

Deer Park Charter – Draft Version A

THE CHARTER OF THE CITY OF DEER PARK, OHIO

I. Name and Boundaries

The present Municipality known as the City of Deer Park, Ohio, shall continue to be a body politic and corporate under the name of the City of Deer Park. The boundaries of the Municipality shall be those existing at the time of the adoption of this Charter, subject to change by annexation or other manner authorized by general law.

II. Municipal Powers

To the extent not expressly prescribed by this Charter, all powers of local self-government now or hereafter granted by the Constitution and laws of the State of Ohio to municipal corporations shall be exercised as Council may determine. In the absence of an express Charter provision or a determination by Council, then such powers of local self-government may be exercised in accordance with general law.

III. Council

1. Powers of Council

All legislative powers of the Municipality, except the powers of the initiative and referendum reserved to the electors of this Municipality, shall be vested in a Council.

2. Qualifications

Each member shall have resided in the municipality for one year from the date the member takes the oath of office. No member of Council shall hold any other elective public office.

3. Number, Election and Term

Council shall consist of seven electors of the Municipality who shall be elected at large to overlapping four-year terms of office. Elections shall take place at the general November election of odd-numbered years.

All elections for Council shall be non-partisan. Nominations for Council shall be made by individual petition signed by not less than twenty-five qualified electors of the city. Nominating petitions and statements of candidacy shall be filed with the Board of Elections in the form prescribed in accordance with state law for individual non-partisan candidates.

At the first municipal election after the adoption of this Charter, the four candidates receiving the largest number of votes shall be elected to four year terms of office and the three candidates receiving the next highest number of votes shall be elected to two year terms of office. Thereafter all members of Council shall be elected for a four-year term of office.

Councilmember regular terms shall commence on the first day of December next after their election, and shall end on the thirtieth day of November next after the election of their successors or as soon thereafter as their successors are qualified.

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4. Meetings of Council

Council shall hold not less than twelve regular meetings each year, at such place and at such times as shall be determined by ordinance. Special meetings may be called by the Mayor or by any three members of Council by written notice served personally upon each member or left at his or her residence at least twelve hours in advance of the time of such special meeting. Any two members of Council may place an item on the agenda for any meeting.

All meetings of Council and its committees shall be open to the public, except for such closed or executive sessions as may be permitted by general law. Council shall provide a forum for comment from the public at every regular council meeting.

Council shall determine its own rules and committees, not inconsistent with the provisions of this Charter, and shall maintain a journal of its proceedings. Said journal of proceedings shall be a public record.

5. Quorum and Voting

A majority of the qualified members of Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

6. Subpoenas

The Council may issue subpoenas to require attendance of witnesses or the production of books, ballots, papers and records related to the business of Council. The same may be issued and enforced in the manner provided by ordinance.

7. Salaries

The salary of each Council member shall be established by resolution with payment in equal monthly installments. Any member who vacates his or her seat shall not be entitled to salary for the remaining term. Salaries of the Council members shall not be changed during their term of office, nor by any resolution passed less than thirty days before the final date fixed by this Charter for filing as a candidate for such office.

IV. Mayor

1. Qualifications

The Mayor shall have resided in the municipality for one year from the date the Mayor takes the oath of office. The Mayor shall not hold any other elective public office.

2. Election and Term

The Mayor shall be elected for a term of four years. Elections shall be held in odd-numbered years. The term shall commence on the first day of December next after the election, and shall end on the thirtieth day of November next after the election of a successor or as soon thereafter as a successor is qualified.

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3. Powers and Duties of the Mayor

The Mayor shall be recognized as the ceremonial head of the municipality. The Mayor shall preside at all meetings of Council and may take part in the discussion of all matters coming before Council. The Mayor shall be empowered to call a special meeting of Council and to place an item on the Council's agenda. The Mayor shall break any tie vote of Council and may veto legislation except legislation passed as an emergency.

4. Vice Mayor

The Council shall, at its first regular meeting in December following each municipal election, choose by majority vote one of its members to be Vice Mayor until the first Council meeting in December following the next municipal election. The Vice Mayor shall exercise all the powers and perform all the duties of the Mayor in case of temporary absence or disability of the Mayor except the power to veto legislation. During this temporary tenure as Acting Mayor, the Vice Mayor shall remain a Councilmember and shall continue to exercise all powers as a Councilmember. Should the Mayor's seat become vacant through death or other permanent incapacity, the Vice Mayor shall serve as Acting Mayor until a successor is elected.

5. Salary

The salary of the Mayor shall be established by resolution with payment in equal monthly installments. Should the Mayor vacate his or her seat, he or she shall not be entitled to any remaining salary.

V. Ordinances & Resolutions

1. Action of Council

Action of Council may be by ordinance, resolution, or motion. An ordinance is a measure that is codified, rearranged, published in the "Codified Ordinances of the City of Deer Park, Ohio" and certified as correct by the Clerk of Council. All other measures or actions may be taken or made by resolution, or motion.

2. Introduction of Ordinances & Resolutions

Each proposed ordinance shall be introduced in writing by a member of Council and shall contain a descriptive title, an opening clause reading "Be it ordained by the Council of the City of Deer Park, Ohio", and in the body there shall be set forth at length the action proposed to be taken. Any and all subjects shall be clearly set forth in the title. Revisions and codifications may be made under appropriate titles, chapters, and sections and in one ordinance containing one or more subjects, and publication of any revision or codification need only refer summarily to the titles, chapters, and sections affected thereby.

Action by Council which is not required by this Charter to be taken by ordinance, may be taken by resolution or motion. Any such resolution shall be introduced in writing by a member of the Council.

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3. Adoption of Ordinances by Reference

Council may adopt model or standard codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning and other topics by reference to the date and source of the code without reproducing it at length in the ordinance. However, if the Council desires to modify, add to or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance.

In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the Municipality, shall not be required except by a majority of Council.

4. Passage of Ordinances & Resolutions

No ordinance or resolution shall be passed without the concurrence of a majority of all members of Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of five members of Council, for passage. Before passage, every ordinance shall be read on two separate days, by title only, unless an emergency is declared as hereinafter provided, or unless by vote of five members of Council, a reading thereof by title only on two different days is dispensed with, in which cases such ordinance may be read one time and passed on the day of such reading.

Every vote upon every ordinance or other matters as to which any member shall so demand shall be taken upon a roll call and entered upon the journal. Final passage of every ordinance and resolution shall be certified by the signatures of the Mayor or Acting Mayor and the Clerk of Council.

The Clerk of Council shall record all ordinances, resolutions, and motions, at length, in separate volumes, which shall be a public record, available upon request for review by all citizens. Immediately after the period of publication required by this Charter, the Clerk of Council shall enter on the ordinance or resolution a certificate giving the manner and date of publication and shall sign his or her name thereto officially.

5. Emergency Ordinances

An emergency ordinance as referred to above is one which must be passed and made effective at once to meet an emergency in the operation of the municipal government, or which is necessary to the immediate preservation of the public peace, health, safety, morals or welfare. An emergency ordinance shall contain therein a separate section setting forth the reason for the emergency.

No ordinance or resolution granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

6. Veto of Ordinances & Resolutions

The Mayor may veto any ordinance except that passed as an emergency or any resolution. The Mayor shall either sign or veto the measure within seven days following the adoption of the ordinance or resolution by Council. If the Mayor vetoes the ordinance or resolution, the

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Mayor shall, within seven days following the adoption of the ordinance or resolution, file with the Clerk of Council a written statement vetoing the ordinance and setting forth the reason for the veto.

The Clerk of Council shall transmit the statement to all members of Council and cause the vetoed ordinance or resolution to be placed on the agenda of the next meeting of Council. Council may override the veto by approval of the item by no less than five members. If Council overrides the veto, the Mayor shall immediately sign and transmit the ordinance or resolution to the Clerk of Council for certification.

7. Effective Date

All ordinances, wherein an emergency is not declared, shall take effect and be in force thirty days after the certification by the Clerk of Council of publication under the requirements of this Charter, unless suspended by the filing of a valid referendum petition. All ordinances wherein an emergency is declared to exist shall become effective at such date as may be provided therein or immediately upon passage. Resolutions become effective at such date as may be provided therein or immediately upon passage.

8. Publication

All ordinances and resolutions shall be published. When ordinances are revised, codified, rearranged, published in “Codified Ordinances of the City of Deer Park, Ohio”, and certified as correct by the Clerk of Council, such form shall be a sufficient publication, and the ordinances so published, under appropriate titles, chapters, and sections, shall be held the same in law as though they had been published in a newspaper.

VI. City Manager

1. Appointment

The Manager shall be appointed by Council from candidates proposed by the Mayor. The Manager shall be the chief executive and administrative officer of the Municipality. Council shall appoint the Manager to an indefinite term, subject to removal as provided by this Charter.

2. Qualifications

The Manager shall be chosen solely on the basis of special knowledge, educational qualifications and training. These considerations shall include executive, administrative, urban planning, fiscal, and public experience with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth. No elected official shall be appointed Manager during the term for which he or she shall have been elected, nor within one year after the expiration of such term.

The Manager need not at the time of appointment, but must during the tenure of office, reside within Hamilton County unless waived by Council. Council may allow a reasonable time after appointment for the Manager to become a resident.

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3. Powers and Duties

(A) The Manager shall be responsible to Council for the proper administration of all the affairs of the Municipality and the enforcement of all its laws and ordinances, except as herein otherwise provided. To that end, the Manager shall have exclusive authority to make all appointments, suspensions, and removals of all employees in the departments and offices under his or her control, including the heads of all departments and offices, but subject to such restrictions as may be imposed upon such authority of the Manager under and pursuant to the provisions of this Charter relative to the civil service.

(B) The Manager shall attend all meetings of Council, unless the Manager's absence is reasonably justified or excused by the Council, and be informed of, and may attend all other meetings of boards and commissions with the right to participate in discussions but without the right to vote. The Manager shall attend meetings of any committee of Council, or board or commission, when so requested by such committee, board or commission.

(C) The Manager shall be responsible for the supervision of the collection of taxes, said collection as determined by Council. The Manager shall prepare and submit to Council an annual budget and an annual appropriation ordinance as provided for in this Charter, and be responsible for their administration after adoption.

(D) The Manager shall prepare and submit to Council after the end of each fiscal year, a complete report on the finances and activities of the Municipality for such year.

(E) The Manager shall prepare and submit to Council each month a report showing the conditions of all appropriated funds.

(F) The Manager shall serve as chief executive officer over all departments except that the Manager shall not have jurisdiction or authority over, or serve as, the Mayor or Solicitor.

(G) The Manager shall keep the books of the Municipality, exhibit accurate statements of all monies received and expended, of all property owned by the Municipality and the income derived therefrom, and of all taxes and assessments.

(H) The Manager shall execute and deliver all contracts and make all purchases for the municipality, except franchise for public utility services. The Manager shall manage and supervise all public works, solid waste and other services, utilities and undertakings of the Municipality, and shall supervise the design, construction, improvement, maintenance and repair of all streets, sewers, buildings, facilities, and other property of the Municipality, and shall maintain in good order all maps, plans and charts concerned with property and facilities owned or operated by the Municipality.

(I) The Manager shall issue all licenses and permits pursuant to ordinances or general law and perform all other duties prescribed in this Charter or imposed by any measure of Council.

(J) The Manager may, but only when advisable or proper, delegate to subordinate officers and employees of the Municipality any duties conferred upon the Manager by this Charter or by action of Council, and hold subordinate officers responsible for the faithful discharge of such duties.

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(K) The Manager may by letter filed with the Mayor, or by requesting said designation within a classification specification then adopted by Council, designate a qualified person of the Manager's own choosing to perform his or her duties during any temporary absence or disability.

(L) The Manager shall keep current the municipal employees' manual, and the municipal policies and procedures.

(M) The Manager shall perform all duties prescribed in this Charter and such additional duties as may be imposed by any action of Council or by any provision of the general laws of Ohio.

4. Interference by Council or Mayor

Neither Council, its committees or members, nor the Mayor, shall direct or request the Manager to make the appointment of any person to, or suspension or removal from, office or employment by the Manager, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the service of the Municipality. Council, its committees and members, shall deal with that portion of the service of the Municipality for which the Manager is responsible solely through the Manager, and neither Council nor its committees or members, shall give any orders to any subordinate in office. The Mayor or Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of the affairs of the Municipality, and may, in the exercise of such power, compel or authorize one of its committees to compel the attendance and testimony of witnesses and the production of books, records, papers, and other evidence under penalty of law.

5. Salary

Council shall establish the salary, benefits, and conditions of employment of the Manager.

6. Removal

The Manager may be removed by a majority of Council with or without cause. At least thirty days before such removal shall become effective, the Council shall by majority vote of its members adopt a resolution stating the reasons for such removal. The Manager may reply in writing and may request a public hearing before Council which public hearing shall be held not earlier than twenty days nor later than thirty days after the public filing of such request, which request shall be filed with the Mayor within five days of the Manager being notified of such termination. After such public hearing if one is requested, and after full consideration, the Council by a majority vote of its members, may adopt a final resolution of removal, which decision is final.

VII. Appointed Officials

1. Solicitor

The Solicitor shall be appointed by Council from candidates proposed by the Mayor. The Solicitor shall be an Attorney at Law admitted to practice in Ohio. The Solicitor shall be in

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good standing with any bar that he or she is a member. Council may remove the Solicitor, with or without cause.

The Solicitor shall be the legal advisor of, and attorney and counsel for, the municipal government, and all officers and departments thereof in any matters relative to their official duties, and shall when requested give legal opinions in writing. The Solicitor shall represent the Municipality in all litigation to which it may be a party, and shall upon request of the Mayor or Judge, prosecute for violations of law in actions before the Mayor or Municipal Court. The Solicitor shall on request prepare or review all contracts, bonds, and other written instruments in which the Municipality is concerned. The Solicitor shall approve the form and correctness of all contracts, bonds, and written instruments in which the Municipality is concerned. The Solicitor shall perform all other duties of a legal nature imposed by any measure of Council or imposed upon the chief legal officer of a municipality.

The Solicitor may appoint or designate assistants to perform duties under the supervision of the Solicitor subject to appropriation by Council. Council may employ additional legal counsel when advisable or proper.

2. Clerk of Council

Council shall appoint a Clerk of Council for an indefinite term. The Clerk shall attend all meetings of Council, keep its records, and perform all duties prescribed for the Clerk in this Charter, and such additional duties as may be imposed by any measure of Council. Council may remove the Clerk, with or without cause.

3. Finance Director

A Finance Director, who shall serve as the fiscal and accounting officer of the Municipal government, shall be appointed by the Manager. The Finance Director shall be in good standing with any professional licensing organizations as determined by the Manager. The Manager may remove the Finance Director, with or without cause.

The Finance Director shall receive, collect, and deposit all monies due the Municipality and sign all checks and vouchers for their disbursement as provided by this Charter. The Finance Director shall be the custodian of the official bonds and of instruments for the payment of money of the Municipality and shall perform all other financial duties imposed by the Manager.

4. Compensation

Council shall establish the salaries of the Clerk of Council and Finance Director, and the compensation of the Solicitor.

VIII. Budget & Finance

1. Fiscal Year.

Council shall establish a fiscal year for the Municipality.

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2. Taxes

Council shall have the power to levy such taxes as may be permitted and in accordance with the general law. The Council shall annually levy a tax for current expenses. Any tax on income, earnings, wages or salaries may not be at a rate exceeding one and three quarters percent (1.75%) without approval by the electors. Any tax on real and personal property shall not exceed fifteen mills without approval by the electors.

3. Budget

Each fiscal year, the Manager shall prepare and submit to Council a budget covering an estimate of available funds and required expenditures for the ensuing calendar year. Council shall specify the form of and the information to be included in the budget. Such budget may be amended by Council; shall be approved by Council as presented or amended; and shall be the basis of any levy of taxes by Council or any request for an extra levy. Council shall provide for a public hearing on the budget, to be advertised ten days before such hearing and make a copy of the budget available for public inspection in the ten days prior to the hearing.

4. Appropriation

The Manager shall prepare and submit to Council at its first January meeting an appropriation resolution containing a financial plan for conducting the affairs of the Municipality for the ensuing year. Council shall specify the form of and information to be included in the appropriation resolution. Council may amend such resolution in accordance with its judgment and discretion. The appropriation resolution may be passed upon a single reading and shall become effective forthwith on its adoption or at the earliest date provided by law.

5. Audits

In the event that a representative of the State Auditor of Ohio has not made an audit for a period of two consecutive years, Council shall forthwith request the State Auditor to cause an audit to be made of the financial affairs of the Municipality. Council may, in addition, cause other audits for any purpose to be made at any other time.

IX. Purchasing & Contracts

1. Purchases

The Manager shall make all purchases on behalf of the municipality. Purchases may be made simultaneously with purchases by other governmental bodies and in cooperation with their officers.

The Manager shall advertise and obtain bids in writing for purchases exceeding the minimum bidding amount provided for by the general law unless there is an emergency. The Manager shall report any emergency purchase to Council at its next meeting. After the receipt of bids Council may authorize the Manager to make the purchase from the bidder who in its judgment offers the best proposition for the municipality considering quality, service, adaptability to the requirements of the municipality and price, or may direct the rejection of all bids.

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2. Contracts

The Manager shall execute and deliver all contracts for the Municipality except franchises for public utility services. No contracts involving an expenditure of more than the minimum bidding amount provided for by the general law, or an expenditure out of the general fund in a fiscal year after the year in which such contract is executed, or an expenditure for expert or professional services, shall be made unless authorized by Council. No contract involving the expenditure of more than the minimum bidding amount provided for by the general law for the construction maintenance or repair of any public work or improvement by a private contractor shall be made except after advertisement and the receipt of bids in writing, unless in the case of an emergency which will not admit of delay, and in such case the Manager shall report the facts to Council at its next meeting. No contract except franchises for public utility services shall be made for a term longer than five years. All contracts shall be approved as to form by the Solicitor before they are executed by the Manager. All contracts involving the expenditure of funds by the Municipality shall be certified as to the existence of such funds by the Finance Director.

3. Contracts for Professional Services

Council may authorize the Manager to contract for any governmental services to be rendered to the municipality and its people, including construction, repair and maintenance of streets and other public ways. Such contracts shall be for a period of not to exceed five years.

4. Contracts for Public Services

Council may authorize the contracting with any county, city, village, or township in the State of Ohio, or with the State of Ohio for the performance of any governmental function required by or capable of being furnished by the municipality. No contract shall be entered into for a period longer than five years unless approved by Council.

5. Contracts for Professional and Construction Services

Council may adopt separate or combined procedures for procuring professional design services, construction management services, building component commissioning services, or construction services as long as such procedures are intended to competitively procure services offering the Municipality the best value considering quality, timeliness, and price. No contract for professional design services, construction management services, building component commissioning services, or construction services in an amount greater than the minimum bidding amount shall be let without first being approved by Council.

6. Borrowing

The authority and procedure for borrowing money, and for assessing property and for appropriating property shall be governed by resolution, or in the absence of resolution, by general law.

7. Investment Board

Council may at its discretion direct the investment of any surplus, reserve, interim or inactive funds into such investments as are permitted to fiduciaries by general law. Such investments shall be supervised by a board consisting of the Finance Director, the

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Manager, and two Council members chosen by majority vote of all members of Council, each to serve for a term expiring on the date of expiration of his or her Council term.

8. Purchase and Sale of Real and Personal Property

Council shall approve the sale of real and personal property by resolution. Real and personal property may be traded simultaneously with purchase of real and personal property and the sale price of the unneeded real and personal property may be credited on the price of the property being purchased.

X. Departments

1. Creation of Departments

Council may establish departments, offices, or agencies in addition to those created by the Charter and may prescribe the functions of all departments, offices and agencies. No function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

2. Direction by Manager

All departments, offices, and agencies shall be under the direction and supervision of the Manager unless provided otherwise by this Charter. The Manager shall direct and supervise the administration of all departments, offices, and agencies unless provided otherwise by this Charter and shall appoint an officer to serve as the head of one or multiple department, office or agency. The Manager may serve as the head of one or multiple departments, offices, or agencies.

XI. Park Board

There shall be a Park Board consisting of seven members appointed by the Mayor with the approval of Council. Members shall be electors or non-electors who own a business or work in the Municipality. No more than two non-electors may serve as a member of the Park Board at any one time. A member shall be eligible to serve only so long as he or she possesses the qualifications requisite for his or her original appointment. Members shall serve overlapping four year terms which terms shall be arranged so that two members' terms shall expire on July 1st of each year except every fourth year when only one member's term shall expire. Any vacancy which shall happen in a regular term shall be filled for the unexpired portion of such term.

Said Board shall have the authority and duties prescribed by ordinance.

XII. Civil Service Commission

1. Merit System

All appointments and promotions in the Civil Service of the Municipality shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examinations given under supervision of the Manager, under rules provided by the Civil Service Commission.

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2. Members

The City shall have a Civil Service Commission consisting of five members of worthy character and ability. They shall serve overlapping three year terms. They shall be electors and shall be appointed by the Mayor with the approval of Council. Vacancies in the Commission shall be filled in the same manner but shall be for the balance of the term only. No member of this Commission shall be an employee in the paid service of the Municipality.

3. Duties

The Civil Service Commission shall provide by rule for the determination of merit and fitness as the basis for appointment and promotion of the classified service of the municipality as required by the Constitution of the State of Ohio and for appeals from the action of any officer in any case of transfer, reduction or removal. The action of the Commission shall be final.

4. Classification of Service

No person who is a permanent employee of the Municipality in a position provided for in this Charter at the time this Charter goes into effect, shall be required to take any examination to retain his or her position, but shall thereafter be subject to the Civil Service provisions established pursuant to this Charter.

The only Civil Service positions in the City shall be the members of the Police Department, except the Chief of Police.

5. Examination by another Municipality

Should it prove more practical and economical, this Commission may arrange with the Civil Service authority of another city in Hamilton County to conduct examinations in behalf of the Municipality.

XIII. Planning and Zoning Commission

There shall be a Planning and Zoning Commission consisting of the Mayor and four members appointed by the Mayor with Council's approval. Members shall be electors or non-electors who own a business or work in the Municipality. No more than one non-electors may serve as a member of the Commission at any one time. A member shall be eligible to serve only so long as he or she possesses the qualifications requisite for his or her original appointment. Members shall serve overlapping four year terms which terms shall be arranged so that one member's term shall expire on July 1st of each year. Any vacancy which shall happen in a regular term shall be filled for the unexpired portion of such term.

Said Commission shall have the authority and duties prescribed by ordinance.

XIV. Board of Zoning Appeals

There shall be a Board of Zoning Appeals consisting of five members appointed by the Mayor with Council's approval. Members shall be electors or non-electors who own a business or work in the Municipality. No more than one non-electors may serve as a member of the Board at any one time. A member shall be eligible to serve only so long as he or she possesses the

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qualifications requisite for his or her original appointment. Members shall serve overlapping four year terms which terms shall be arranged so that at least one member's term shall expire on July 1st of each year. Any vacancy which shall happen in a regular term shall be filled for the unexpired portion of such term. Alternate members may be appointed by the Mayor with Council's approval.

Said Board shall have the authority and duties prescribed by ordinance.

XV. Initiatives & Referendum

1. Establishment

The initiative and referendum are reserved by this Charter to the people of Deer Park to be exercised as prescribed in this Charter. Electors qualified by registration and otherwise to vote in Deer Park, and equal in number to not less than one-fifth of the number of those who voted in the preceding general election, may by an initiative petition propose to Council the passage of an ordinance or resolution set forth therein, or by a referendum petition propose the repeal of any measures passed within thirty days by Council, except as otherwise prescribed in this Charter.

2. The Petition

The form, content, verification of and other requirements for initiative and referendum petitions, except as otherwise prescribed in this Charter, shall be those prescribed by the Constitution and general laws of the State of Ohio covering initiative and referendum petitions on the state level in existence as of the time of filing of the petition. In addition to the requirements of such general law each petition shall by its terms appoint a committee of three to represent the proponents of the petition in any further proceedings before Council. Such committee shall have the power to fill vacancies in its ranks by action of the surviving members. The petition shall be filed with the Clerk of Council, who shall forthwith notify the Mayor of such filing. The Mayor shall thereupon, and within five days of the time of filing appoint a committee of two, at least one of whom shall be a member of the committee to support the petition. This committee of two, together with the Clerk of Council, and with the help of the Board of Elections of Hamilton County, if the committee so desires, shall determine within ten days of its appointment whether the petition is valid and sufficient according to law. The Clerk of Council shall present the petition, with a certificate as to the committee's determination, to Council at its next regular meeting.

3. The Initiative

Each ordinance or resolution initiated by a petition certified to be valid and sufficient shall upon presentation be referred by Council to a committee to hold a public hearing thereon and to report its recommendations at the next regular meeting of Council. Council shall, not later than the second regular meeting following such reference, either pass the ordinance or resolution in its original form or in a form agreed to by a majority of the committee appointed by said petition; or take appropriate action to submit the ordinance or resolution to a vote of the electors at the next primary or general election to be held no less than sixty days after the filing of the appropriate notice with the Board of Elections. If an initiated ordinance or

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resolution is approved by a majority of the electors voting thereon, it shall be an ordinance or resolution of the Municipality, effective as of the date of the official certification of the result of such election, or at such other date as may be provided in the ordinance or resolution.

4. The Referendum

The referendum shall not be applicable to: (A) Resolutions making or transferring annual appropriations, or amendments thereto; (B) Measures providing for the discharge of any obligation legally due from the Municipality; (C) Measures submitting any measure to a vote of the electors; (D) Measures directing the performance of any official duty or providing for investigations or reports; (E) Measures not having the force or effect of law; (F) Repealing measures passed by Council pursuant to referendum petitions; (G) Measures relating to any public improvement subsequent to the resolution determining to proceed therewith; or (H) Measures for public improvements petitioned for by the owners of the majority of the foot frontage benefited and to be specially assessed for the cost thereof.

All emergency ordinances shall be subject to the referendum. However, emergency ordinances shall be effective until repealed by the vote in the referendum.

The effective date of any measure subject to referendum other than emergency measures shall be postponed by the filing of a referendum petition within thirty days after the passage thereof, unless the committee herein provided shall certify that the petition is invalid or insufficient, in which event such ordinance shall take effect in accordance with the other provisions of this Charter.

Each referendum petition certified to be valid and sufficient shall upon presentation be referred by Council to a committee to hold a public hearing thereon and to report its recommendation at the next regular meeting of Council. Council shall, not later than the second regular meeting following such reference, either pass the repealing measure or take appropriate action to submit it to a vote of the electors at the next regular or primary election to be held not less than sixty days after the filing of appropriate notice with the Board of Elections . If the repealing measure is approved by a majority of the electors voting thereon, the measure shall not take effect. Otherwise, the measure shall take effect immediately upon official certification of the result of such election.

XVI. Removal of Elected Officials

1. Removal

The Council shall declare vacant the seat of any elected official who shall cease to be a resident of Municipality. Council may also declare vacant the seat of any elected official who persistently fails to abide by the rules of the Council or who is otherwise guilty of misconduct affecting performance of his or her duties. Declaring a vacancy shall be taken only upon the concurrence of five members of Council at a regular meeting of Council after service of notice upon such of such proposed action at least seventy-two hours in advance of such meeting. Council shall provide an opportunity to any elected official subject to removal to present a public defense at the meeting of Council.

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2. Vacancy

Any vacancy by an elected official shall be filled by special election within sixty days of the vacancy occurring. The Vice Mayor shall serve as Acting Mayor in case of vacancy until the vacancy is filled by special election. If a seat on the Council becomes vacant, the Council may fill the vacancy by a vote of the majority of the remaining members, and such person so chosen shall serve until the vacancy is filled by special election or the next general election if the new member's predecessor served at least two years.

XVII. Nominations & Elections

1. Municipal Elections

A regular municipal election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. This shall be known as the municipal election. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution. All municipal elections shall be non-partisan.

2. Conduct of Elections

Both regular and special municipal elections shall be conducted by the Board of Elections of Hamilton County, Ohio under the provisions of this Charter. Where the Charter is silent, the election laws of Ohio shall be followed.

3. Nominations

Nominations of persons possessing the qualifications of electors and meeting the residence requirements prescribed for the various elective offices of the Municipality shall be made as prescribed by the election laws of Ohio.

4. Ballots

The ballots used in all elections provided for in this Charter shall be as prescribed by the election laws of Ohio.

5. Who Elected

The candidates for any elective office, equal in number to the places to be filled, who shall receive the highest number of votes at such election shall be declared elected.

6. Plurality, Tie Votes

In case of a tie vote, the election shall be resolved by lot by the chairmen of the Hamilton County Board of Elections in the presence of all members of the Board.

7. Public Information on Issues

Council shall have power to appropriate and expend public funds to pay the cost of providing information to the public in connection with elections on tax levies, bond issues and other public questions.

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8. Recall

Any member of Council or the Mayor may be removed from office before expiration of his/her term by the qualified voters of the Municipality. The procedure for such recall shall be that provided by general law.

XVIII. Mayor's Court

The Municipality may establish a Mayor's Court with jurisdiction and powers as provided by general law.

XIX. General Provisions

1. Oath of Office

All officers, management employees, and employees of the City shall, before or upon entering his/her duties, take and subscribe to the following oath to be filed and kept in the office of the Clerk of Council: "I solemnly affirm that I will support the constitutions of the United States and of the State of Ohio and the Charter and ordinances of the City of Deer Park and will faithfully, honestly and impartially discharge the duties of upon which I am about to enter (or have entered)."

2. Official Bond

All officers and employees of the Municipality whose duties require that they handle or be concerned with the management of its money or other property and any other employee required by Council to furnish a bond, shall furnish to the Clerk of Council before entering upon their duties, a corporate surety bond, issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts or omissions. The amount of such bond shall, in each case, be established by Council. The premium on such bonds shall be paid from the funds of the Municipality.

3. Personal Interest

The validity of contracts and transactions between the City, officials thereof, and members of Council, with respect to their financial interest therein, shall be governed by general law.

4. General Law

The term "general law" used in this Charter means the law of Ohio together with amendments thereof existing at the time it is to be applied. If this Charter specifies general law only shall control and said general law is repealed and no substitute provision enacted, then the Council may by ordinance establish the rule to be followed.

XX. Charter Amendments

This Charter is intended to be flexible and to be changed to meet changing conditions as the Municipality develops, in order that the best interests of those who live and work here may continue to be served. Amendments shall be submitted to the electors by affirmative vote of five members of Council, or shall be submitted upon petition signed by ten percent of electors

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not less than seventy-five days prior to the date of an election at which such amendments are to be voted on. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter.

Council may establish a Charter Revision Committee which shall consist of five electors selected by the Council to overlapping five year terms. Any vacancy on the committee may be filled in the same manner but shall be for the balance of the remaining term. It shall be the duty of the Charter Revision Committee to advise the voters and Council as to any amendments or improvements that shall be desirable and proper to keep this Charter fitted to the needs of the Municipality as such needs develop in the future. Whenever the Committee has recommendations, it shall submit a written report to the Council, stating suggestions for changes to be submitted to the electors.

XXI. Effective Date and Effects of Adoption

1. Effective Date and Duration

This Charter shall be voted upon at a special municipal election to be held on November 10, 2020. If approved by the voters, this Charter shall go into effect on December 1, 2021 and be in force from and after certification of its adoption by the election authorities of Hamilton County.

2. Effect on Present Offices

Except as provided herein, the existing offices and persons holding such offices and existing employees have and exercise all the powers and duties as prescribed in this Charter and shall serve as such and complete their current terms until their successors take office, as provided for by this Charter.

3. Effect on Present Ordinances, Rules and Regulations

All ordinances and other measures of the Municipality, to the extent they are not inconsistent with this Charter and are in force when it takes effect shall continue in force until amended or repealed by Council.

4. Effect on Present Contracts

All contracts entered into and obligations incurred by the Municipality or for its benefit prior to the taking effect of this Charter shall continue in full force and effect.

XXII. Savings

If any provision of this Charter, or the application thereof to any person or circumstance, is found to be unconstitutional or illegal or invalid, the remainder of the Charter and the application of such provision to other persons or circumstance, shall not be affected thereby.