



Introduced: 06/20/2016

Revised:

Adopted:

Effective:

## CITY OF PATASKALA

### ORDINANCE NO. 2016 - 4268

**AN ORDINANCE TO AMEND SECTIONS 2.04, 3.02, 3.03, 3.04, 3.05, 3.06, 3.08, 4.10, 4.11, 4.12, 4.13, 4.14, 5.01, 5.02, 5.03, 5.04, 5.05, 6.01, 6.02, 6.03, 6.04, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 8.02, 9.01, 9.02, 10.02, 11.06, AND 11.08 OF THE CHARTER OF THE CITY OF PATASKALA, TO REMOVE OBSOLETE PROVISIONS THEREFROM, AND TO MAKE OTHER TECHNICAL AND CLERICAL AMENDMENTS THERETO AS RECOMMENDED BY THE CHARTER REVIEW COMMISSION.**

WHEREAS, Section 7.05 of the Charter of the City of Pataskala requires the creation of a Charter Revision Commission; and

WHEREAS, the Charter Revision Commission has made recommendations for amendment and deletion of provisions of the City Charter; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PATASKALA, LICKING COUNTY, OHIO, UPON A TWO-THIRDS VOTE OF THE MEMBERS OF COUNCIL AS REQUIRED BY SECTION 11.06 OF THE CHARTER AND BY SECTIONS 8 AND 9 OF ARTICLE XVIII OF THE OHIO CONSTITUTION, THAT:

Section I. As used in Section II of this Ordinance, stricken-through language indicates language that will be deleted from, and underlined language indicates the new language being added to, the sections of the Charter of the City of Pataskala by this Ordinance.

Section II. Sections 2.04, 3.02, 3.03, 3.04, 3.05, 3.06, 3.08, 4.10, 4.11, 4.12, 4.13, 4.14, 5.01, 5.02, 5.03, 5.04, 5.05, 6.01, 6.02, 6.03, 6.04, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 8.02, 9.01, 9.02, 10.02, 11.06, AND 11.08 of the Charter of the City of Pataskala, be amended to read as follows:

**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.

### **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 ~~next~~ following their election.

(B) ~~Members of 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.

### **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.

### **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).

### **SECTION 3.05 COUNCIL MEETINGS.**

(A) The Council shall determine, by ~~the affirmative vote of~~ 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 ~~B~~boards and ~~C~~ommissions of the ~~Municipality~~City shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

### **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 ~~the affirmative vote of a vote of~~ 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 ~~the affirmative vote of~~ a majority vote of ~~theits~~ members ~~of Council~~. 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.

### **SECTION 3.08 COUNCIL VACANCIES.**

(A) A vacancy in the Council shall be filled by the affirmative vote of a majority ~~vote~~ 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 his~~ election.

(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.

**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, ~~and such amendment shall not require additional readings of the ordinance or resolution.~~ 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 ~~the~~ 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.

**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 ~~vote~~ of the members of Council.

**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 source 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 ~~at least two~~ copies of such code shall be available for review by interested persons with kept at all times in the office of the Clerk of Council ~~and available for reference by interested persons.~~ 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.

**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, in a newspaper of circulation in the City~~ at least seven days prior to Council's action, and no further publication shall be necessary. ~~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~~ eCopies of actions of Council ~~are~~ 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.

**SECTION 4.14 PUBLICATIONS OF ORDINANCES AND RESOLUTIONS.**

(A) Each ordinance or resolution shall be published by causing a brief summary ~~thereof to be published in a newspaper of general circulation by number and title, noticed~~ within the City once a week for two consecutive weeks. Council may ~~from time to time, provide for alternate methods satisfy publication by of publication including publication by~~ electronic means ~~on the City's website with a conspicuous identification when determined appropriate so long as~~ Full-text copies of actions of Council ~~shall be~~ are 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.

**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 functions provided by this Charter. ~~A~~eCandidates for the office of Mayor shall be ~~an~~ 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~~ shall be elected, ~~shall remain so qualified during the term of office, to the office of Mayor.~~

(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.

**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 ~~m~~Mayor, the president and vice-president of ~~e~~Council, the ~~m~~Mayor shall select from ~~e~~Council a member to exercise the powers, duties and functions of ~~m~~Mayor until such time as the ~~m~~Mayor, president or vice-president of ~~e~~Council can assume such responsibilities. In the event of the unscheduled absence of the ~~m~~Mayor, the president and vice-president of ~~e~~Council, the ~~law~~Director of Law shall assume the duties and functions of ~~m~~Mayor until such time as the ~~m~~Mayor, president or vice-president of ~~e~~Council can assume the duties and responsibilities of ~~m~~Mayor.

#### 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 in 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 ~~their~~ 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.

#### **SECTION 5.034 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 shall become a resident of the City within six months after his or her confirmation by the Council, unless the Council shall waive this residency requirement by ordinance or resolution.~~ 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.

#### **SECTION 5.045 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 ~~for by or~~ under 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.

## ARTICLE VI ADMINISTRATIVE DEPARTMENTS

### SECTION 6.01 DIRECTOR OF LAW.

(A) ~~The Director~~ ~~Except as provided in Section 12.03 of this Charter, the Department of Law shall be under the supervision, direction and control of both the Mayor and Council, Director of Law, who shall be appointed by the Mayor and confirmed by Council by a majority vote of its members the Council. The Director of Law and 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 ~~need not be an elector or resident of the City, but~~ 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; ~~and, i~~ ~~In the event of an -vacancy extended absence or disability beyond forty-five (45) consecutive days, -until the vacancy is filled as provided in this Division. T~~ the Acting Director of Law shall ~~be confirmed or removed from exercising exercise~~ the powers, duties and functions of the Director of Law ~~under this Charter as provided in this Section.-~~

### SECTION 6.02 DIRECTOR OF FINANCE.

(A) ~~Except as provided in Section 12.03 of this Charter, the Department~~ ~~The Director of Finance shall be under the supervision, direction and control of the Mayor and Council, Director of Finance, who shall be appointed by the Mayor and confirmed by subject to approval by motion of the 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 or suspended by the Mayor with the consent of the Council granted subject to approval of the removal or suspension by the council 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 need not be an elector or resident of the City.~~ 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) ~~The Mayor shall appoint an Acting Director of Finance in the event of a vacancy in the office or the absence or disability of the Director of Finance. 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 and. 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 frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants 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 accountant or firm annually or for a period not exceeding three (3) years.

#### **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 administrative heads, shall have those powers, duties and functions as provided ~~by in~~ this Charter; ~~by ordinance or resolution;~~ and as provided by the general laws of Ohio; ~~except if provided~~ such general laws are ~~not~~ inconsistent with this Charter or the ordinances ~~and~~ resolutions of the City.

#### **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 ~~and the Park Director~~, may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

### **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 ~~currently registered to vote in~~ who are electors of the City ~~of Pataskala~~ 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.

#### **SECTION 7.02 PLANNING AND ZONING COMMISSION.**

(A) There is hereby created a Planning and Zoning Commission consisting of seven (7) <sup>2</sup> persons ~~currently registered to vote in~~ who are electors of the City during their term of office of Pataskala to be appointed ~~by the Mayor and confirmed~~ by Council by a majority vote of ~~the its~~ members ~~of the Council~~. 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.

#### **SECTION 7.03 BOARD OF ZONING APPEALS.**

(A) There is hereby created a Board of Zoning Appeals consisting of five (5) persons ~~currently registered to vote in~~ who are electors of the City during their term of office of Pataskala to be appointed ~~by the Mayor and confirmed~~ by Council by a majority vote of ~~the its~~ members ~~of the Council~~. Members of the Board shall serve ~~for~~ 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 ~~b~~Board shall have such other powers, duties and functions consistent with this Charter, as provided by the ~~Municipality's~~City's ordinances and resolutions.

#### **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 currently registered to vote in~~ the City of ~~Pataskala~~ during their term of office to be appointed by the Mayor ~~and subject to confirmation~~ by Council by a ~~motion adopted 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 ~~for~~ overlapping four year terms of office.

(B) ~~The Park and Recreation Board shall advise the City Administrator and City Council on the operation and maintenance of the City's Parks and Recreation programs and shall have such authority in the operation and maintenance of the City Parks and Recreation programs as is provided by Council. 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) ~~(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.

~~(A)~~(D) The Board shall have the power and duty to employ a Director subject, however, to the confirmation of such employment by a majority vote of the members of Council, and such other employees as are necessary to execute its duties and shall develop, control, equip, and manage playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers and any lands or buildings owned or operated by the City for park or recreation purposes. The Director shall be responsible to the Park and Recreation Board and shall not be subject to civil service. The Park and Recreation Board may remove the Director or such other employees with or without cause.

#### **SECTION 7.05 CHARTER REVIEW COMMISSION.**

(A) Beginning with ~~January 1, 2005~~ 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 ~~registered to vote in~~ who are electors of the City of ~~Pataskala~~ during their term of office to serve for a term of one year, ~~ending on December 31, of the same year as the term commences.~~

(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 by way of~~ Charter amendment.

(C) The Council shall appropriate sufficient funds for the operation and expenses of the Charter Review Commission.

#### **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 govern~~ance~~ment of the board or commission; ~~h~~However, the rules shall not conflict with the provisions of this Charter or ordinances ~~and~~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) ~~Unless otherwise authorized under this Charter, m~~Members of boards 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.

#### **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. ~~No such order shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the City Administrator on behalf of the City. Modifications or alterations in contracts shall not require advertising and competitive bidding. 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.

## **ARTICLE IX NOMINATIONS AND ELECTIONS**

### **SECTION 9.01 NOMINATIONS.**

Nominations for all elected offices of the City shall be made by non-partisan 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 Ohio and signed by electors of the City , -and- i In the case of petitions for members of Council to be elected at-large or from wards, such signatures gathered electors of the ward, 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 voteding at the last preceding gubernatorial election.

**SECTION 9.02 REGULAR MUNICIPAL ELECTIONS.**

The regular municipal elections for all elected offices, and for issues to be presented to the ~~voters~~selectors 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.

**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 ~~fifteen-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 ~~fifteen-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.

#### **SECTION 11.06 AMENDMENT OF CHARTER.**

This Charter may be amended by the voters of the City as provided by the Constitution of Ohio.

#### **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.

ATTEST:

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Kathy M. Hoskinson, Clerk

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Michael W. Compton, Mayor

APPROVED AS TO FORM:

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Brian M. Zets, Law Director