy in the office of Mayor or in the event of the absence or disability of the Mayor; and in the event that the Mayor and the president pro-tempore of the Council are absent or disabled, or their offices are vacant, the vice-president pro-tempore shall exercise the powers, duties and functions of the Mayor.

The president and vice-president pro-tempore may vote on any matter before the Council while acting as Mayor, but may not vote a second time on any matter in order to break a tie vote.

In the event of the scheduled absence of the Mayor, the president and vice-president of Council, the Mayor shall select from Council a member to exercise the powers, duties and functions of Mayor until such time as the Mayor, president or vice-president of Council can assume such responsibilities. In the event of the unscheduled absence of the Mayor, the President and vice-president of Council, the Director of Law shall assume the duties and functions of Mayor until such time as the Mayor, president or vice-president of Council can assume the duties and responsibilities of Mayor. (Amended 11-8-16)

SECTION 5.03 MAYORAL VACANCIES.

(A) In the event of a vacancy occurring in the office of Mayor for more than thirty (30) days, Council shall fill such office by the affirmative vote of a majority of the members of Council within thirty (30) days thereafter by electing a qualified resident to fill the remaining term of the Mayor if two (2) years or less remain in said Mayor’s term at the time of Council’s appointment. If the vacancy occurs at least twenty (20) days prior to the date when candidates to the office of Mayor must file their nominating petitions and more than two (2) years remain the term of the Mayor, the person elected by the Council shall serve until a successor is elected at the next regular municipal election and qualified to serve for the remainder of the unexpired term. The person elected for the unexpired term at the next regular municipal election shall take office on the first day of January following his or her election.

(B) If the Council shall fail to elect a person to fill a vacancy in the office of Mayor under Division (A) of this Section within sixty (60) days after the occurrence of the vacancy, its power to do so shall lapse and the President of Council shall appoint a person to serve for the time provided in Division (A) of this Section. (Enacted 11-8-16)

SECTION 5.04 CITY ADMINISTRATOR.

(A) The Mayor shall appoint a City Administrator who shall take office upon confirmation by the Council by a majority vote of its members. The City Administrator shall serve at the pleasure of the Mayor and the Council and may be suspended or removed from office without cause by the Mayor with the consent of the Council granted by a majority vote of its members, or by the Council by a two-thirds (2/3) vote without the consent of the Mayor.

(B) The Mayor and the Council shall deal with the officers and employees who are subordinate to the City Administrator only through the City Administrator; except that the Mayor or the Council may require the City Administrator or his or her subordinate officers or employees to meet to provide information, answer questions or provide oral or other evidence (sworn or unsworn) before the Council or any committee appointed by the Council. The Mayor and Council may deal directly with all other officers and employees of the City.

(C) The City Administrator shall appoint an employee or official of the City as the Acting City Administrator in the event of a vacancy in that office or upon the absence or disability of the City Administrator. Council may appoint such Acting Administrator if the City Administrator fails to make the appointment within four days upon an actual vacancy or an absence or disability. The Council may require the Mayor to make an appointment forthwith of a City Administrator if that office has been vacant for thirty days. The Acting City Administrator shall have the powers, duties and functions of the City Administrator.

(D) The City Administrator shall be appointed on the basis of his or her education and/or administrative and executive skill and experience in the arena of public management; or based upon his or her knowledge of the operations of municipal government. The Mayor and Council shall be the sole judge of the qualifications of the City Administrator.

(E) The City Administrator may not hold any other office or position with the City, unless the Council approves by a two-thirds (2/3) vote of its members.
(Amended 11-8-16)

SECTION 5.05 POWERS OF CITY ADMINISTRATOR.

(A) The City Administrator shall be the chief executive and administrative officer of the City. He or she shall be responsible to and subject to the control, supervision and direction of the Mayor and acts of Council for the administration of all municipal affairs placed in the City Administrator's charge by or under this Charter, the ordinances or resolutions of the City and the state laws.

(B) The City Administrator shall have the following powers, duties and functions to:

(1) Appoint, promote and, when he or she deems it necessary for the good of the service, suspend or remove or otherwise discipline all subordinate employees and appointive administrative officers, except as otherwise provided by this Charter, subject to the provisions of this Charter pertaining to the Merit System.

(2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter.

(3) Attend all Council meetings and shall have the right to take part in discussions but may not vote.

(4) See that all laws, provisions of this Charter and ordinances and resolutions of the Council, subject to enforcement by the City Administrator or by officers subject to his or her direction and supervision, are faithfully executed.

(5) Prepare and submit the annual budget and capital program to the Council.

(6) Submit to Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(7) Make such other reports as the Council may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his or her direction and supervision.

(8) Keep the Council fully advised as to the financial condition and future operating and capital needs of the City and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable.

(9) Require reports and information of subordinate officers and employees of the City as he or she deems necessary in the orderly operation of the City, or when requested to do so by the Council or any board or commission of the City.

(10) Execute on behalf of the City all contracts and agreements, except as otherwise provided in this Charter.

(11) Affix to official documents and instruments of the City the City Administrator's Seal, which shall be the seal of the City, but the absence of the seal shall not affect the validity of any such document or instrument.

(12) Perform such other powers, duties and functions as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the general laws of the State of Ohio.

(C) The City Administrator shall provide staff support to the Mayor through his or her office or independent from his or her office as determined by the Mayor. The City Administrator, when requested by the Mayor or Clerk of Council on behalf of the Council shall provide additional staff support to the Council and/or the Clerk of Council.

(D) The City Administrator or his or her designated representative may attend meetings of the Planning and Zoning Commission and the Board of Zoning Appeals with the right to participate at meetings and in discussions, but the City Administrator or his or her designated representative shall not vote on any matter before the Commission. (Amended 11-8-16)

ARTICLE VI
ADMINISTRATIVE DEPARTMENTS

SECTION 6.01 DIRECTOR OF LAW.

(A) The Director of Law shall be under the supervision, direction and control of both the Mayor and Council, who shall be appointed by the Mayor and confirmed by Council by a majority vote of its members. The Director of Law shall serve at the pleasure of the Mayor and Council and may be suspended or removed from office without cause by the Mayor with the consent of the Council granted by a majority vote of its members, or by the Council by a two-thirds (2/3) vote of its members without the consent of the Mayor.

(B) The Director of Law shall be an attorney-at-law duly authorized to practice law in the State of Ohio. The Director of Law shall not hold any other incompatible public office, under the laws of Ohio, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter, the ordinances or resolutions of the City or the laws of Ohio.

(C) The Director of Law shall be the legal advisor, prosecuting attorney and counsel for the City, and subject to the direction of Council, shall represent the City in all proceedings in Court or before any administrative board or body. The Director of Law shall perform all other powers, duties and functions now or hereafter imposed on Directors of Law under the laws of Ohio; and shall perform other duties that are legal in nature as required by this Charter, by ordinance or resolution, or as directed by the Mayor or City Administrator.

(D) The Council may provide for assistants and special counsel to the Director of Law. All assistants shall be appointed by the Director of Law. The assistants shall be responsible to the Director of Law and when authorized, may exercise all or any part of the powers, duties and functions granted to the Director of Law under this Section. Special counsel may be employed by Council to perform powers, duties and functions authorized by and in the manner provided by Council.

(E) In the event of a vacancy in the office of Director of Law, a successor shall be appointed in the same manner as provided in Division (A) of this Section in the case of an original appointment. The Director of Law shall designate, by a writing filed with the Clerk of Council, a qualified person to serve as Acting Director of Law in the event of his or her temporary absence or disability. In the event of an extended absence or disability beyond forty-five (45) consecutive days, the Acting Director of Law shall be confirmed or removed from exercising the powers, duties and functions of the Director of Law as provided in this Section. (Amended 11-8-16)

SECTION 6.02 DIRECTOR OF FINANCE.

(A) The Director of Finance shall be under the supervision, direction and control of the Mayor and Council, who shall be appointed by the Mayor and confirmed by Council by a majority vote of its members. The Director of Finance shall serve at the pleasure of the Mayor and Council and may be suspended or removed without cause by the Mayor with the consent of the Council granted by a majority vote of its members, or by Council by a two-thirds (2/3) vote of its members without the consent of the Mayor.

(B) The Director of Finance shall be qualified by training or experience to carry out the powers, duties and functions of the office. The Mayor and the Council shall be the sole judges of the qualifications of the Director of Finance. The Director of Finance shall not hold any other public office, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter, ordinance or resolution and the laws of Ohio.

(C) The Director of Finance shall be the chief fiscal officer of the City and shall perform the powers, duties and functions now or hereafter given to City Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this Charter. The Director of Finance, in addition to the powers, duties and functions prescribed by this Charter, shall have other powers, duties and functions as required by ordinance or resolution, or as directed by the Mayor. The Director of Finance shall keep the financial records of the City, establish the accounting systems, financial records and reports used by the offices, departments, divisions, bureaus, boards and commissions of the City; assist the City Administrator in the preparation and submission of appropriation measures, estimates, budgets, capital programs and other financial matters; provide full and complete information concerning the financial affairs and status of the City as requested by the City Administrator, Mayor or Council; and provide full and complete information and assistance concerning the finances or accounting systems or records of any office, department, division, bureau, board or commission of the City as requested by the City Administrator.

(D) In the event of a vacancy in the office of Director of Finance, a successor shall be appointed in the same manner as provided in Division (A) of this Section in the case of an original appointment. The Director of Finance shall designate in writing, filed with the Clerk of Council, a qualified person to serve as Acting Director of Finance in the event of his or her temporary absence or disability. In the event of an extended absence or disability beyond forty-five (45) consecutive days, the Acting Director shall be confirmed or removed from exercising the powers, duties and functions of the Director of Finance as provided in this Section.

(E) The Council shall provide for an independent Internal Control Audit of all City accounts which shall occur at least once every six (6) years and Council may provide for more than frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accounts who have no personal interest, direct or indirect, in the fiscal affairs of the City's government or any of its officers. The Council may, without requiring competitive bids, designate such account or firm annually or for a period not exceeding three (3) years. (Amended 11-8-16)

SECTION 6.03 OTHER ADMINISTRATIVE DEPARTMENTS.

(A) The following administrative departments are created upon the effective date of the Charter, except that the Department of Fire shall be created only if the City's fire protection services shall cease to be provided by a fire district or under contract with another political subdivision or private fire company:

(1) A Department of Police Services to be headed by a Police Chief appointed by the Mayor, confirmed by Council and under the general direction and supervision of the Mayor.

(2) A Department of Fire Services if and when such department is authorized by the Council, by ordinance or resolution, pursuant to this Division A, and when created the Department of Fire Services shall be headed by a Fire Chief appointed by the Mayor, confirmed by Council and under the general direction and supervision of the Mayor.

(3) A Department of Utility Services to be headed by a Director of Utility Services, which shall administer the water and sewer facilities and services.

(4) A Department of Public Services to be headed by a Director of Public Services, to include the functions of streets and cemeteries and other matters assigned by ordinance or resolution.

(5) A Department of Engineering to be headed by a City Engineer, however the Council must first authorize this department by ordinance or resolution. This function may also be provided by contract with appropriate engineering firms, as determined and selected by the Council by ordinance or resolution.

(6) A Department of Inspection to be headed by a Chief Inspector to provide for zoning, building and housing inspections and to provide other functions as may be determined by ordinance or resolution. This function may be provided by contract as determined and selected by the Council by ordinance or resolution.

(7) Such other departments and divisions or other sub-units thereof as created by ordinance or resolution.

(B) The Departments of Utility Services, Public Services, Engineering, and Inspection shall be under the direction and supervision of the City Administrator.

(C) In the event the City does not exercise functions requiring any of the departments enumerated in Division (A) of this Section at the time this Charter becomes effective, such departments shall not be provided for until the Council shall authorize their creation by ordinance or resolution.

(D) The Council may abolish, combine, merge, change or alter any department created or authorized by Division (A) of this Section by ordinance or resolution, except that the Departments of Police Services shall not be abolished, combined or merged.

(E) The departments and divisions of the City, and their adminsitrative heads, shall have those powers, duties and functions as provided by this Charter, by ordinance or resolution, and as provided by the general laws of Ohio; except if such general laws are inconsistent with this Charter or the ordinances or resolutions of the City. (Amended 11-8-16)

SECTION 6.04 ACTING DEPARTMENT AND DIVISION HEADS.

In the event of a vacancy or the temporary absence or disability of the head of any administrative department or division authorized or created pursuant to Section 6.03 of this Charter, the Mayor in the case of police and fire and the City Administrator, other than with respect to police and fire may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed. (Amended 11-8-16)

ARTICLE VII
BOARDS AND COMMISSIONS

SECTION 7.01 MERIT SYSTEM - PERSONNEL BOARD OF REVIEW.

(A) Merit Principle. All appointments and promotions of City employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable, except as otherwise provided by ordinance or resolution.

(B) Classified and Unclassified Service. Council shall establish a classified and unclassified service for the employees of the City. Council shall adopt ordinances or resolutions setting forth personnel practices and procedures to define and govern the classified and unclassified service of the City.

(C) Composition and Terms. The Personnel Board of Review shall consist of five (5) persons who are electors of the City during their term of office, who shall serve overlapping three-year terms and shall be appointed by a majority vote of the members of Council. The first appointments under this Charter of Board Members shall be as follows: two shall be appointed for three year terms, two shall be appointed for two year terms and one shall be appointed for a one year term.

(D) Powers and Duties. The Personnel Board of Review shall have the power and duty to hear appeals from administrative determinations made pursuant to ordinances and resolutions setting forth personnel practices and procedures; and any other powers, duties and functions as may be provided by ordinance or resolution.

(E) Discipline of Unclassified Personnel. The dismissal or suspension of unclassified personnel may be appealed to the Council for review. It shall require five affirmative Council votes to affirm the dismissal or suspension of an unclassified person who has been removed or suspended by the City Administrator or other appointing authority due to acts or omissions constituting misfeasance, malfeasance, or nonfeasance with respect to their official actions or work. (Amended 11-8-16)

SECTION 7.02 PLANNING AND ZONING COMMISSION.

(A) There is hereby created a Planning and Zoning Commission consisting of seven (7) persons who are electros of the City during their term of office to be appointed by Council by a majority vote of its members. Members of the Planning and Zoning Commission shall serve overlapping four year terms of office.

(B) The powers, duties and functions of the Planning and Zoning Commission shall be provided by this Charter and the ordinances and resolutions of the City. In the absence of any such ordinances or resolutions, the Planning and Zoning Commission shall have the power to review and approve plats and shall have all of the other powers and authority conferred upon city planning commissions by State law. (Amended 11-8-16)

SECTION 7.03 BOARD OF ZONING APPEALS.

(A) There is hereby created a Board of Zoning Appeals consisting of five (5) persons who are electors of the City during their term of office to be appointed by Council by a majority vote of its members. Members of the Board shall serve overlapping four year terms of office.

(B) The Board of Zoning Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations and other legislative measures and orders of administrative officials or agencies governing zoning in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution. The Board shall have such additional powers, duties and functions, relative to appeals from actions of the City's administrative officers or employees concerning public buildings, streets or other public property or works, as provided by ordinance or resolution. Appeals from actions of the Board shall be directly to an appropriate Court and not to the Council.

(C) The Board of Zoning Appeals may make advisory recommendations to the Council and the Planning and Zoning Commission concerning zoning matters as it believes to be in the best interest of the City. The Board shall have such other powers, duties and functions consistent with this Charter, as provided by the City’s ordinances and resolutions.
(Amended 11-8-16)

SECTION 7.04 PARK AND RECREATION BOARD.

(A) There is hereby created a Park and Recreation Board consisting of five (5) persons who are electors of the City during their term of office to be appointed by the Mayor and confirmed by Council by a majority vote of its members. Two of the members shall be appointed from among persons recommended by the boards of education of the school districts serving the City as follows: one from the Southwest Licking Local School District and one from the Licking Heights Local School District, or the successor to such Districts. Members of the Board shall serve overlapping four year terms of office.

(B) The Park and Recreation Board shall elect one of its own members as chairman to serve a term of one year. Vacancies on the Board shall be filled in the same manner as original appointments were made. The organization and duties of the Board shall be as provided for in the ordinances and resolutions of Council.

(C) The Park and Recreation Board shall be subject to the purchasing and financial appropriations as well as other regulatory ordinances or resolutions of Council. All expenditures shall be approved by the City Administrator.

The City Administrator shall have the power and duty to employ a Park Manager subject to the confirmation of such employment by a majority vote of the members of Council. Council may consider input from Park Board. The Park Manager shall be responsible to the City Administrator with recommendations from the Park Board. (Amended 11-8-16)

SECTION 7.05 CHARTER REVIEW COMMISSION.

(A) Beginning with the first Council meeting in October, 2019 and each five (5) years thereafter, the Council shall appoint a Charter Review Commission consisting of seven (7)) persons who are electors of the City during their term of office to serve for a term of one year.

(B) The Commission shall review the provisions of the Charter and shall make written recommendations, if any, to the Council for revisions to the Charter. The Council may cause any of the recommendations to be submitted to a vote of the electors of the City Charter amendment.

(C) The Council shall appropriate sufficient funds for the operation and expenses of the Charter Review Commission. (Amended 11-8-16)

SECTION 7.06 ORGANIZATION, VACANCIES.

(A) Unless otherwise provided in this Charter, each of the City's boards and commissions whether created by this Charter or by ordinance or resolution, shall:

(1) Organize at its first meeting each year by electing a chairman, vice chairman and secretary. The chairman and vice chairman shall be members of the board or commission and the secretary may be elected from within or without the membership of the board or commission. The secretary shall keep an accurate and complete record of the proceedings of the board or commission and shall file a copy of its proceedings with the Clerk of Council for public inspection.

(2) Take action by motion, and a majority vote of the members of the board or commission shall be necessary to take action. A majority of the members shall constitute a quorum. All members of boards and commissions, appointed to office under Sections 7.01 through 7.05 of this Charter shall be electors of the City during their term of office.

(3) Adopt rules for calling regular and special meetings, as well as the conduct and governance of the board or commission. However, the rules shall not conflict with the provisions of this Charter or ordinances or resolutions of the City, and shall be in conformity with Ohio's open meetings law.

(B) Unless otherwise provided in this Charter, a vacancy during the term of any member of a board or commission created by this Charter or by ordinance or resolution shall be filled for the unexpired term, if any, in the manner authorized for an original appointment; provided that if such appointing authority shall fail to fill the vacancy by appointment within sixty days, the Mayor or Council shall fill the vacancy by appointment for the unexpired term, if any.

(C) Members of board and commissions appointed to office under Sections 7.01 through 7.05 shall hold no other office or position of employment with the City during their term of office.

(D) Council may not abolish or combine boards and commissions specifically created in this Charter. (Amended 11-8-16)

ARTICLE VIII
FINANCE, TAXATION AND DEBT

SECTION 8.01 GENERAL.

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds, assessments and other fiscal matters of the City shall be applicable to the City, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provision therefore is made in the Constitution of Ohio; provided that the Council shall not adopt a municipal income tax unless the income tax is approved by a majority vote of the electors voting on the issue. This prohibition shall not affect the ability of the City to participate in a joint economic development district under the laws of Ohio.

SECTION 8.02 CONTRACTING POWERS AND PROCEDURES.

(A) The City Administrator shall be the contracting officer of the City and shall award and execute all contracts on behalf of the City.

(B) When any expenditure or contract is more than the amount specified by the laws of Ohio, unless a lesser amount is established by Council, whichever is less, for which work may be accomplished only after advertisement and bidding, such contract or expenditure shall first be authorized or directed by an ordinance or resolution passed by the Council and shall be advertised once a week for at least two weeks in a newspaper of general circulation in the City; provided the Council, by an ordinance or resolution adopted by the affirmative vote of at least two-thirds of its members, may authorize, without advertising and competitive bidding, contracts and expenditures for any purpose where the statutory or common law of Ohio does not require competitive bidding. Council may from time to time, provide for alternate methods of publication including publication by electronic means when determined appropriate so long as full-text copies of actions of Council are maintained in the Office of the Clerk of Council.

(C) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contract, they shall be made only upon the order of the City Administrator. The alterations or modifications amount(s) that may be approved solely by the City Administrator shall be limited to the amount prescribed in Part B of this Section. Any alteration or modification in excess of this amount shall require approval by Council.

(D) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the City Administrator unless the Director of Finance or his or her duly authorized representative shall first certify:

(1) That the money required for such contract, agreement, obligation or expenditure is in the City's treasury or in the process of collection thereto, and

(2) That the money has been appropriated by Council for the purpose of the contract, which may be included in a general description of purpose, and it remains unencumbered.

The certification as to the availability of funds and the appropriation of funds shall be filed and recorded in the accounting records of the City and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be unenforceable against the City unless subsequently authorized by the Council by a majority vote of its members.

(E) The City Administrator shall not divide any order or contract to avoid the requirements of competitive bidding. (Amended 11-8-16)

ARTICLE IX
NOMINATIONS AND ELECTIONS

SECTION 9.01 NOMINATIONS.

Nominations for all elected offices of the City shall be made by non-partisian petition only and no primary election shall be held to nominate officers of the City. Nominating petitions for all elected offices of the City shall be in the form determined by the election authorities provided under the general laws of the Ohio and signed by electors of the City. In the case of petitions for members of Council to be elected at-large or from wards, such signatures gathered shall equal in number to not less than one percent (1%) nor more than three percent (3%) of those electors of the City or ward, as appropriate, who voted at the last preceding gubernatorial election.
(Amended 11-8-16)

SECTION 9.02 REGULAR MUNICIPAL ELECTIONS.

The regular municipal elections for all elected offices, and for issues to be presented to the electors of the City, shall be held on the dates and at the times fixed by the election laws of Ohio for general statutory plan cities, except that all such offices shall be elected to terms of office as provided in this Charter. (Amended 11-8-16)

SECTION 9.03 SPECIAL ELECTIONS.

The Council may, at any time, order a special election by ordinance or resolution which shall set forth the date and purpose of the election, including but not limited to the referral of pending ordinances and resolutions to the electors for their approval or rejection. Special elections may be held on any date, including but not limited to the dates of general and primary elections in odd or even numbered years.

SECTION 9.04 CONDUCT OF ELECTIONS.

All regular and special elections shall be conducted by the election officials as established under the laws of Ohio. Such elections shall be held in conformity with the provisions of this Charter. Where the Charter is silent, the provisions of the election laws of Ohio shall be followed.

ARTICLE X
INITIATIVE, REFERENDUM AND RECALL

SECTION 10.01 INITIATIVE AND REFERENDUM.

Ordinances, resolutions, issues and other measures may be proposed by initiative petition and adopted by election, and ordinances and resolutions adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of Ohio, provided ordinances and resolutions calling elections under this Charter shall not be subject to referendum.

SECTION 10.02 RECALL.

(A) The electors shall have the power to remove from office by a recall election any elected official of the City in the manner provided in this Section.

(B) If the elected official shall have served six months of his or her term, an elector or electors of the City may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of a named elected official or officials. No petitions for the recall of an elected official may be circulated until such written notice of intent is served upon the Clerk of Council. Not later than thirty days after service of such notice of intent on the Clerk of Council, such persons may file, with the Clerk of Council, a petition demanding the removal of an elected official. Separate petitions shall be filed for each elected official sought to be removed by recall. The Clerk 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. Such petition 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 and office of the person whose removal is sought. Such petition shall be signed by at least that number of electors which equals twenty percent (20%) in number of the electors voting at the last preceding regular municipal election, provided, if the petition is filed demanding the removal of a ward Council member, such petition shall be signed by at least that number of electors from such ward which equals twenty percent (20)%) in number of the electors voting in such ward at the last preceding regular municipal election.

(C) Within ten days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition and make a record of such delivery. Such person shall be allowed a period of ten days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, the Clerk shall promptly so certify to Council and shall deliver a copy of such certificate to the person whose removal is sought within five days and make a record of such delivery.

(D) If the person whose removal is sought shall not resign within five days after the day on which the Clerk's certificate shall have been delivered, Council shall, by ordinance or resolution, fix a day for holding a recall election, which date shall not be less than forty days nor more than sixty days after the date of the Clerk's certification of sufficiency to the Council, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper of general circulation in the City. At such recall election, this question shall be placed upon the ballot: "Shall (naming the person whose removal is sought) be allowed to continue as (naming the office)," with the provision on the ballot for voting affirmatively or negatively. In the event of a majority of the vote is negative, such person shall be removed, the office shall be vacant, and such vacancy shall be filled as provided in this Charter. If the person is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one year following such election. In the event that a recall election is ordered, as provided by this Section, for a ward Council member, only the electors of the ward which such Council member represents shall be entitled to vote upon the issue of recall. (Amended 11-8-16)

ARTICLE XI
GENERAL PROVISIONS

SECTION 11.01 REMOVAL OF OFFICIALS.

(A) Elected officials and members of Boards and Commissions shall be removed for cause as provided in this Section of the Charter.

(B) As used in this Section of the Charter, the "Charging Official" shall mean: the "Mayor" except where the person accused of a ground for removal is the person holding the office of Mayor, or the president pro-tempore of Council where the person sought to be removed for cause holds the office of Mayor.

(C) The Charging Official, if he or she has reason to believe there is probable cause (as such causes are defined in this Section 11.01) for the removal of an elected official or member of a Board or Commission, shall give notice of the alleged cause for removal and the time, date and place of the commencement of hearing for removal, which shall not be earlier than ten days after the service of the notice to the accused person by personal service, certified mail, or by leaving a copy of such notice at the person's last known place of residence in the City. At such time, date and place and at any adjourned meetings, the Council shall hear, provide an opportunity to the accused person to be heard and present defenses, and determine whether the accused person shall be removed from his or her office. The Council may remove an official for any of the following causes by a two-thirds vote of the members of the Council, provided that if the accused person is a member of Council, such person shall not be counted in determining required majorities:

(1) Unexcused absences from any three consecutive regular meetings of the Council or the Board or Commission on which such person serves or any six regular or special meetings thereof in any year, provided the accused person received notice of special meetings. An absence from a regular or special meeting may be excused by a majority vote of the members of the Council or the Board or Commission on which such person serves at any time, including the excusing of any absence after action is initiated but prior to the commencement of hearings for the person's removal under this Section.
(2) Failure to possess or maintain the qualifications of the office.
(3) A determination that the accused person is guilty of misfeasance, malfeasance or nonfeasance in office.
(4) Conviction of a crime that is a felony.

(D) Upon the removal of an official from office pursuant to this Section, the office of the offending person shall be vacant, subject to any appeal to and review by an appropriate court, and the vacancy shall be filled as provided in this Charter.

(E) The removal of an official or the occurrence of any of the causes permitting the removal shall not invalidate any action of the official or any body, including the Council, in which the member participated. The subsequent removal of a person who fills a vacancy created pursuant to this Section by the reinstatement by a court of a person previously removed by the Council, shall not invalidate any action of the person who filled the vacancy or any body, including the Council, in which such person who filled the vacancy participated.

(F) The Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. The Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall be entitled to a public hearing. A record of the proceedings shall be made and preserved. A notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing, and in such an event, the Mayor, or other presiding officer of the Council, may reschedule the time, date and place of the hearing set by the Charging Official to accommodate the publication of the notice. If the hearing is rescheduled, the Mayor or other presiding officer, shall notify the accused person of such fact. Decisions made by the Council under this Section shall be subject to review by the Courts on matters of law and whether the Council acted arbitrarily and without probative evidence to support the grounds for removal.

(G) The Director of Law or special counsel appointed by the Director of Law shall prosecute the removal proceedings before the Council and any review thereof by the Courts. If a person accused is not finally removed, the City shall pay the reasonable costs of the defense of such person and any compensation withheld pending the appeal of the action of the Council.

SECTION 11.02 CONFLICTS OF INTEREST, ETHICS, CAMPAIGN FINANCING.

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

SECTION 11.03 SUCCESSION.

The City of Pataskala under this Charter is hereby declared to be the legal successor of the City of Pataskala under the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The City shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by the City or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

SECTION 11.04 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

(A) The adoption of this Charter and any amendments thereafter shall not affect any pre-existing rights of the City nor any right, liability, pending suit or prosecution, either on behalf of or against the City or any officer thereof, nor any franchise granted by the City nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears in this Charter, all acts of Council of the City including ordinances and resolutions in effect at the date this Charter became effective, shall continue in effect until amended or repealed.

(B) No action or proceedings pending against the City or an officer thereof shall be abated or affected by the adoption of this Charter and any amendments thereafter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed. (Amended 11-8-05.)

SECTION 11.05 RETIREMENT SYSTEM - HEALTH DISTRICT.

The laws of Ohio governing the retirement of officers and employees of the City and the organization of health districts shall be applicable under this Charter.

SECTION 11.06 AMENDMENT OF CHARTER.

This Charter may be amended by the voters of the City as provided by the Constitution of Ohio. (Amended 11-8-16)

SECTION 11.07 EFFECT OF PARTIAL INVALIDITY.

A determination that all or any part of any Article, Section or Division of this Charter is invalid shall not invalidate or impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

SECTION 11.08 OATH OF OFFICE.

The following oath or affirmation, or some other suitable oath or affirmation, shall be signed by each elected or appointed officer and filed with the Clerk of Council.

City of Pataskala
Oath of Office

I, <state your name>, do solemnly and sincerely promise and swear or affirm that I will conform to and uphold the Constitution of both the United States of America and the State of Ohio, and will support the Charter and all ordinances and resolutions of the City of Pataskala, Ohio;

I will be loyal and, with strict adherence, obey the duties of my office set forth by law and the will of the citizens of the City of Pataskala, Ohio,

So help me God.

Failure to take the oath or affirmation shall not cause a loss of qualifications for and the holding of an elected office unless the officer shall refuse or fail to sign an oath or affirmation and to file it with the Clerk of Council within forty-five (45) days after notice is given by the Clerk of Council that a signed oath or affirmation has not been filed with the Clerk of Council.
(Amended 11-8-16)

ARTICLE XII
TRANSITIONAL PROVISIONS

SECTION 12.01 EFFECTIVE DATE OF CHARTER.

This Charter took effect January 1, 1998. Proposed amendments to the Charter may be submitted to the electors of the City as provided by this Charter and the Constitution of Ohio. If approved by a majority of the electors voting, the amendments shall take effect from the date the final result of the election is certified by the election authorities for the purpose of designating, nominating and electing officers of the City and conducting municipal elections.
(Amended 11-8-05.)

SECTION 12.02 EFFECT OF CHARTER ON EXISTING OFFICES.

Except as otherwise provided by this Charter, all persons holding office at the time this Charter and any amendments thereafter take effect shall continue in office and in the performance of their duties until other provisions have been made in accordance with this Charter for the performance or discontinuance of the duties of the office. When that provision shall have been made, the term of any officer shall expire and the office shall be abolished. The powers conferred and the duties imposed upon any officer, body, commission, board, department or division of the City under the laws of Ohio, this Charter or under any municipal ordinance, resolution or contract in force at the time this Charter or any amendments thereafter takes effect, if the office, body, commission, board, department or division is abolished by this Charter, shall be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.
(Amended 11-8-05.)

SECTION 12.03 CONTINUANCE OF PRESENT EMPLOYMENT.

Every employee of the City on the effective date of this Charter and any amendments thereafter shall continue in such employment subject in all respects to the provisions of this Charter and ordinances, resolutions, rules or regulations enacted or promulgated under this Charter. (Amended 11-8-05.)