

REYNOLDSBURG CHARTER

EDITOR'S NOTE: The Reynoldsburg Charter was adopted by the voters on June 5, 1979. Dates appearing in parentheses following section headings indicate that those provisions were subsequently amended, added or repealed on the date given.

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**CHARTER OF THE CITY
REYNOLDSBURG, OHIO**

PREAMBLE

In order that we may have the benefits of municipal home rule and exercise all of the powers of local self-government and other powers conferred under the Constitution and Statutes of the State of Ohio, We, the citizens of the City of Reynoldsburg, 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 Reynoldsburg under the general statutes of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter. The Municipality shall have the same boundaries that exist on the effective date of this Charter, with power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio.

SECTION 1.02 FORM OF GOVERNMENT.

The Municipal government provided for by this Charter shall be known as the "Mayor-Council 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 City, 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 City 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 nonprofit, 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 intergovernmental cooperation, but shall not authorize the avoidance of the provisions of this Charter concerning taxation or initiative or referendum.

ARTICLE III THE COUNCIL

SECTION 3.01 COMPOSITION OF COUNCIL, TERMS OF OFFICE.

(a) At the regular municipal election held in 1979, three electors from the City at large shall be elected as At Large members of the Council to terms of office of two years each; and four electors of the City residing in their respective wards shall be elected as Ward members of the Council from the wards existing under the general statutory plan of government at the time of their election to terms of office of four years each.

(b) At the regular municipal election held in 1981, three electors from the City at large shall be elected as At Large members of the Council to serve four year terms of office.

(c) At the regular municipal election held in 1983, and every four years thereafter, four electors of the City residing in their respective wards shall be elected as Ward members of the Council from the wards then existing to serve four year terms of office.

(d) At the regular municipal election to be held in 1985, and every four years thereafter, three electors from the City at large shall be elected as At Large members of the Council to serve four year terms of office.

(Amended 11-2-82)

SECTION 3.02 WARD BOUNDARIES.

(a) The ward boundaries existing on the date for filing as a candidate for office of a Ward Council member for election at the regular municipal election held in 1979 shall apply to such election. Thereafter, the ward boundaries shall be established by the Council or the Ward Boundary Commission, as appropriate, in a manner that will allow and facilitate the election of Ward Council members as provided in Division (c) of Section 3.01 of this Charter.

(b) There is hereby created a Ward Boundary Commission consisting of five members to serve overlapping terms of office of four years each, provided that the first members of the Commission under this Charter shall be appointed so that three members serve a term of four years each and two members serve a term of two years each. Members of the Commission shall be appointed by a majority vote of the members of Council. At appointment, no more than two members shall be adherents of the same political party, and one or two members, as appropriate, shall be either independent voters who have not voted in a political party primary in the previous five elections or adherents of a different political party from the other members. No more than two electors from any ward shall be members of the Commission and each ward shall be represented.

(c) Following each decennial census, and at least ninety days prior to the date candidates for Ward Council seats must file for office for the second regular municipal election after the decennial census, the Commission shall propose the redivision of the City into four wards of substantially equal population in each ward, by the preparation of an ordinance or resolution, approved as to form by the City Attorney, and file such proposal with the Clerk of Council. The Council shall either pass the ordinance or resolution in the form submitted by the Commission or reject, by a two-thirds vote of the

Council, the Commission's proposal within thirty days after it is filed with the Clerk. If the ordinance or resolution is passed by Council, it shall be effective immediately, shall not be subject to veto by the Mayor, but shall be subject to initiative or referendum under this Charter. If the Council shall reject the Commission's proposal the Ward Boundary Commission shall, by a two-thirds vote of its members, make an appropriate redivision of the City's wards within sixty days after the Commission's proposal was filed with the Clerk. Such action by the Commission shall be in the form of an ordinance or resolution, shall be effective immediately, shall not be subject to veto by the Mayor, but shall be subject to initiative or referendum under this Charter.

(d) In addition to the redivision of the City into wards following each decennial census as required by Division (c) of this Section, the Council may, by motion direct the Ward Boundary Commission to redivide the City into four wards in order to provide substantially equal population in each ward, and the procedures set forth in Division (c) of this Section shall apply.

(e) All wards shall be compact and contiguous and shall be bounded, as far as practical, by county lines, streets, alleys, avenues, public grounds, canals, watercourses, municipal boundary lines, or center lines of platted streets or railroads. 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. (Amended 11-2-82)

SECTION 3.03 QUALIFICATIONS.

Members of the Council shall be electors of the City at the time they file for office and during their term of office. Ward members of the Council shall also be residents of the ward which they represent at the time they file for office and during their term of office. Members of the Council shall not hold any other public office 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 further intergovernmental cooperation, and may hold any office permitted by this Charter or the laws of Ohio.

SECTION 3.04 PRESIDENT OF COUNCIL.

(a) The President of Council shall be elected from the City at large to a four year term of office, commencing with the election to be held in November, 1979. The President of Council's term shall commence on the first day of January next following his or her election. The President of Council shall possess the same qualifications as provided in this Charter for a member of the Council elected from the City at large.

(b) The President of Council shall be the presiding officer of the Council but shall vote on any matter before the Council only in the event of a tie vote among the members of the Council. The President of Council shall have such other powers, duties and functions as provided by this Charter, ordinance or resolution, or rules of the

Council. While serving as the Acting Mayor, the President of Council shall have the power to veto ordinances and resolutions as provided in this Charter for the Mayor.

(c) In the event of a vacancy in the office of President of Council, the Council shall appoint, by a majority vote of its members, a qualified person to fill the vacancy in the office of President of Council for the remainder of the unexpired term. (Amended 11-3-87)

SECTION 3.05 PRESIDENT PRO-TEMPORE OF COUNCIL.

(a) The Council shall appoint as a part of its organizational process, by a majority vote of its members, a member of the Council to serve as the President Pro-Tempore of the Council, to serve at the pleasure of the Council.

(b) The President Pro-Tempore shall serve as the presiding officer of the Council during the temporary absence or disability of the President of the Council, but while so serving shall retain his or her power to vote on all matters before the Council. The President Pro-Tempore of the Council shall have other powers, duties and functions as provided by this Charter, ordinance and resolution, and the rules of the Council.

(c) The President Pro-Tempore shall serve as the Acting Mayor and as the presiding officer of the Council during the temporary absence or disability of the Mayor and President of Council. The President Pro-Tempore while serving as Acting Mayor and presiding officer of Council shall retain his or her power to vote on all matters before the Council but shall not have the power to approve or to veto ordinances and resolutions as provided in this Charter for the Mayor. (Amended 11-3-87)

SECTION 3.06 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 removed without cause by a majority vote of the members of Council. The Clerk of Council may hold no 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 supervision and control of the officers of the Council.

SECTION 3.07 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 two regular meetings in each month; provided the Council may designate, by motion adopted by a majority vote of its members, one month in each year during which fewer or no regular meetings are to be held. All meetings shall be held within the City.

(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, the President of Council, and each member of the Council, which notice may be served personally or left at the usual place of residence. Members of the Council and the Mayor and President of Council 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, the Mayor and the President of Council may waive notice of special meetings of the Council either prior or subsequent to the special meeting. In the event any notice of a meeting of the Council is not given or is defectively made, the Council may, at any subsequent regular or special meeting, ratify any and all actions taken at such special meeting held without or pursuant to defective notice.

(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.

SECTION 3.08 COUNCIL POWERS.

The Council shall exercise all legislative powers of the City and all powers granted to Municipal corporations by the Constitution and laws of Ohio which are not reserved by this Charter to other officers of the City and which are not inconsistent with this Charter.

SECTION 3.09 COMPENSATION OF ELECTED OFFICIALS.

The compensation of elected officials of the City shall be established by the Council, and such compensation shall not be changed during the term of an elected official; provided compensation may be established on a basis that permits increases in such compensation during the term if the basis for such increases is established prior to the beginning of the term.

SECTION 3.10 COUNCIL RULES AND ORGANIZATION.

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 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 the 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 3.11 VACANCIES.

Vacancies in the Council shall be filled, by a majority vote of the members of Council, by the appointment of a qualified person to serve the remainder of the unexpired term of office; except as otherwise provided in this Charter.

ARTICLE IV LEGISLATIVE PROCEDURE

SECTION 4.01 FORM OF ACTION BY COUNCIL.

except as otherwise provided in this Charter, action of Council shall be by ordinance, resolution or motion. Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among Council members, appointments by the Council, 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.

SECTION 4.02 INTRODUCTION OF LEGISLATION.

Any member of Council may introduce any ordinance or resolution, at a regular or special meeting, which shall be in written or printed form and shall contain a concise title.

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.

SECTION 4.04 READING ORDINANCES AND RESOLUTIONS.

(a) Each ordinance and resolution shall be read on three different days occurring with at least one week between readings unless the Council suspends this rule concerning readings by a vote of at least three-fourths of the members of the Council; provided that ordinances and resolutions passed as emergency measures need not conform to this division (a), but shall be read at one meeting of the Council.

(b) Ordinances or resolutions shall be read by title only unless the Council determines that a reading shall be in full by a majority vote of its members.

SECTION 4.05 VOTE REQUIRED FOR PASSAGE.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by "yeas" and "nays" and entered on the Journal, and none shall be passed without concurrence of a majority of the members of Council. Each emergency ordinance or resolution and each ordinance or resolution vetoed by the Mayor which is subsequently approved by the Council overriding the Mayor's veto shall require the affirmative vote of at least two-thirds of the members of Council for its enactment. If an emergency ordinance or resolution shall fail to receive the required two-thirds affirmative vote, but receives the necessary majority for passage as nonemergency legislation, it shall become effective as nonemergency legislation.

SECTION 4.06 MAYOR'S VETO.

Except as otherwise provided in this Charter, each ordinance or resolution passed by the Council shall be presented to the Mayor by the Clerk of Council within five days after its passage for the Mayor's approval or veto. The Mayor may veto any item of an ordinance or resolution appropriating money, otherwise the Mayor's veto shall be addressed to the entire ordinance or resolution. If the Mayor shall disapprove of the ordinance or resolution, or any such item thereof described above, he shall mark it "vetoed" or "disapproved" and return it with his reasons therefor to the Clerk of Council within ten days after it was presented to him. If the Mayor shall fail to return an ordinance or resolution to the Clerk of Council as being either approved or disapproved (vetoed) within ten days after it is presented to him by the Clerk, such ordinance or resolution shall take effect without the Mayor's approval. The Council may reconsider any ordinance or resolution, or any item thereof, disapproved or vetoed by the Mayor at any meeting of the Council held within ninety days after it is returned to the Clerk of Council as disapproved (vetoed) by the Mayor, and if such ordinance or resolution, upon reconsideration, is approved by a vote of not less than two-thirds of the members of the Council, it shall take effect as either an emergency or nonemergency measure, as may be appropriate.

SECTION 4.07 CONTENT OF EMERGENCY MEASURES.

Each emergency ordinance or resolution shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health or safety, or that its passage is urgently required for the financial needs of the City's government, and shall contain a statement of the, necessity or urgency requiring its passage as an emergency measure.

SECTION 4.08 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

(a) Unless otherwise provided in this Charter, each nonemergency ordinance or resolution shall take effect thirty days after its passage by the Council, unless a later time is specified therein.

(b) Each ordinance or resolution passed as an emergency measure shall take effect immediately upon its passage, unless a later time is specified therein.

(c) As used in divisions (a) and (b) of this section, "passage" or "passed" means any of the following, as appropriate: the date the ordinance or resolution is approved by the Mayor; the day following the last day of the ten day period allowed by Section 4.06 of this Charter for the Mayor to return the ordinance or resolution as approved or disapproved (vetoed), if the Mayor shall fail to return it within such period; or the day the Council shall reconsider and override the Mayor's veto by approval of the ordinance or resolution by a vote of not less than two-thirds of the members of the Council, as provided in Section 4.06 of this Charter.

SECTION 4.09 AUTHENTICATION.

Each ordinance and resolution shall be authenticated by the signature of the Clerk of Council and the President of Council or other presiding officer of the Council. The failure or refusal of such officers to sign as authenticating the measure shall not invalidate an ordinance or resolution.

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.

(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 does not prevent repeals by implication.

SECTION 4.11 ZONING MEASURES.

(a) Ordinances or resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be initiated by a member of Council. Immediately after the first reading of the ordinance or resolution, the presiding officer of Council shall set a date for a public hearing before a joint meeting of Council and the Planning Commission, not earlier than fifteen days after the first reading. A total of five members of any combination, with at least one member from each body required, shall be considered a quorum, to hold the public hearing. The Clerk of Council shall cause a notice of the public hearing to be published one time in a newspaper of general circulation within the City; said publication to be made at least seven days prior to the date of the public hearing. When the amendment, revision, change or repeal involves ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, or a person authorized by the Clerk, by regular U.S. Mail at least seven days before the date of the public hearing, to the owners of the property within, contiguous to and directly across the street from the affected parcel or parcels. Such notices shall be sent to the addresses of owners appearing on the County Auditor's current tax list and to other lists as may be required by Council. Property to be rezoned shall be posted in a conspicuous place or places to provide additional notice to the public. The posting shall include the word "REZONING" in 2 inch red letters and such other details as the time and place of the hearing, sign size, lettering, and installation shall be determined by the Council. Property to be rezoned and to be posted shall be posted twenty days prior to the date of the public hearing on said rezoning. Such posting shall be deemed to be constructive notice to the public. The failure of actual notice shall not invalidate any ordinance or resolution. (Amended 11-3-87)

(b) Immediately after the public hearing referred to in division (a) of this section, a copy of each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be referred to the Planning Commission. Within thirty days after receipt of referral, the Planning Commission shall return to the Clerk of Council the written recommendations of a majority of the members of the Commission. The ordinance or resolution shall be given its second reading at the next regular meeting of Council, unless an earlier special meeting is called for that purpose.

(c) A concurring vote of at least three-fourths of the membership of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Commission, but in no event shall an ordinance or resolution be considered as having passed unless it receives at least 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 code, electrical code, building code, refrigeration machinery code, piping code, boiler code, heating code, air conditioning code, housing code, 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. In such cases, publication of the standard ordinance or code shall not be required, but at least one copy of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons. 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 CODIFICATIONS.

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 in a newspaper of circulation in the City at least seven days prior to Council's action, and no further publication shall be necessary. A current service supplementing the City's codified ordinances and resolutions shall be maintained in the manner prescribed by the Council.

SECTION 4.14 PUBLICATION.

(a) Each ordinance and resolution shall be published by the Clerk of Council in a newspaper printed and of general circulation within the City in the following manner:

(1) A summary of the ordinance or resolution, as introduced before the Council, shall be published one time after its first reading but prior to its second reading, provided that ordinances or resolutions which are passed as emergency measures or under suspension of the rule stated in division (a) of Section 4.04 of this Charter in a manner that they do not receive more than one reading need not be published as provided in this division (a)(1). Such summary shall consist of the title and a brief statement of the purpose and effect of the ordinance.

(2) A summary of the ordinance or resolution, as passed by the Council shall be published one time within fourteen days after its passage by the Council. As used in this division, "passage" has the same meaning as provided in division (c) of Section 4.08 above. Such summary shall consist of the title and a brief statement of the purpose and effect of the ordinance.

(b) In the event there is no newspaper printed and of general circulation

within the City, the Clerk of Council shall cause a summary of each ordinance and resolution to be published in a newspaper determined by the Council to be of circulation within the City in the manner provided in division (a)(1) of this section.

(c) In the event of failure of publication of a summary of an ordinance or resolution as required by division (a) or (b) of this section the Clerk of Council shall cause a summary of the ordinance or resolution to be published one time within fourteen days after the Clerk of Council receives notification of failure of publication. In the event of an error or omission in the publication of a summary of any ordinance or resolution as required by division (a) or (b) of this section then the Clerk shall make such subsequent publication within fourteen days after the Clerk of Council receives notice of the error or omission as the President of Council shall determine in his or her discretion. The failure to publish or an error or omission in the publication of a summary of any ordinance or resolution as required by divisions (a) or (b) of this section shall not invalidate such ordinance or resolution. It shall be the responsibility of the President of Council to ascertain compliance with divisions (a) and (b) of this section.

(Amended 11-3-92.)

ARTICLE V THE MAYOR

SECTION 5.01 ELECTION AND TERM OF OFFICE.

The Mayor shall be elected from the City at large to a four year term of office, commencing with the election to be held in November, 1979. The Mayor's term shall commence on the first day of January next following his or her election.

SECTION 5.02 QUALIFICATIONS.

(a) Candidates for the office of Mayor shall have been electors of the City for at least one year immediately prior to the Municipal election at which they seek to be elected.

(b) The Mayor shall be a full-time official of the City and shall not hold any other full-time public or private employment or any part-time public or private employment that could in any way interfere with his or her being available day or night, to fulfill the position of Mayor.

(c) The Mayor shall be an elector of the City during the term of office, and shall not hold any other public office during a term, except the Mayor 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 or the laws of Ohio.

SECTION 5.03 POWERS, DUTIES AND FUNCTIONS.

(a) The Mayor shall be the chief executive, administrative and law enforcement officer of the City, and shall be responsible for and have the authority to administer and generally control, direct and supervise all administrative departments, divisions and sub-units thereof, except the Departments of Law and City Auditor. The Mayor shall enforce the provisions of this Charter and the ordinances and resolutions of the City pertaining to matters subject to the Mayor's direction, control and supervision. The Mayor shall not usurp or interfere with the exercise of powers, duties and functions of other elected officers of the City; rather, the Mayor shall cooperate fully with such other elected officials to assure the orderly and efficient management of the City.

(b) In addition to the matters set forth in division (a) of this section, the Mayor shall have the following powers, duties and functions:

(1) The right and-duty to attend all meetings of the Council, and to participate in the discussions on any matters before the Council, but the Mayor shall not be entitled to vote on any matter before the Council.

(2) The right to veto the passage of ordinances and resolutions as provided in Section 4.06 of this Charter.

(3) To appoint, promote, remove, suspend or otherwise discipline all officers and employees in the classified and unclassified service of the City, subject to the provisions of this Charter relating to Civil Service; provided the Mayor shall not exercise such authority and powers over elected officials, the employees of the Departments of Law and City Auditor, the officers and employees of the Council, and in other instances where this Charter provides for another officer or body to exercise such authority and powers.

(4) To prepare and submit to the Council the annual budget, appropriation measures and capital programs of the City.

(5) To prepare and submit to the Council on or before the first day of March of each year, and to make available to the general public, a complete report of the administrative activities and programs of the City which are under his general direction, control and supervision for the prior year.

(6) To make such other reports as the Council may require concerning the operation and programs of the administrative departments, divisions or sub-units thereof, and any Boards or Commissions of the City which are under the Mayor's general direction, control and supervision.

(7) To keep the Council fully advised concerning the present condition and future needs of the City and to make any recommendations to the Council concerning the affairs of the City as the Mayor deems desirable.

(8) To enforce all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which the City is a party, and to see that they are faithfully kept and performed.

(9) The Mayor shall be recognized as the head of the City government by the President and other officers of the United States and the Governor and other officers of the State of Ohio for military purposes.

(10) To exercise all judicial powers and functions granted to Mayors of municipal corporations by the laws of Ohio and applicable court rules.

(11) To affix to all official documents and instruments of the City the Mayor's seal, which shall be the seal of the City, but the absence of the seal shall not affect the validity of any document or instrument.

(12) To perform such other powers, duties and functions as provided under this Charter, the City's ordinances and resolutions, and the laws of Ohio, to the extent that such laws are consistent with this Charter and the City's ordinances and resolutions.

SECTION 5.04 VACANCY, TEMPORARY ABSENCE OR DISABILITY.

(a) If a vacancy occurs in the office of Mayor more than one hundred days before the next primary or general election to be held within the City, a successor shall be elected at such election for the unexpired term. If a vacancy occurs less than one hundred days before the next primary or general election, a successor shall be elected at the next following primary or general election for the unexpired term. If the election to fill a vacancy is to be held at the regular Municipal election at which a Mayor would ordinarily be elected, the special election to fill the vacancy shall not be held and the person elected to the office of the Mayor at the regular Municipal election shall hold the office for the remainder of the unexpired term as well as the full term to which he or she was elected at the regular Municipal election. Candidates at special elections to fill a vacancy in the office of Mayor shall be nominated by petitions signed by at least one percent of the number of electors voting for the office of Mayor at the last preceding regular Municipal election at which a Mayor was elected. Where a successor to the Mayor is elected under this division, the President of Council shall become the Acting Mayor until the person elected at such election is qualified and assumes his duties. During the time the President of Council serves as Mayor, he or she shall not be subject to the provision of division (b) of Section 5.02 of this Charter, and shall exercise all powers, duties and functions of the office of Mayor and shall not serve as the President of Council. While the President of Council serves as the Acting Mayor, the President Pro-tempore of the Council shall serve as the presiding officer of the Council, acting in the place of the President of the Council, but the President Pro-tempore while so acting shall retain his office as a member of the Council and shall be entitled to vote on all matters before the Council. When the person elected to serve as the Mayor under this division qualifies and assumes the office of Mayor, the Acting Mayor shall return to the office and resume the powers, duties and functions as the President of the Council, and the President Pro-tempore shall cease to serve in the place of such President of Council.

(b) In the event the Mayor is temporarily absent from the City or is temporarily disabled, the President of Council shall become the Acting Mayor until the Mayor returns or the disability is removed. During the time the President of Council serves as Acting Mayor, he shall exercise all powers, duties and functions of the office of Mayor and shall not serve as the President of Council. While the President of Council serves as the Acting Mayor, the President Pro-tempore of the Council shall serve as the presiding officer of the Council, acting in the place of the President of the Council, but the President Pro-tempore while so acting shall retain his office as a member of the Council and shall be entitled to vote on all matters before the Council.

ARTICLE VI

ADMINISTRATIVE DEPARTMENTS

SECTION 6.01 CITY ATTORNEY.

(a) There is hereby created the Department of Law to be headed by a City Attorney who shall be elected from the City at large to a four year term of office, commencing with the election to be held in November, 1979. The City Attorney's term shall commence on the first day of January next following his or her election.

(b) The City Attorney shall be an elector of the City at the time of filing for and during the term of office. The City Attorney shall not hold any other public office or public employment during a term, except the City Attorney 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 or position permitted by this Charter or the laws of Ohio. The City Attorney shall be an attorney at law duly authorized to practice law in Ohio.

(c) The City Attorney shall serve as legal counsel to the school district serving the territory of the City, and the City Council shall, by ordinance, require compensation to the City by the Board of Education for those services if it becomes advisable to do so, and the fees charged shall be reasonably calculated to reimburse the City for its costs of such services.

(d) The City Attorney shall be the legal advisor, prosecuting attorney and counsel for the City, and, subject to the direction of the Council, shall represent the City in all proceedings in Court or before any administrative board or body. Except as otherwise provided in this Charter, the City Attorney shall perform all other powers, duties and functions now or hereafter imposed on the city directors of law under the laws of Ohio: and shall perform other powers, duties and functions as required by this Charter, or by ordinance or resolution; provided that such laws, ordinances or resolutions are not in conflict with and are consistent with this Charter.

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

(f) In the event of a vacancy in the office of City Attorney, the Mayor, with the approval of the Council by a majority vote of its members, shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term of office. The City Attorney shall within 10 days of his taking office designate a qualified person to serve as Acting City Attorney in the event the City Attorney is temporarily absent or disabled. The Acting City Attorney designated pursuant to this Division shall exercise the powers, duties and functions of the City Attorney while serving as Acting City Attorney.

(g) In the event that no person files or is elected City Attorney, then the

Council, by a majority vote of its members, shall elect a City Attorney to fill the office for the full four-year term until the next term is to commence.

(h) The City Attorney shall be a full-time official of the City commencing January 1, 1996 and shall not hold any other full-time public or private employment or part-time public or private employment that interferes with the position of City Attorney. (An-ended 11-3-92.)

SECTION 6.02 CITY AUDITOR.

(a) There is hereby created the Department of City Auditor to be headed by the City Auditor who shall be elected from the City at large to a four year term of office. The person who holds the office of City Auditor under the general statutory plan of government for the City at the time this Charter takes effect is hereby designated as the first City Auditor under this Charter with all the powers, duties and functions of the City Auditor as provided in this Charter. At the regular Municipal election to be held in November 1981, and each four years thereafter, the City Auditor shall be elected to a four year term of office. The City Auditor's term shall commence on the first day of January next following his or her election.

(b) The City Auditor shall be qualified for office by reason of training or experience in matters pertaining to accounting, financial reporting and other fiscal matters. (Amended 11-3-87.)

(c) The City Auditor shall be an elector of the City at the time of filing for and during the term of office. The City Auditor shall be a full-time officer of the City and shall not hold other full-time public or private employment; except the Auditor 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 or position permitted by this Charter or the laws of Ohio.

(d) The City Auditor shall be the chief fiscal officer of the City and, except as otherwise provided in this Charter, 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 City Auditor shall also have the following powers, duties and functions:

- (1) To keep the financial records of the City.
- (2) To establish the accounting systems, financial records and reports used by The offices, departments and divisions, or such sub-units thereof, boards and commissions of the City.
- (3) To receive and/or account for all taxes and other revenues and receipts of money of the City.
- (4) To maintain accurate records of all appropriations, encumbrances against appropriations, and expenditures of the money of the City.
- (5) To maintain an accurate record of all assets and liabilities of the City.
- (6) To audit, on an annual or continuing basis, the financial records and accounts of all departments and divisions or sub-units thereof, officers, boards and

commissions. The Council may require a more frequent audit by ordinance or resolution. Upon the death, resignation or removal of any officer, the City Auditor shall audit the financial records and accounts of such official.

(7) To provide full and complete information concerning the financial affairs and status of the City as required by the Mayor, the Director of Finance or the Council, or any committee thereof; and to provide full and complete information concerning the financial affairs and status of any board or commission of the City upon the written request of the chairman of the board or commission, the Mayor or the Council.

(8) To make a full and complete report of the City's financial affairs and status at the end of each year, which report shall be made available to all other officers of the City and members of the general public.

(9) To act as the custodian of all monies of the City and to provide for the deposit of active monies of the City as directed by the Council, by ordinance or resolution; and the investment of interim or inactive monies of the City as directed by the Treasury Investment Board, by motion.

(10) To perform such other powers, duties and functions as are required by this Charter and the ordinances and resolutions of the City.

(Amended 11-2-82)

(e) In the event of a vacancy in the office of City Auditor, the Mayor, with the approval of the Council by a majority vote of its members, shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term of office. The City Auditor may designate a qualified person to serve as Acting City Auditor in the event the City Auditor is temporarily absent or disabled. The Acting City Auditor designated pursuant to this division shall exercise the powers, duties and functions of the City Auditor while serving as Acting City Auditor.

(f) In the event that no person files or is elected City Auditor, then the Council, by a majority of its members, shall elect a City Auditor to fill the office for the full four-year term until the next term is to commence.

(Added 11-3-92.)

SECTION 6.03 CITY TREASURER.

(Pursuant to original Section 6.03 of the Charter, the office of City Treasurer was abolished effective January 1, 1982.)

SECTION 6.04 BUDGET DIRECTOR.

(a) There is hereby created the Department of the Budget to be headed by a Budget Director who shall be a qualified person appointed by and serve at the pleasure of the Mayor, and may be removed by the Mayor, without cause.

(b) The Budget Director may be either a full or part-time official of the City, as determined by the Council by a majority vote of its members.

(c) The Budget Director shall not hold any other public office or employment

that shall be incompatible with the office of Budget Director under this Charter. If the Council shall determine the office shall be full-time, the Budget Director shall not hold any other public office or public or full-time private employment; except an office in a political party or as a delegate to a political party convention, as a notary public, as a member or officer in the military reserve or national guard, to serve in any office, position, or capacity to further intergovernmental cooperation, and to hold any office or position permitted by the Charter or the laws of Ohio.

(d) The Budget Director shall have the following powers, duties and function:

(1) To serve as a non-voting member of the Treasury Investment Board.

(2) To perform short and long-term fiscal planning and to advise and report to the Mayor and Council thereon.

(3) To assist the Mayor, City Auditor and Council in the City's debt management and planning.

(4) To assist the Mayor in the preparation and submission of appropriation measures, estimates, budgets, capital programs and other financial matters.

(5) To assist the Mayor in obtaining state and federal financial assistance.

(6) To perform such other powers, duties and functions as provided by this Charter and as directed by the Mayor, provided such directives by the Mayor are consistent with this Charter and the City's ordinances and resolutions.

(e) Any vacancy in the office of Budget Director shall be filled in the manner provided by division (a) of this section. The Mayor may designate a qualified person to serve as Acting Budget Director in the event of a vacancy and until the vacancy shall be filled and in the event the Budget Director is temporarily absent or disabled. The Acting Budget Director designated pursuant to this division shall exercise the powers, duties and functions of the Budget Director while serving as Acting Budget Director. (Amended 11-3-92.)

SECTION 6.05 COOPERATION - CITY AUDITOR AND BUDGET DIRECTOR.

The City Auditor and Budget Director shall cooperate fully, and provide information and assistance to each other to assure an orderly and efficient administration of the City's fiscal affairs. (Amended 11-4-97.)

SECTION 6.06 DEPARTMENT OF PUBLIC SAFETY.

(a) There is hereby established a Department of Public Safety to be headed by a Director of Public Safety who need not be an elector of the City at the time of appointment, but who shall become an elector thereof within six months after his or her appointment. The Director of Public Safety shall be appointed by and serve at the pleasure of the Mayor, and may be removed by the Mayor, without cause.

(b) The Director of Public Safety shall be the executive head of the Division

of Police and the Division of Fire, if such Division of Fire shall be created by the Council by ordinance or resolution, and such other divisions as shall be established and placed within the Department of Public Safety by Council by ordinance or resolution. The Director shall make all necessary administrative rules and regulations for the governing of the Department of Safety and the several divisions thereof, subject to the approval of the Mayor, and shall be charged with the duty of enforcing all police regulations that may be assigned to the Department and prescribed by ordinance or resolution of the City or the general laws of the State of Ohio. The Director of Public Safety shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance or resolution of Council, or as directed by the Mayor. The Mayor shall designate an Acting Director to serve in the event of a vacancy in the office or the temporary absence or disability of the Director, and such Acting Director shall exercise all the powers, duties and functions of the Director.

(c) The Division of Police may include an auxiliary police unit as authorized by ordinance or resolution.

SECTION 6.07 DEPARTMENT OF PUBLIC SERVICE.

(a) There is hereby established a Department of Public Service to be headed by a Director of Public Service who need not be an elector of the City at the time of appointment, but who shall become an elector thereof within six months after his or her appointment. The Director of Public Service shall be appointed by and serve at the pleasure of the Mayor, and may be removed by the Mayor, without cause.

(b) The Director of Public Service shall have charge of the administration, operation, construction, maintenance and repair of all streets, roads and other public works, improvements and buildings, and any City owned or operated utilities. The Director shall not, except as otherwise provided in this Charter, have jurisdiction over the maintenance of recreational facilities and parks of the City. The Director shall perform such other powers, duties and functions as may be required by this Charter, by ordinance or resolution of the Council, or as directed by the Mayor.

(c) The Department of Public Service shall include a Division of Building and Zoning Inspection, a Division of Water, a Division of Sewer, a Division of Sanitation, and a Division of Streets, and such other divisions as shall be established by ordinance or resolution.

(d) The Director of Public Service shall make all necessary administrative rules and regulations for the government of the Department of Public Service and the several divisions thereof, subject to the approval of the Mayor.

(e) The Mayor shall designate an Acting Director to serve in the event of a vacancy in the office or the temporary absence or disability of the Director, and such Acting Director shall exercise all the powers, duties and functions of the Director.

SECTION 6.08 DEPARTMENT OF PARKS AND RECREATION.

(a) There is hereby established a Department of Parks and Recreation to be

headed by a Director of Parks and Recreation. The Mayor shall appoint the Director based upon recommendations to be submitted to him by the Parks and Recreation Commission. The Mayor's appointment shall be subject to the approval of the Council by a majority vote of its members. The Director need not be an elector of the City at the time of appointment, but shall become an elector thereof within six months after his or her appointment. The Director shall serve at the pleasure of the Mayor and may be removed by the Mayor, without cause. During a vacancy in the office of, or the temporary absence or disability of the Director of Parks and Recreation, the Mayor shall appoint an Acting Director of Parks and Recreation to exercise the powers, duties and functions of the Director.

(b) The Director of Parks and Recreation shall operate and maintain all parks and recreational programs and facilities and shall direct, control and supervise employees of the Department. The Director shall attend meetings of the Parks and Recreation Commission, shall keep the Commission fully advised concerning the operation and maintenance of the City's parks and recreational programs, and shall receive and consider the comments and recommendations of the Commission concerning the City's parks and recreation programs. The Mayor shall coordinate the work of the Department of Parks and Recreation and the Department of Public Service to assure that specialized equipment and personnel from the Department of Public Service are made reasonably available to work upon the City's parks and recreational facilities. Personnel of the Department of Public Service performing work in the parks and on the recreational facilities of the City shall be under the direction, control and supervision of the Director of Public Service. The Director of Parks and Recreation shall perform such other powers, duties and functions as required by this Charter, the City's ordinances and resolutions, and as directed by the Mayor.

SECTION 6.09 ADDITIONAL ADMINISTRATIVE DEPARTMENTS.

The Council may, by ordinance or resolution: establish new departments, divisions or other sub-units thereof; abolish, revise, merge or combine departments, divisions or other sub-units thereof, whether created by this Charter or by ordinance or resolution, provided the Council shall not establish, abolish, merge or combine any department which is headed by an official elected by the people of the City; and from time to time may provide for the powers, duties and functions of the administrative departments, divisions and other sub-units thereof, provided such ordinances and resolutions are consistent with this Charter.

ARTICLE VII BOARDS AND COMMISSIONS

SECTION 7.01 PLANNING COMMISSION.

(a) There is hereby created a Planning Commission, consisting of the Director of Development and four citizen members who are electors of the City, two of which are to be appointed by the Mayor and two appointed by City Council. Commission members whenever possible should have a background in city planning, law, finance, real estate, community development, architecture, civil engineering, or related field. Except for the Director of Development, no person shall serve as a member of the commission at the same time he or she is an employee or official of the city. Each citizen member shall serve for a four year term of office. The first vacancy to occur following this adopted Charter change will be filled by the Mayor and appointments thereafter will alternate between Council and the Mayor. No more than two members of the same political party shall be appointed as citizen members.

(b) The Planning Commission shall hold at least one regular meeting each month; except the Commission, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.

(c) The Planning Commission shall conduct studies and surveys, and prepare advisory plans, reports and maps relative to the overall planning of the growth of the city. The Commission shall be responsible for the preparation and implementation of the Comprehensive Plan for the city and subsequent plan amendments, for Council approval. The Planning Commission shall assist the Director of Development with policy development impacting short- and long-range planning issues of the city. The commission may make such advisory recommendations relative to such matters and to the Zoning or rezoning of the city to the Council as the Commission believes to be in the best interest of the city. The Chair will designate a Planning Commission member to serve on the Capital Improvement Program Committee.

(d) The powers, duties and functions of the Planning Commission shall be provided by this Charter and the ordinances and resolutions of the City; but until such ordinances or resolutions shall be passed, it shall possess powers, duties and functions as are provided by the laws of Ohio, to the extent that such laws do not conflict with the provisions of this Charter. (Amended 11-4-97)

SECTION 7.02 BOARD OF ZONING AND BUILDING APPEALS.

(a) There is hereby created a Board of Zoning and Building Appeals consisting of the Director of Development and four citizen members, two of which are appointed by the Mayor and two of which are appointed by Council. Except for the Director of Development, no person shall serve as a member of the Board at the same time he or she is an employee or official of the city. Each citizen member shall serve for a four year term of office. The first vacancy to occur following this adopted Charter change will be filled by the Mayor and appointments thereafter will alternate between Council and the Mayor. No more than two members of the same political party shall be appointed as citizen members.

(b) The Board of Zoning and Building Appeals shall hold at least one regular meeting each month; except the Board, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.

(c) The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building and housing 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 administrative officers or employees concerning public buildings, streets or other public property or works, as provided by ordinance or resolution. The Board may make advisory recommendations to the Council and the Planning 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 11-4-97)

SECTION 7.03 CIVIL SERVICE COMMISSION.

(a) There is hereby created a Civil Service Commission consisting of three members who are electors of the City, to be appointed by the Mayor subject to approval by the Council by a majority vote of its members. At the time of appointment not more than two of the members shall be adherents of the same political party. The members of the Civil Service Commission existing on the effective date of this Charter under the general statutory plan of government for the City, are hereby designated as the members of the Civil Service Commission under this Charter, and as such, shall serve the remainder of their statutory terms of office exercising the powers, duties and functions of the Commission under this Charter. Thereafter, members of the Civil Service Commission shall be appointed to serve for a term of office of four years each, except the first person appointed to a new term after this Charter takes effect shall be appointed to a three year term.

(b) All compensated positions of the City shall be in the Classified Service of the City, except the following offices and positions which shall constitute the Unclassified Service of the City:

- (1) All elected officials of the City.
- (2) All directors of departments of the City.
- (3) The Clerk of Council and employees of the Council.
- (4) Members of all Boards and Commissions established by this Charter or by ordinance or resolution.
- (5) The secretary of each Board and Commission established by this Charter or by ordinance or resolution; provided that if such secretary holds other employment within the Classified Service of the City, this section shall not exempt such person from the requirement of competitive examination to hold such other employment.
- (6) One secretary to the City Attorney, Assistant City Attorneys and

special legal counsel.

(7) One secretary and one assistant or deputy to each of the following officers: the City Auditor, the Mayor, and each director of a department.

(8) Members of any auxiliary police force or unit, and volunteer or part-time members of any fire force or division.

(9) Persons of exceptional professional or scientific qualifications.

(10) Consultants and others engaged to provide services as Independent contractors.

(11) Unskilled laborers and other positions not required to be in the Classified Service under the Ohio constitutional provisions pertaining to merit, as defined and authorized by the Civil Service Commission and approved by the Council, by ordinance or resolution.

(12) Professional engineers employed by the City.

(13) Temporary employees who are not employed for more than ninety consecutive days or for more than ninety days in any one year.

(14) Special categories of employees employed under federal or state programs, as defined and authorized by the Civil Service Commission and approved by the Council, by ordinance or resolution. Heads of divisions within departments, including the positions of Chief of Police and Fire Chief, are within the Classified Service of the City.

(c) Officers and employees in the Classified Civil Service of the City shall be appointed and promoted pursuant to competitive examinations, to the extent practicable, and shall be dismissed, suspended or otherwise disciplined, for cause only, pursuant to the powers granted by division (e) of this section. Officers and employees in the Unclassified Service of the City shall not be appointed or promoted pursuant to competitive examination and shall serve at the pleasure of the appointing authority and may be removed, suspended or otherwise disciplined without cause, except as may otherwise be provided in portions of this Charter applicable to such officers or employees.

(d) The Mayor shall be the appointing authority with the power to appoint, promote, remove, suspend or otherwise discipline:

(1) All officers and employees in the administrative departments, or sub-units thereof, except the Departments of Law and City Auditor, subject to the provisions of this section pertaining to Civil Service.

(2) Employees of each Board or Commission created by this Charter or by ordinance or resolution, subject to the provisions of this section pertaining to Civil Service. The secretary of each Board and Commission shall be appointed by the Board or Commission as provided in Section 7.08(a) of this Charter.

The City Auditor and City Attorney shall be the appointing authorities for their respective departments with the power to appoint, promote, remove, suspend or otherwise discipline officers and employees within their respective departments or offices, subject to the provisions of this section pertaining to Civil Service.

(e) The general laws of Ohio pertaining to civil service in general statutory plan cities shall apply to the City under this Charter, except as such laws may conflict with or be inconsistent with the provisions of this Charter; and further provided that the

Council may, by ordinance or resolution, eliminate or modify the application of specific provisions of those laws to the City and substitute local procedures or provisions in lieu of the specific provisions of those laws.

(f) The Civil Service Commission of the City shall administer the Civil Service provisions of the general laws of Ohio for the Classified employees of any school district, health district, court or other unit of government to the extent and if required under the general laws of Ohio. The City may receive funds from such other units of government for the services rendered to them.

SECTION 7.04 PARKS AND RECREATION COMMISSION.

(a) There is hereby created a Parks and Recreation Commission to consist of: two electors of the Reynoldsburg City School District to be appointed by the Board of Education of the Reynoldsburg City School District; and three electors of the City to be appointed by the Mayor. Members appointed by such Board of Education or the Mayor shall serve four year terms of office.

The persons serving as members of the Recreation Commission existing under the general statutory plan of government for the City at the time this Charter takes effect are hereby designated to serve as members of the Parks and Recreation Commission under this Charter, and as such, shall serve the remainder of their terms of office exercising the powers, duties and functions of the Commission under this Charter. After the expiration of existing terms of office of members holding over under the general statutory plan of government, the Mayor and the Board of Education shall appoint members to four year terms of office, except that their initial appointments shall be made for such terms as will assure that thereafter one member of the Commission shall be appointed each year. Thereafter, each member appointed by the Board of Education and the Mayor shall serve for a four year term of office.

(b) In the event the Board of Education shall fail to appoint any member, as authorized by division (a) of this section, within thirty days after the Board's initial appointments are to be made or upon a vacancy, the Mayor shall appoint a person to fill the vacancy and the person appointed by the Mayor in such events shall serve at the pleasure of the Mayor and may be removed, without cause, by the Mayor.

(c) In addition to the persons authorized to call special meetings of the Commission under its rules, the Director of Parks and Recreation may call a special meeting of the Commission, in the manner provided by the Commission's rules.

(d) The Parks and Recreation Commission shall review the City's parks and recreation operations, facilities and programs and shall make advisory recommendations to the Director of Parks and Recreation and the Council concerning such parks and recreational programs, operations and facilities as the Commission believes to be in the best interest of the City. Prior to submitting the budget request of the Department of Parks and Recreation to the Mayor for his or her consideration, the Director shall meet with the Commission, explain the contents of the budget request, and receive the recommendations of the Commission, if any, concerning the budget request. If the budget request submitted by the Director to the Mayor differs from the recommendations of the Commission, the Director shall also submit a full explanation of the Commission's

recommendations to the Mayor. Recommendations on the budget by the Commission are advisory only.

SECTION 7.05 CHARTER REVIEW COMMISSION.

(a) During the month of January, 1982 and each five years thereafter, the Council shall appoint, by a majority vote of its members, a Charter Review Commission consisting of five members who are electors of the City. Not more than two of the members shall be adherents of the same political party. In addition to the mandatory duty imposed upon the Council by this section to appoint a Charter Review Commission during January of 1982 and each five years thereafter, the Council may appoint such Commission, with membership as provided in this division, at any time, by a majority vote of its members.

(b) The Charter Review Commission shall study and review the provisions of this Charter and the operations of the City and shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of August following the appointment of the Commission, unless a later date is specified by the Council, by a majority vote of its members. The Commission shall submit their recommended amendments to Council. Upon two-thirds vote of Council the amendments shall be submitted to the voters in the manner provided by the Constitution and the laws of Ohio. While substantive changes are not permitted, Council may modify the language of the recommended amendments for purposes of clarity or to correct technical defects. The Council shall approve funds to the Commission as determined to be necessary by the Commission to carry out its powers, duties and functions, including amounts required to pay any consultants or special legal counsel selected by the Commission.
(Amended 11-3-92.)

SECTION 7.06 TREASURY INVESTMENT BOARD.

(a) There is hereby created a Treasury Investment Board consisting of the persons holding the offices of Mayor, City Attorney and Auditor. The Mayor shall be the Chairman of the Board, the Auditor shall be the Vice Chairman of the Board, and the City Attorney shall be the Secretary of the Board. The Mayor, Auditor and City Attorney shall be members of the Board by virtue of holding the aforesaid offices, and shall not be subject to division (a)(1) of Section 7.08 of this Charter, to the extent that section is inconsistent with this division (a), nor shall division (c) of Section 7.08 of this Charter pertaining to removal from office apply to members of the Board. (Amended 11-7-95.)

(b) The laws of Ohio pertaining to the investment of inactive and interim monies of the City shall apply to the City under this Charter to the extent such laws are consistent with this Charter and the ordinances and resolutions of the City, provided that:

(1) The City Auditor shall invest the inactive and interim monies of the City and administer such investments pursuant to directions given by the Treasury Investment Board, by motion, which directions may be either specific or general in nature.

(2) The Council shall, by ordinance or resolution, define active, inactive and interim monies of the City.

(3) The Council may, by ordinance or resolution, prescribe the eligible obligations and securities for investment of monies of the City, the amount of active monies that shall be maintained in depositories determined by the Council pursuant to Section 6.02(d)(9) of this Charter, and the procedures, terms and conditions under which active, inactive and interim monies of the City may be invested.

SECTION 7.07 OTHER BOARDS AND COMMISSIONS.

The Council may create, change and abolish other boards and commissions as it determines to be necessary, and may provide for their organization, membership, terms of office of members, powers, duties and functions by ordinance or resolution.

SECTION 7.08 ORGANIZATION, VACANCIES, REMOVAL, EX-OFFICIO MEMBER.

(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 Mayor shall call the organizational meeting prior to the first day of February by personally serving or leaving a notice at each member's usual place of residence, which notice shall state the time, date and place of the meeting. 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 shall be electors of the City except as provided in Section 7.04(a) of this Charter.

(3) Adopt rules for the conduct and government of the board or commission, however, the rules shall not conflict with the provisions of this Charter or ordinances and resolutions of the City.

(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 within thirty days, the Mayor shall fill the vacancy by appointment for the unexpired term, if any. This Division shall be subject to applicable provisions of this Charter concerning removal, with or without cause, of members of boards and commissions.

(c) Members of boards and commissions may be removed for cause in the

manner provided in this division.

(1) The Mayor, if he or she has reason to believe there is probable cause (as such causes are defined in this Section 7.08 for the removal of a 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 hearings for removal, which shall not be earlier than ten days after the service of the notice, to the accused member by personal service, certified mail, or by leaving a copy of such notice at the member'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 office as a member of the board or commission. The Council shall remove a member of a board or commission for any of the following causes by a two thirds vote of the members of the Council.

A. Unexcused absences from any four consecutive regular meetings of the board or commission or any six regular or special meetings thereof in any year. An absence from a regular or special meeting may be excused by a majority vote of the members of the board or commission 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.

B. Failure to possess or maintain the qualifications of the office.

C. A determination that the accused person is guilty of misfeasance, malfeasance or nonfeasance in office.

(2) Upon the removal of a member of a board or commission 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.

(3) The removal of a member of a board or commission or the occurrence of any of the causes permitting the removal shall not invalidate any action of the board or commission in which the member participated. the subsequent removal of a person appointed to fill a vacancy created pursuant to this division by the reinstatement by a court of a person previously removed, shall not invalidate any action of the board or commission in which such person who filled the vacancy participated.

(4) The Council shall be the judge of the qualifications of an of the grounds for removal from office, and for those purposes and the conduct of proceedings relative to removal 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 either a private or public hearing on demand. If a public hearing is demanded, 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 President of Council, or other presiding officer of the Council, may reschedule the time, date and place of the hearing set by the Mayor to accommodate the publication of the notice. If the hearing is rescheduled, the President, or other presiding officer, shall notify the accused person of such fact. Decisions made by the Council under this division 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.

SECTION 7.09 COMPENSATION PROHIBITED.

Members of boards and commissions shall not be paid any compensation for service thereon; provided that such members may be reimbursed for their necessary expenses, when authorized by an appropriation or ordinance or resolution passed by the Council. This section shall not prohibit any person who serves on a board or commission by virtue or in connection with another office or position of employment with the City from receiving compensation for such other office or position of employment.

ARTICLE VIII FINANCE, TAXATION AND DEBT

SECTION 8.01 GENERAL PROVISIONS.

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds and notes, assessments and other fiscal matters shall be applicable to the City, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provision therefor is made in the Constitution of Ohio.

SECTION 8.02 TAX LIMITATIONS.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by the Constitution and the general laws of the State of Ohio and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitations without a vote of the people; provided, that this Charter shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio, nor shall the authority of Council to submit additional tax levies to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

SECTION 8.03 DEBT LIMITATION.

The City shall not incur debt in excess of the limitations imposed by the Constitution and laws of the State of Ohio.

SECTION 8.04 PURCHASING AND CONTRACTING PROCEDURES.

(a) The Mayor shall award contracts and authorize expenditures without competitive bidding if said contract or expenditure does not exceed the limit set by the State of Ohio as of 6/1/92 to require competitive bidding.

(b) When a proposed contract or expenditure exceeds the State of Ohio limit, as of 6/1/92, for competitive bidding, then the Council shall, by motion, authorize the director of the appropriate department or other appropriate officer or employee of the City to cause plans and specifications to be prepared and advertise for bids once a week for two consecutive weeks in at least one newspaper of general circulation within the City, and the Council shall appropriate funds for that purpose unless they have been previously appropriated and remain unencumbered. Upon such authorization, the appropriate official or employee shall cause such plans and specifications to be prepared and such advertising to be made. The Mayor and the City Auditor, or their designated representatives, shall receive and publicly announce sealed bids in the manner and at the time specified in the specifications. Sealed bids shall be submitted in the manner required by the specifications. The Mayor shall recommend to the Council, at its next regular meeting or a special meeting called for the purpose, the bid or bids he or she believes to be the lowest and best bid. At such meeting or its next regular meeting, the Council shall determine which bid or bids are the lowest and best and shall be an ordinance or resolution, which shall be read only once and which shall not be subject to the requirement for three readings under Section 4.04(a) of this Charter, direct the Mayor to enter into a written contract with the person or persons who submitted the bid or bids determined by the Council to be the lowest and best. Such ordinance or resolution shall appropriate funds for the purpose of the contract unless they have been previously appropriated and remain unencumbered. The Mayor shall execute a written contract on behalf of the City after such ordinance or resolution becomes effective and upon receipt of a certification from the City Auditor that funds for the contract are available, as provided in division (e) of this section. The City Attorney shall approve the contract as to its form. The Council may reject any and all bids by motion, and may direct that the proposed contract or expenditure be re-advertised and that new bids be invited and received. (Amended 11-3-92.)

(c) The Council, by ordinance or resolution adopted by a vote of at least two-thirds of its members, may authorize, without competitive bidding, contracts and alterations or modifications thereof for the expenditure of money for the acquisition or lease of real property, the discharge of noncontractual obligations of or claims against the City, for joining with the State of Ohio or other political subdivisions or units of government to acquire or construct improvements or facilities or to exercise their powers jointly, or for the purchase of products or services of publicly or privately owned or operated public utilities. The Council, by ordinance or resolutions adopted by a vote of at least two-thirds of its members, may authorize, without competitive bidding, contracts and expenditures for any other purpose where the statutory or common law of Ohio does not require competitive bidding.

(d) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contracts in excess of the State of Ohio limit, as of 6/1/92, that are awarded by Council, whether or not bidding is required

by division (b) of this section, such alterations or modifications shall be made only upon the order of the Council given by a motion adopted by a majority vote of its members; provided that if such alterations or modifications to such contracts do not authorize or require the expenditure of additional sums of money in the aggregate as to each contract, the Mayor shall authorize such alterations or modifications without further action by the Council. No order for the alteration or modification of any contract 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 Mayor on behalf of the City. Bidding or further bidding shall not be required because of any alteration or modification of any contract. (Amended 11-3-92.)

(e) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the Mayor unless the City Auditor or a duly authorized representative of the Auditor shall first certify:

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

(2) That the money has been appropriated by Council for the purpose. and remains unencumbered.

The certification as to the availability 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 void and unenforceable against the City unless authorized by an ordinance or resolution of the Council, as a moral obligation. The City Auditor shall not arbitrarily withhold the certificate required by this division.

(f) The Council or the Mayor shall not divide any order or contract to avoid the requirements of competitive bidding. Expenditures to pay the compensation and fringe benefits of officers and employees of the City shall be exempt from the provisions of this section; except the City Auditor shall not pay such compensation or fringe benefits unless the Council shall have appropriated sufficient money to cover such payments and the money required for payment is in the City's treasury or in the process of collection.

(g) Copies of all written contracts and purchase orders shall be filed with and maintained as public records by the City Auditor.

ARTICLE IX NOMINATIONS AND ELECTIONS

SECTION 9.01 NOMINATIONS.

Candidates for all elected offices shall be nominated at a partisan primary held on the date and at the time fixed by the election laws of Ohio for general statutory plan cities, except that all such officers shall be elected to terms of office as provided in this Charter. Persons seeking such offices shall have the qualifications established in this Charter and shall file declarations of candidacy or nominating petitions in such form and at such times and places as fixed by the election laws of Ohio for general statutory plan cities, except as otherwise provided in this Charter.

SECTION 9.02 REGULAR MUNICIPAL ELECTIONS.

The regular municipal elections for all elected offices, and for issues to be presented to the voters, 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 officers shall be elected to terms of office as provided in this Charter. The procedure established by the election laws of Ohio for the conduct of elections in general statutory plan cities shall be followed, except as modified by this Charter.

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. 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, primary 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.

(a) Ordinances, resolutions 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:

(1) Initiative and referendum petitions shall be signed by electors of the City equal in number to not less than ten percent of the number of electors of the City who voted at the last gubernatorial election.

(2) Ordinances and resolutions calling elections under this Charter shall not be subject to initiative or 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 an 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 percent in number of the registered voters at the time of the last general 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 which equals fifteen percent in number of the registered voters in such ward at the time of the last general 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, not less than thirty days nor more than forty-five 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 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 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 division (e) of this section. 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.

(e) At the next regular meeting of the Council following a final determination

that an elected official of the City has been removed from office by recall, the Council shall adopt an ordinance or resolution calling a special election to be held on a day fixed in such ordinance or resolution, not less than thirty nor more than forty-five days after the adoption of such ordinance or resolution, at which a successor to the official removed by recall shall be elected for the remainder of the unexpired term of office; provided that if less than one year remains in the term of the official removed, the Council shall, by a majority vote of its members, appoint the successor for the remainder of the unexpired term. The Clerk of Council shall cause a notice of such special election to be published on the same day of each week for two consecutive weeks in a newspaper of circulation in the City. Candidates for the unexpired term shall be nominated by petition only, and such petitions shall contain signatures of not less than twenty-five electors of the City at large; provided that if the office to be filled is that of a Ward Council member, such petitions shall be signed by electors of the City who reside in the ward for which the vacancy exists. If the election is held to elect a successor to a Ward Council member, only the electors of the ward shall be entitled to vote at the election. A person who has been removed by recall shall not be either a candidate or appointed by the Mayor to succeed himself or herself, but such person shall not be barred by such removal by recall from becoming a candidate for office in other future elections.

(f) Upon the removal by recall of an elected official, other than the office of Mayor, the Mayor shall forthwith appoint a qualified person to fill the vacancy in an acting capacity until another person is elected and qualified pursuant to division (e) of this section. The President of Council shall fill a vacancy in the office of Mayor created by removal by recall until another person is elected and qualified pursuant to division (e) of this section. The person serving as Acting Mayor under this division (f) shall not be subject to the provisions of division (b) of Section 5.02 of this Charter. Persons appointed in an acting capacity under this division (f) shall have all the powers, duties and functions provided for the office they are holding in an acting capacity.

(g) Ordinances and resolutions enacted to call elections pursuant to division (d) and (e) of this section need not be read at more than one meeting of the Council, shall be effective immediately upon their passage, shall not be subject to the Mayor's veto power and shall not be subject to initiative or referendum.

ARTICLE XI

GENERAL PROVISIONS

SECTION 11.01 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 11.02 SUCCESSION

The City of Reynoldsburg under this Charter is hereby declared to be the legal successor of the City of Reynoldsburg under the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes or assessments in process of collect [on, 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 11.03 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

(a) The adoption of this Charter shall not affect any pre-existing rights of the City, or 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 becomes effective, shall continue in affect until amended or repealed.

(b) No action or proceeding pending against the City or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

SECTION 11.04 RETIREMENT SYSTEM.

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

SECTION 11.05 AMENDMENT OF CHARTER.

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

SECTION 11.06 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.

ARTICLE XII

TRANSITIONAL PROVISIONS

SECTION 12.01 EFFECTIVE DATE OF CHARTER.

This Charter shall be submitted to the electors of the City at an election to be held June 5, 1979. If approved by a majority of those voting, the Charter shall take effect from the date the final result of the election is certified by the election authorities.

SECTION 12.02 EFFECT OF CHARTER ON EXISTING OFFICES.

(a) The person holding the office of Mayor on the effective date of this Charter is hereby designated to serve as the Mayor under this Charter with all the powers, duties and functions as provided by this Charter until the person who is elected as the Mayor at the November 1979 election takes office on January 1, 1980. The person holding the office of Mayor on the effective date of this Charter shall be exempt from Section 5.02(b) of this Charter requiring the Mayor to be a full-time official of the City. The initial salary of the Mayor for the four year term commencing January 1, 1980, shall be established by the Council within forty-five days after the effective date of this Charter.

(b) The persons who hold the offices of President of Council, member of Council, and Director of Law under the general statutory plan of government for the City on the date the Charter becomes effective are hereby designated to hold the offices of President of Council, member of Council, and City Attorney, respectively, until their successor elected at the November 1979 election take office on January 1, 1980; and such persons shall have all the powers, duties and functions conferred on their respective offices under this Charter.

(c) The persons who are elected to the offices of Mayor, President of Council, member of Council, and City Attorney at the November 1979 election shall have all the powers, duties and functions conferred by this Charter for their respective offices from and after January 1, 1980.

(d) The offices of Mayor, President of Council, member of Council, and Director of Law as such offices exist under the general statutory plan of government for the City shall be abolished on the effective date of this Charter.

(e) The abolition of the office of City Treasurer shall be governed by Section 6.03 of this Charter.

(f) On and after January 15, 1980, the citizen members of the Planning and Zoning Commission (not including the Mayor, Director of Public Service and the member whose term expires in January 1980), or their successors, under the general statutory plan of government for the City are hereby designated to serve as members of the Board of Zoning and Building Appeals created by this Charter, for the remainder of their terms. The Mayor shall appoint the remaining two citizen members to the Board of Zoning and Building Appeals, one for a term of three years and one for a term of one

year. Such persons shall have all powers, duties and functions as members of the Board of Zoning and Building Appeals as provided In or under this Charter.

(g) The four citizen members of the Planning Commission under this Charter shall be appointed as provided in Section 7.01 of this Charter, with such appointments to be made after January 1, 1980, and prior to January 15, 1980. Until January 15, 1980. Until January 15, 1980, the persons who are members of the Planning and Zoning Commission under the general statutory plan of government for the City shall perform the powers, duties and functions of the Planning Commission and Board of Zoning and Building Appeals created by this Charter. The Planning and Zoning Commission under the general statutory plan of government for the City shall be abolished on January 15, 1980.

(h) The first Director of Finance under this Charter shall not be appointed until January 15, 1980. Until such time as the first Director of Finance is appointed pursuant to this section, the City Attorney shall serve on the Treasury Investment Board with all the powers, duties and functions on that Board assigned to the Director of Finance by Section 7.06 of this Charter.

(i) Any other board or commission existing under the general statutory plan of government for the City shall, unless otherwise provided in this Charter, continue in existence with its existing powers, duties and functions under the laws of Ohio and/or the ordinances and resolutions of the City until it shall be changed or abolished pursuant to this Charter.

(j) Except as otherwise provided by this Charter, all persons holding office at the time this Charter takes 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 or under any Municipal ordinance, resolution or contract in force at the time this Charter 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.

SECTION 12.03 CONTINUANCE OF PRESENT EMPLOYEES.

Every employee of the City on the effective date of this Charter 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.