

A CHARTER FOR CLAYTON, OHIO

EDITOR'S NOTE: The Clayton Charter was approved by the voters on May 4, 1999. Dates appearing in parentheses following section headings indicate those sections were subsequently amended, added or repealed on the date given.

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A CHARTER FOR CLAYTON, OHIO

PREAMBLE

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

ARTICLE I NAME; BOUNDARIES; FORM OF GOVERNMENT

1.01 Name and Boundary.

The municipal corporation existing as the City of Clayton 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 City 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.

1.02 Form of Government.

The municipal government provided for by this Charter shall be known as the "Council-Manager Plan".

ARTICLE II CORPORATE POWERS

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 City.

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, the powers shall be exercised in the manner provided by the laws of Ohio.

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.

2.04 Intergovernmental Cooperation.

- (A) In carrying out any lawful function or power of the City, Council, by a majority vote of its members, may authorize the execution of contracts and provide for cooperation or joint action between the City and one or more of the following:
- (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; and
 - (6) Persons, corporations whether for profit or non-profit, firms and other entities; unless such contracts, cooperation or joint actions are prohibited by the Constitution of the State of Ohio.
- (B) The powers granted by this section shall be liberally construed to authorize intergovernmental cooperation but shall not authorize the avoidance of the provisions of this Charter concerning taxation or initiative or referendum.

**ARTICLE III
COUNCIL****3.01 Powers of Council.**

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

- (A) The power to levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter;
- (B) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws of Ohio;
- (C) The power to provide for the exercise of all powers of local self-government and utility powers granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio;
- (D) The power to establish or authorize the number of officers and employees in the various offices, departments, divisions, bureaus, boards and commissions of the City and to establish or authorize the establishment of the rate of their compensation, hours of work, and to provide such other benefits and conditions of employment as deemed proper by Council;
- (E) The power to require such bonds as in the opinion of Council are necessary for the faithful discharge of the duties of the officers and employees of the City. The premium for said bonds shall be paid by the City;

- (F) The power to create, combine, change and abolish by ordinance other offices, departments, divisions, bureaus, boards and commissions;
- (G) The power to establish by ordinance the rates or charges made of consumers of all municipal utilities and services;
- (H) The power to acquire and to sell or otherwise convey interests in real property and to lease, as lessor or lessee, or otherwise grant or receive interests in real property;
- (I) The power to provide for an independent audit of the accounts and records of the City, which may be in addition to audits by state offices and agencies as may be required under the general laws of Ohio; and
- (J) The power to exercise all other powers granted to Council by this Charter and by the Constitution and laws of the State of Ohio.

3.02 Composition, Term and Qualifications.

- (A) Council shall be composed of six members of Council and the Mayor, with three of the members to be elected from wards or districts and three of the members of Council and the Mayor to be elected from the City at large. The use of the term "Council" in this Charter shall include the Mayor as member of Council.
- (B) The term of office of the members of Council (including the Mayor) shall be staggered four year terms. The initial staggering of the terms of office shall be as provided in Division (A) of Section 13.02 of the Charter. The three members of Council to be elected from wards at the regular municipal election to be held in November, 1999 and each four years thereafter shall serve terms of office of four years. The three members of Council and the Mayor to be elected as members at large within the City at the regular municipal election to be held in November, 2001, and each four years thereafter shall serve terms of office of four years. Each term of office shall commence on January 1 of the year following the regular municipal election at which such persons are elected.
- (C) The Mayor and members of Council shall be electors of the City during their term of office. Ward members of Council shall also be residents of the ward which they represent during their term of office. All members of Council may hold other non-elected public office and/or employment.

3.03 Wards and Boundaries.

- (A) No later than the first day of July, 2003, and each ten years thereafter, Council by ordinance shall divide or redivide the City into three wards for the purpose of electing three ward Council members at the next regular municipal election. The division or redivision of the City into three wards shall provide for substantially equal population in each ward.
- (B) In addition to the redivision of the City into wards as required by Division (A) of this Section, Council may, at any time, by ordinance redivide the City into three wards in order to provide substantially equal population in each ward.
- (C) All wards shall be bounded, as far as practical, by county lines, streets, alleys, avenues, public grounds, canals, watercourses, municipal boundary lines, center lines of platted streets or railroads, or lot lines of platted subdivisions. Redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of Ward Council members; however, at succeeding elections Ward Council members shall be elected from the wards as reapportioned or reestablished under this Section.

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

3.04 Mayor and Vice Mayor.

- (A) The Mayor shall exercise the following powers, duties and functions:
- (1) To serve as president of Council, to vote as a member of Council on all matters and to preside at all meetings of Council, however, the Mayor shall not have any power of veto;
 - (2) To exercise all judicial powers and functions granted to mayors of municipal corporations by the laws of Ohio and applicable court rules;
 - (3) To perform marriages, ceremonial duties and functions as necessary;
 - (4) To exercise military powers and functions granted to mayors of municipal corporations by the laws of Ohio or the laws of the United States;
 - (5) To present an annual "State of the City" report;
 - (6) To serve as primary spokesperson for the City and primary contact person for Economic and Community Development; and
 - (7) To perform or exercise such other powers, duties and functions as provided by this Charter and ordinances, resolutions and rules of Council not inconsistent with this Charter.
- (B) At the first regular meeting of Council in each even numbered year, Council shall elect, by a majority vote of its members, one of its members as the Vice Mayor for a two year term of office. The Vice Mayor shall serve as the president pro tempore of Council. In the event of a vacancy in the office of Mayor, the Vice Mayor shall succeed to the office of Mayor to serve for the remainder of the unexpired term and Council shall elect, by a majority vote of its members, another of its members to serve as Vice Mayor for that unexpired term. In the event of the temporary absence or disability of the Mayor, the Vice Mayor shall exercise all powers, duties and functions of the Mayor.

3.05 Clerk of Council.

No later than the first Council meeting to be held on or after January 1, 2002, 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 Council and may be removed without cause by a majority vote of the members of Council. The Clerk of Council may hold other non-elected 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 Council and a record of all ordinances and resolutions adopted by Council. The Clerk of Council shall give notice of regular and special meetings of Council to its members and to the public as may be provided by this Charter, the Rules of Council, or by ordinance or resolution. The Clerk of Council shall be subject to the control of the officers of Council and the general supervision of the City Manager. Council, by ordinance or resolution, may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided for under this Charter.

3.06 Council Meetings.

- (A) Council shall determine, by a majority vote of its members, the frequency, location, dates and times of regular meetings in order to properly conduct its business, but it shall hold at least one regular meeting in each month.
- (B) Special meetings of Council may be called for any purpose by the Mayor or any two members of Council upon at least twenty-four hours notice to the Mayor and each member of Council and the City Manager, which notice may be served personally or left at the usual place of residence. Members of Council who attend special meetings of 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 Council may waive receipt of notice of a special meeting either prior or subsequent to the meeting.
- (C) Any regular or special meeting of 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 Council and of other Boards and Commissions of the Municipality shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies, unless otherwise provided for by ordinance.

3.07 Council Organization and Rules.

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.

3.08 Salaries of Elected Officials.

The salaries of all elected officials of the City shall be established by Council by ordinance to be adopted no later than September 1, of each odd numbered year commencing in the year 2001. The salaries so established shall be effective for a two year period beginning January 1 of the year immediately following the adoption of the ordinance establishing them and shall apply to all elected officials whether they are beginning their terms or are in mid-term. In the event Council shall fail to establish salaries as required in this Section, the salaries in effect for the prior two year period shall remain in effect until changed in accordance with this Section. The initial salary of elected officials under this Charter shall be that salary established for each office and in effect on January 1, 1999, and if none have been established, the Council first serving under this Charter shall establish such salaries within ninety days.

3.09 Council Vacancies.

- (A) A vacancy in Council shall be filled by a majority vote of the remaining members of Council. Individuals selected by Council to fill an at-large or ward vacancy must satisfy the applicable requirements of Section 9.01(B)-(D) at the time of their selection. If the vacancy occurs subsequent to fifteen days before the date when candidates for the office of Council member must file their nominating petitions or if two years or less remain in the term of the incumbent who created the vacancy, the person selected by Council shall serve for the unexpired term. If the vacancy occurs at least fifteen days prior to the date when candidates for the office of Council member must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, the person elected by Council shall serve until a successor is elected at the next regular municipal election for the remainder of the unexpired term. The person elected for the unexpired term at the next regular municipal election shall take office on the first day of January following his election.
- (B) If Council shall fail to elect a person to fill a vacancy in Council under Division (A) of this Section within thirty days after the occurrence of the vacancy, its power to do so shall lapse and the Mayor shall appoint a person to serve for the time as provided in Division (A) of this Section.

**ARTICLE IV
LEGISLATIVE PROCEDURES**

4.01 Form of Action by Council.

Council action shall be by ordinance, resolution or motion. Ordinances shall generally prescribe permanent rules for the conducting of the municipal government. Resolutions shall generally be orders of Council of a special or temporary nature. Action of Council shall be effective regardless of the action's designation as an ordinance or resolution. Approval of Council action shall be by voice vote with a roll call being required only if the vote is not unanimous or if called for by a member of Council.

4.02 Definitions and Uses.

- (A) An ordinance is the formal, written enactment of the legislative authority of the municipality in the exercise of the governmental power vested by the Charter, Ohio Constitution or Ohio statutes in the municipality for the regulation of the conduct of its citizens or others subject to its control, and intended to be of a permanent duration. Council actions where an ordinance is used can include:
- (1) Any action resulting in a change in one of the codified laws of the City;
 - (2) Any action resulting in an addition to the codified laws of the City;
 - (3) Any action to enact or levy taxes;
 - (4) Any permanent zoning regulations;
 - (5) Any action to grant, renew or extend franchises;
 - (6) Any action establishing, regulating or changing the rates charged by any public utility for its use;
 - (7) Any action authorizing the municipality to borrow money or issue bonds or notes;

- (8) Any action authorizing the purchase, lease or transfer of public property; and
 - (9) Any action authorizing the designation of job categories and pay range schedules for City employees and the application of retroactive effective dates.
- (B) A resolution is the formal, written enactment of a municipal legislative authority of a less permanent nature, not prescribing any permanent rules of conduct or to take a specific action not required by statute to be enacted by ordinance. Council actions that may be implemented by a resolution include the following:
- (1) Authorization of the purchase of equipment or materials for the City;
 - (2) Authorization to accept bids of work on City projects for maintenance and/or repairs to City property or equipment;
 - (3) Authorization of repairs to City streets, buildings, park property, etc.; and
 - (4) Business relations with other municipal, state or federal governments or agencies that will not result in a change in the city codes.
- (C) A motion shall be used to conduct the business of Council in procedural matters and in the transaction of its business.

4.031 Procedure for Passage of Ordinances.

- (A) Any member of Council, including the Mayor, may introduce a proposed ordinance. The ordinance shall be introduced in a written or printed form, and unless involving appropriations shall not contain more than one subject, which shall be clearly stated in the title. General appropriation ordinances may contain the various subjects and accounts for which monies are to be appropriated. The enactment clause of all ordinances passed by Council shall be, "Be it ordained by the Council of the City of Clayton." The enacting clause of ordinances submitted by initiative shall be, "Be it ordained by the people of the City of Clayton."
- (B) No ordinance shall be passed on the day on which it shall have been introduced, unless it be declared an emergency measure, in which case no second reading is required.
- (C) No ordinance or section thereof finally adopted, shall be revised or amended, unless the new ordinance contains the entire ordinance or section as revised or amended; and the original ordinance section, or sections so amended shall be repealed.
- (D) Every ordinance shall be introduced in writing in a form prepared or approved by the Law Director. Ordinances shall be given two separate readings of the title only (unless a member of Council present requests a reading in full) on separate days. After its approval on its first reading by a majority vote of Council, a summary of the ordinance shall be prepared and posted by the Clerk of Council in accordance with Section 4.031(E).

- (E) The ordinance summary shall describe the ordinance in brief and general terms and state that the ordinance is available for public inspection at the office of the Clerk of Council, together with a notation as to the time and place of its consideration for final adoption. The posting of the summary shall be made in three places of public access as Council may designate and shall occur at least three days prior to the date of the ordinance's second reading.
- (F) For the second reading at the time and place so advertised such ordinance shall be read by title only, unless a member of Council present requests a reading in full. All interested persons present shall be given an opportunity to be heard prior to the final vote but such participation shall be subject to Council rules.
- (G) The affirmative vote of a majority of Council present shall be necessary for the final passage of any ordinance unless otherwise provided by this Charter.
- (H) Unless the ordinance shall specify a later date, the effective date of any ordinance shall be thirty days after its second reading and adoption except as otherwise provided in this Charter or by the Constitution of the State of Ohio. An emergency ordinance shall take effect immediately upon its adoption.
- (I) Every ordinance upon its final passage shall be recorded in a book kept for this purpose, and shall be authenticated by the signature of the presiding officer and the Clerk of Council.
- (J)
 - (1) Every ordinance, in full or summary form, shall be published at least once within thirty days after its final passage or adoption. The ordinance in the form it was adopted shall be made available for public inspection in the office of the municipality. Publication shall be in a newspaper of general circulation in the City of Clayton. A summary of every ordinance shall also be posted in three places of public access as designated by Council.
 - (2) A failure to publish or an omission, delay or error in the publication on the part of a newspaper, its officers, employees or agents, shall not cause such ordinance to be declared invalid or otherwise affect the validity of such ordinance and in such events the Clerk of Council shall authorize re-publication.
 - (3) Emergency measures shall also be published as aforesaid, but said requirements shall not postpone the immediate taking effect thereof.

4.032 Procedure for Passage of Resolutions.

- (A) Any member of Council, including the Mayor, may introduce a proposed resolution. The resolution shall be introduced in a written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title. The enactment clause of all resolutions passed by Council shall be, "Be it resolved by the Council of the City of Clayton."
- (B) No resolution or section thereof finally adopted, shall be revised or amended, unless the new resolution contains the entire resolution or section as revised or amended; and the original resolution section, or sections so amended shall be repealed.

- (C) Every resolution shall be introduced in writing in a form prepared or approved by the Law Director. Resolutions shall be given one reading of the title only unless a member of Council present requests a reading in full. All interested persons present shall be given an opportunity to be heard prior to the final vote but such participation shall be subject to Council rules.
- (D) The affirmative vote of a majority of Council present shall be necessary for the final passage of any resolution unless otherwise provided by the Charter.
- (E) Unless the resolution shall specify a later date, it shall have immediate effect.
- (F) Every resolution upon its final passage shall be recorded in a book kept for this purpose, and shall be authenticated by the signature of the presiding officer and the Clerk of Council.
- (G)
 - (1) Every resolution in full or summary form, shall be published at least once within thirty days after its final passage or adoption. The resolution in the form it was adopted shall be made available for public inspection in the office of the municipality. Publication shall be in newspaper of general circulation in the City of Clayton. A summary of every resolution shall also be posted in three places of public access as designated by Council.
 - (2) A failure to publish or an omission, delay or error in said publication on the part of a newspaper, its officers, employees or agents, shall not cause such resolution to be declared invalid or otherwise affect the validity of such resolution, and in such events the Clerk of Council shall authorize re-publication.

4.033 Emergency Ordinance.

- (A) An emergency measure is an ordinance which dispenses with the second reading and is immediately effective upon adoption by an affirmative vote of at least five members of Council. Each emergency ordinance shall state that the ordinance is necessary for the immediate preservation of the public peace, health, safety or welfare and shall contain a statement of the necessity for the emergency. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing said emergency in clear and specific terms. A proposed emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced.
- (B) Emergency ordinances shall not be used by Council for the following purposes:
 - (1) To enact or levy taxes that are not subject to vote by the electors;
 - (2) To grant, renew or extend franchises unless the franchise is deemed necessary as affecting public health;
 - (3) To establish or regulate the rates charged by any public utility for its services;
 - (4) To alter, abolish or establish the basic structure of any department;
 - (5) To adopt, amend, or enact or repeal any zoning regulation affecting the use and occupancy of land or structures;

- (6) To authorize the surrender or joint exercise of its power;
 - (7) To change ward boundaries;
 - (8) To abolish or combine departments, divisions or subunits thereof; or
 - (9) To change salaries or benefits of elected officials.
- (C) Ordinances that are passed as an emergency measure shall not be subject to referendum. If an ordinance fails to get the required five votes of the members of Council to pass as an emergency, it may be considered as a non-emergency measure on its first reading.

4.04 Codification of Ordinances.

By a majority vote of the members elected to Council, the Council may cause the ordinances and resolutions of the City to be revised, codified, recodified, rearranged or published in book form. Such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be immediately effective upon approval by a majority vote of the members elected to Council and may contain new matter therein. Council shall cause a notice of such proposed revision, codification, rearrangement or publication in book form to be published one time in a newspaper of general circulation within the City at least seven days prior to the final approval thereof by Council, and no further publication shall be necessary. A current service supplementing such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be maintained in the manner prescribed by Council.

4.05 Authentication.

Each ordinance and resolution shall be authenticated by the signature of a presiding officer of Council and the Clerk of Council or other designated officer. The failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

4.06 Amendment.

- (A) A pending ordinance, emergency ordinance or resolution may be amended by a majority vote at any time prior to its passage by Council. When a non-emergency ordinance is amended in substantive fashion, it shall not be finally adopted until a summary of the amended sections is posted at least once, together with a notice of the date, time and place where such amended ordinance will be further considered. The date for further consideration by Council shall not be less than three days after posting.
- (B) Any ordinance or resolution, or the codified ordinances or resolutions of the City, may be amended by the following:
- (1) The passage of subsequent ordinances or resolutions of the City that specifically enact such amendment; or
 - (2) The passage of subsequent ordinances or resolutions that:
 - (a) Revise existing sections or parts thereof;
 - (b) Enact new or supplemental sections or parts thereto; or
 - (c) Repeal existing sections or parts thereof.
- (C) Section 4.06(B) does not prevent repeal by implication.

4.07 Zoning Measures.

- (A) Ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations may be initiated through any of the following:
- (1) By a member of Council;
 - (2) In response to a recommendation from the Planning Commission; or
 - (3) In response to a recommendation from the Planning Commission in response to a request for a zoning change; or
 - (4) In response to a recommendation by the Director of Development or designee with prior approval by the City Manager.
- (B) If initiated by a member of Council, a copy of each ordinance establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall first be referred to the Planning Commission. Within fifteen days after completion of any public hearing as may be required by ordinance, the Planning Commission shall return to the Clerk of Council the written recommendations of a majority of the members of the Commission. The Ordinance shall be given its second reading at the next regular meeting of Council, unless an earlier special meeting is called for that purpose.
(Amended 11-8-16)

4.08 Adoption of Technical Codes.

- (A) Council may by ordinance 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. These standard ordinances and codes may include but are not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, heating, electrical, ventilation, air conditioning, refrigeration machinery, pressure piping, piping, boilers, buildings standards, housing standards, and such other matters as Council may determine to be appropriate for adoption through incorporation by reference.
- (B) The ordinance 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 two copies of such code shall be kept at all times in the office of the Clerk of Council or such officer as may be so designated and available for inspection by interested persons. If the standard ordinance or code is amended after its adoption by Council, the Council may adopt the amendment or change through incorporation by reference under the same procedure as is established herein for the adoption of the original standard ordinance or code.

**ARTICLE V
CITY MANAGER**

5.01 Appointment and Removal.

- (A) A City Manager shall be appointed by Council with or without a contract. A majority vote of the members elected to Council shall be required for the appointment of the City Manager.
- (B) Council may remove the City Manager from office in accordance with the following procedures:
- (1) Council shall adopt by a majority vote of its members a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed thirty days. A copy of the resolution shall be delivered promptly to the City Manager.
 - (2) Within five days after a copy of the resolution is delivered to the City Manager, he may file with the Clerk of Council a written request for a public hearing. This hearing shall be held at a regular or special Council meeting not earlier than ten days nor later than twenty days after the request is filed. The date of the public hearing shall be set by the Mayor. The City Manager may file with the Clerk of Council a written reply to the reasons for removal contained in the preliminary resolution, not later than five days before the hearing.
 - (3) Council may adopt a final resolution of removal which may be made effective immediately, by a vote of a majority of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the City Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.
 - (4) The City Manager shall continue to receive his salary until the effective date of a final resolution of removal; or where the City Manager is engaged by way of a contract he shall be paid for the remainder of the contract period, unless the City Manager is guilty of misfeasance, malfeasance or nonfeasance in office, as determined by Council by a majority vote. The decision of Council to suspend or remove the City Manager shall be in the sole discretion of Council and shall not be subject to review by any court.
 - (5) If the City Manager is suspended from duty under Subsection (1) of this Division, Council shall appoint, by vote of a majority of the members thereof, an administrative officer who shall serve as acting manager until the City Manager is restored to duty, or until Council shall appoint another person as Acting Manager, or until another person is appointed City Manager in accordance with this Charter. The Acting Manager so appointed shall exercise all powers, duties and functions of the City Manager under this Charter.
- (C) Council shall fix the compensation of the City Manager either by contract or ordinance.

5.02 Qualifications.

The City Manager shall be appointed solely on the basis of his executive and administrative qualifications, and need not be a resident of the City at the time of his appointment, but shall become a resident of the City within six months after his appointment, unless residence outside the City is approved by a majority vote of the members of Council.

5.03 Acting Manager.

- (A) The City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform his powers, duties and functions during his temporary absence from the City or during his disability. Such designation shall not be effective until Council has approved it by a majority vote of the members of Council, and Council may revoke such designation by a majority vote of the members thereto. If such designation has not been made and the Manager is absent from the City or unable to perform his duties or to make such designation, Council may, by motion, appoint any qualified administrative officer of the City to perform the powers, duties and functions of the City Manager until he shall return to the City or the disability ceases. The Acting City Manager so designated shall exercise all powers, duties and functions of the City Manager during the temporary absence from the City or disability of the City Manager.
- (B) In the event of a vacancy in the office of City Manager, Council may designate a person as Acting City Manager, who shall exercise all powers, duties and functions of the City Manager until a City Manager is appointed.

5.04 Powers and Duties of the City Manager.

- (A) The City Manager shall be the chief executive, administrative and law enforcement officer of the City. He shall be responsible to Council for the administration of all municipal affairs placed in the Manager's charge by this Charter, the ordinances and resolutions of the City, and applicable state laws.
- (B) The City Manager shall have the following powers, duties and functions to:
- (1) Appoint, promote and, when he deems it necessary for the good of the service, suspend, remove or otherwise discipline all City employees and appointive administrative officers, except as otherwise provided for by or under this Charter and subject to the provisions of this Charter pertaining to the Merit System. This Section 5.04(B)(1) shall not be construed to grant status as a classified employee if the employee or administrative officers are in the unclassified service pursuant to this Charter;
 - (2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter;
 - (3) Prepare the agenda for and attend all Council meetings unless otherwise excused or excluded by Council and shall have the right to take part in discussions but not vote;
 - (4) See that all laws, provisions of this Charter, and ordinances and resolutions of Council, subject to enforcement by the Manager or by officers subject to his direction and supervision, are faithfully executed;
 - (5) Prepare and submit the annual budget and capital program to Council;

- (6) Submit to Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Make such other reports as Council may require concerning the operations of City departments, offices, boards, commissions and agencies subject to his direction and supervision;
- (8) Keep Council fully advised as to the financial condition and future operating and capital needs of the City and make such reports and recommendations to Council concerning the affairs of the City as he deems desirable;
- (9) Require reports and information of subordinate officers and employees of the City as he deems necessary in the orderly operation of the City, or when requested to do so by Council or any board or commission of the City;
- (10) Execute on behalf of the City all contracts and agreements, except as otherwise provided in this Charter;
- (11) Affix to official documents and instruments of the City the City Manager's Seal, which shall be the seal of the City, but the absence of the seal shall not affect the validity of any such document or instrument; and
- (12) Perform such other powers, duties and functions as are conferred or required by this Charter, by any ordinance or resolution of Council, or by the laws of the State of Ohio, or by the laws of the United States.

5.05 Council Manager Relations.

Neither Council nor any of its members shall in any manner dictate the appointment or removal of any administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided by this Charter, but Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees. This Section shall not be construed, however, as limiting the power of Council to remove or suspend the City Manager because of his practices in connection with the appointment, promotion, disciplining or removal of officers and employees of the City.

While Council may request and obtain information from said employees for purpose of conducting its business, no Council member shall attempt to supervise or direct any City personnel who are subject to the direction and supervision of the City Manager. Violation of this Section may form the basis for the removal of a member of Council.

ARTICLE VI ADMINISTRATIVE DEPARTMENTS AND DIRECTORS

6.01 Police Department.

- (A) The Clayton Police Department shall preserve the peace, protect persons and property, and obey and enforce all ordinances of Clayton, all criminal laws of Ohio and the United States, and all court orders properly issued to it for enforcement.
- (B) The Police Department shall perform any other duties that are provided by ordinance or resolution.

- (C) The Police Department of the City shall be composed of a Chief of Police and such other officers, detectives, investigators, technicians and employees as Council provides by ordinance.
- (D) The City Manager shall have the exclusive management and control of all officers and employees in and operations of the Police Department.
- (E) The Chief of Police shall exercise day-to-day control and supervision of the Police Department subject to such general rules, regulations and standard operating procedures as the City Manager prescribes.

6.02 Fire Department.

- (A) The Clayton Fire Department shall protect lives and property in case of fire and/or medical emergency.
- (B) The Fire Department shall perform any other duties that are provided by ordinance or resolution.
- (C) The Fire Department of the City shall be composed of a Fire Chief and such other officers, firefighters, paramedics, emergency medical technicians, inspectors, investigators and employees as Council provides by ordinance.
- (D) The City Manager shall have the exclusive management and control of all officers and employees in and operations of the Fire Department.
- (E) The Fire Chief shall exercise day-to-day control and supervision of the Fire Department subject to such general rules, regulations and standard operating procedures as the City Manager prescribes.

6.03 Public Service Department.

- (A) The Clayton Public Service Department shall supervise and/or provide for the improvement, maintenance and repair of streets and alleys, sidewalks, sewers, drains, ditches, culverts, streams, lighting, snow and ice control, maintenance and repair of City parks and property and City owned cemeteries, and leaf removal, unless otherwise directed by ordinance or resolution.
- (B) The Public Service Department shall perform any other duties that are provided by ordinance or resolution.
- (C) The Public Service Department of the City shall be composed of a Public Service Director and such other employees as Council provides by ordinance.
- (D) The City Manager shall have the exclusive management and control of all employees in and operations of the Public Service Department.

- (E) Unless otherwise directed by the City Council, the Public Service Director shall exercise day-to-day control and supervision of the Public Service Department subject to such general rules, regulations and standard operating procedures as the City Manager prescribes.

6.04 Planning, Zoning and Code Enforcement Department.

- (A) The Clayton Planning, Zoning and Code Enforcement Department shall enforce all ordinances and resolutions of Clayton relating to:
 - (1) The zoning, use and development of land within the municipal boundaries of the City;
 - (2) The maintenance of property within the City; and
 - (3) The uses, height and location of buildings, premises and other structures within the City to be used for trade, industry, recreational or residential unless otherwise directed by Council.
- (B) The Planning, Zoning and Code Enforcement Department shall perform any other duties that are provided by ordinance or resolution.
- (C) The Planning, Zoning and Code Enforcement Department of the City shall be composed of a Zoning Administrator and such other employees as Council provides by ordinance.
- (D) The City Manager shall have the exclusive management and control of all employees in and operations of the Planning, Zoning and Code Enforcement Department.
- (E) Unless otherwise directed by the City Council, the Zoning Administrator shall exercise day-to-day control and supervision of the Planning, Zoning and Code Enforcement Department subject to such general rules, regulations and standard operating procedures as the City Manager prescribes.

6.05 Finance Department.

- (A) The Finance Department shall be under the supervision, direction and control of the Finance Director, who shall be appointed by the City Manager, not later than January 1, 2002, subject to approval by motion of Council by a majority vote of its members. The Finance Director shall serve at the pleasure of and may be removed by the City Manager.
- (B) The Finance Director shall be qualified by training or experience to carry out the power, duties and functions of the office. The City Manager and Council shall be the sole judges of the qualifications of the Finance Director. The Finance Director need not be an elector or resident of the City.

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

6.06 Other Departments and Divisions.

- (A) Additional Departments, and Divisions or other Sub-units of departments, shall include those created by ordinance. Council shall consult with the City Manager with respect to creating additional departments, divisions or sub-units. Each Department shall be headed by a Director appointed by the City Manager, except Council shall appoint the Law Director.
(Amended November 8, 2016)
- (B) Council may abolish or combine departments, divisions or other sub-units by ordinance except that the position of Law Director shall not be abolished or combined with any other department.
- (C) The Departments and the officials and employees of each Department shall have the powers, duties and function as determined by this Charter, ordinance or resolution, administrative rules and as directed by the City Manager. Council may determine to provide services, products or programs by way of contracts with outside entities in addition to or in lieu of the functions provided by departments, divisions or other sub-units of the City's administrative government.

6.07 Acting Department and Division Directors.

In the event of a vacancy or the temporary absence or disability of the director of any administrative department or division, the City Manager may appoint an acting director of the department or division until the vacancy is filled or the temporary absence or disability is removed.

6.08 Law Director.

- (A) The Law Director shall be appointed by a majority vote of the members of Council. The Law Director shall serve at the pleasure of Council or pursuant to a contract approved by Council. The Law Director shall not represent entities whose interests are in conflict with the City.
- (B) The Law Director need not be an elector or resident of the City, but shall be an attorney-at-law duly authorized to practice law in the State of Ohio.
- (C) The Law Director shall be the legal advisor, prosecuting attorney and counsel for the City, and subject to the direction of Council, shall represent the City in all proceedings in Court or before any administrative board or body. The Law Director shall perform all other powers, duties and functions now or hereafter imposed on Directors of Law under the laws of Ohio; and shall perform other duties as required by this Charter, by ordinance or resolution, or as directed by the City Manager. The Law Director or his designate shall attend such meetings of Council or administrative bodies as directed by Council or City Manager.
- (D) Council may provide for assistants and special counsel to the Law Director. All assistants shall be appointed by the Law Director. The assistants shall be responsible to the Law Director and when authorized, may exercise all or any part of the powers, duties and functions granted to the Law Director under this Section. Special counsel may be employed by the Law Director or by Council to perform powers, duties and functions authorized by and in the manner provided by the Law Director or Council.
- (E) In the event of a vacancy in the office of Law Director, a successor shall be appointed in the same manner as provided in Division (A) of this Section in the case of an original appointment. The Law Director shall designate, by a writing filed with the Clerk of Council, a qualified person to serve as Acting Law Director in the event of his temporary absence or disability and, in the event of a vacancy, until the vacancy is filled as provided in this Division (A) of this Section. The Acting Law Director shall exercise the powers, duties and functions of the Law Director under this Charter.

**ARTICLE VII
BOARDS AND COMMISSIONS**

7.01 Planning Commission.

- (A) There is hereby created a Planning Commission consisting of five members who shall serve overlapping terms of five years each and who shall be appointed by a majority vote of the members of Council.
- (B) The powers, duties and functions of the Planning Commission shall be provided by this Charter and the ordinances and resolutions of the City. Until such ordinances or resolutions shall be passed, the Planning Commission 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.

- (C) The Planning Commission shall be the platting commission and shall have all the powers and duties as provided by the general laws of Ohio.
- (D) The recommendations of the Planning Commission to Council shall be advisory only.

7.02 Board of Zoning Appeals.

- (A) There is hereby created a Board of Zoning Appeals consisting of five members who shall serve overlapping terms of five years each and who shall be appointed by a majority vote of the members of Council.
- (B) The Board of Zoning Appeals shall have the power to hear and decide applications for conditional uses, appeals for exceptions to and variances in the application of resolutions, ordinances, regulations and other legislative measures and orders of administrative officials or agencies governing zoning in the City. The Board shall consider such appeals, variances and exceptions in such manner as may be required to afford justice and avoid unreasonable hardship but shall be subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution. The Board shall have such additional powers, duties and functions, relative to appeals from actions of the City's administrative officers or employees concerning public buildings, streets or other public property or works, as provided by ordinance. Additionally, the Board may make advisory recommendations to Council and the Planning Commission concerning zoning matters 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.

7.03 Charter Review Commission.

On or before January 1, 2005, and every eighth year thereafter, Council shall appoint nine members to a Charter Review Commission to review the provisions of the Charter and to make recommendations for changes, if any, to Council. The Commission shall remain in existence for one year after the Commission is appointed.

7.04 Other Boards and Commissions.

Council may, by ordinance or resolution, establish, revise, merge or abolish other boards and commissions. Boards and Commissions not specifically provided for by this Charter that existed prior to the Charter's effective date shall continue until they are revised, merged or abolished. Boards and Commissions specifically established by this Charter shall not be abolished by Council.

7.05 Organizations, Vacancies and Compensation.

- (A) Unless otherwise provided in this Charter, each of the City's boards and commissions shall:
 - (1) Organize at its first meeting each year by electing a chair, vice-chair and secretary. The chair and vice-chair shall be members of the board or commission and the secretary may be selected from within or without the membership of the board or commission. The secretary shall keep an accurate and complete record of the proceedings of the board or commission and shall file a copy of its proceedings with the Clerk of Council for public inspection;

- (2) Take action by motion, and a majority vote of the members of the board or commission shall be necessary to take action. A majority of the members shall constitute a quorum. All members of boards and commissions shall be electors of the City; and
 - (3) Adopt rules for calling regular and special meetings and the conduct and governing 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 by appointment within thirty days, the Mayor shall fill the vacancy by appointment for the unexpired term, if any.
 - (C) Members of all boards and commissions shall serve without compensation; however, upon prior approval of Council, expenses incurred by members in connection with the performance of their duties thereunder may be reimbursed.
 - (D) Members of all boards and commissions shall serve at the pleasure of and be subject to removal by vote of a majority of the members of Council.

ARTICLE VIII FINANCE, TAXATION AND DEBT

8.01 General.

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

8.02 Contracting Powers And Procedures.

- (A) The City Manager shall be the contracting officer of the City and shall award and execute all contracts on behalf of the City.
- (B) When any expenditure or contract is required to be competitively bid under the provisions of this Charter or ordinance or resolution of Council, the City Manager may solicit competitive bids without the prior approval of Council. All solicitations for submittal of bids shall be advertised once a week for at least two weeks in a newspaper of general circulation in the City. The award shall be made by the City Manager after approval by majority vote of Council to the lowest and best, responsive bid submitted by a responsible bidder. The City shall have the right to waive defects in a bid and to reject any and all bids.

- (C) This division (C) of this Section 8.02 imposes the following restrictions and limitations to Division (B) of this Section:
- (1) In the first fiscal year this Charter is in effect, the amount of an expenditure or contract which shall require bidding under Division (B) shall be fifteen thousand dollars or more. Thereafter Council may by ordinance increase the amount by twenty percent once each year, but the amount fixed by Council shall not exceed twice the statutory amount for which general Ohio statutory plan cities are required to engage in competitive bidding;
 - (2) Contracts or expenditures shall not be divided or split to avoid competitive bidding. Annual requirement contracts shall require bidding if the reasonably estimated amount of the contract exceeds the amount required for competitive bidding; and
 - (3) The following expenditures may be exempted by Council from competitive bidding:
 - (a) Emergency contracts or expenditures authorized by a vote of two-thirds of the members of Council;
 - (b) Intergovernmental contracts or expenditures. Intergovernmental contracts or expenditures, as used in this Sub-division (b) means those entities described in Section 2.04(A) (1) through (6) of this Charter, and non-profit corporations and non-profit unincorporated organizations providing or assisting in a public purpose, including entities or organizations in which the City holds a membership;
 - (c) The acquisition of used equipment;
 - (d) The acquisition of real property, since specific property is unique;
 - (e) Where there exists only a sole source to supply requirements of the City;
 - (f) Professional contracts with attorneys and counselors-at-law;
 - (g) Professional services, other than contracts with attorneys and counselors at law, not to exceed One Hundred Fifty Thousand Dollars. (Contracts subject to this Sub-division (3)(g) in excess of One Hundred Fifty Thousand Dollars shall be subject to competitive bidding in such fashion as determined by Council); and
 - (h) Other exceptions to the requirements of competitive bidding as set forth by the general laws pertaining to general statutory plan cities or established by the common law of Ohio.
- (D) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contract, they shall be made only upon the order of the City Manager. No such order shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the City Manager on behalf of the City. Modifications or alterations in contracts shall not require advertising and competitive bidding.
- (E) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the City Manager, unless the Finance Director or his duly authorized representative shall first certify the following:

- (1) That the money required for such contract, agreement, obligation or expenditure is in the City's treasury or in the process of collection thereto; and
 - (2) That the money has been appropriated by Council for the specified purpose and it remains free from any previous encumbrance.
- (F) The certification as to the availability of funds and the appropriation of funds shall be filed and recorded in the accounting records of the City and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be unenforceable against the City, unless recognized by Council as a moral obligation pursuant to the adoption of an ordinance or resolution.

8.03 Economic and Community Development.

- (A) In carrying out any lawful function or power of the City, Council, by a majority vote of its members, may authorize the formation of and execution of contracts with, or in any other manner provide for cooperation or joint action between the City and:
- (1) Special Improvement Districts created under Ohio Revised Code Chapter 1710;
 - (2) Community Improvement Corporations created under Ohio Revised Code Chapter 1724;
 - (3) Ohio Development Corporations created under Ohio Revised Code Chapter 1726;
 - (4) Community Redevelopment Corporations created under Ohio Revised Code Chapter 1728; and
 - (5) Other entities which may be created by Ohio statutes for the purpose of furthering municipal economic and/or community development.
- (B) The powers granted by this section shall be liberally construed and the specific mention of specific entities herein shall not be construed as limiting the City in its formation of, execution of contracts with, or cooperation and joint action to only those described entities nor shall it be construed as limiting in any fashion the Charter provisions authorizing intergovernmental cooperation described at Section 2.04.

8.04 Taxing Authority and Bond Issuing Authority.

- (A) The City shall have all powers as a taxing authority and as a bond issuing authority that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of Ohio. Council may levy in any year, in addition to the amount to which the City shall be entitled under the constitutional and statutory limitations and in addition to the amount necessary to be levied for the payment of principal and interest on indebtedness heretofore or hereafter approved by a vote of the electorate, taxes at rates aggregating not more than five mills for each dollar of valuation on all taxable property in the City, which taxes shall be outside of the limitations now or hereafter provided by the Constitution and laws of Ohio and may be levied for the current expenses of the City or for the payment of principal of and interest on indebtedness of the City now or hereafter outstanding and issued without a vote of the electorate. The procedure for levying of all taxes upon real property and personal property shall be in conformity to the general laws.

- (B) Council shall have no power to adopt and levy a municipal income tax without a majority vote of the electors voting on such levy.

8.05 Budgets and Appropriations.

- (A) The City Manager shall prepare all budgets after consultation with the other administrative officers for consideration by Council. Copies of the budget shall be made available to the public at a time prior to the first reading by Council or other announced public hearing held either before or after the first reading. The City Manager shall prepare a five year capital improvement budget for the consideration of Council. Council shall create and maintain a capital improvement and bond retirement fund as required by law. Council may, upon the request of the City Manager or on its own action, transfer unencumbered balances from one appropriation item or fund to another appropriation item or fund, as may be permitted by the general laws of Ohio.
- (B) Council may use, appropriate and expend any gift, donation or bequest to the City, unless otherwise provided by the documents evidencing the gift, donation or bequest.

**ARTICLE IX
NOMINATIONS AND ELECTIONS**

9.01 Nominations.

- (A) Nominations for all elected offices of the City shall be made by non partisan petition only and no primary shall be held to nominate officials of the City. Nominating petitions shall be in the form determined by the election authorities provided under the general laws of Ohio and signed by either of the following:
- (1) Not less than fifty electors of the City if for an at large elected office; or
 - (2) Not less than fifty electors of the ward if for a ward elected office.
- (B) Only those persons who reside within the City and have continuously resided within the City or in areas annexed to the City by merger or otherwise for twelve months prior to the filing of their nominating petition shall be eligible to hold at-large elective office.
- (C) Only those persons who reside within a City ward and have continuously resided within said ward or in areas annexed to the City ward by merger or otherwise for twelve months prior to the filing of their nominating petition shall be eligible to hold elective office representing that ward.
- (D) No person who has been convicted of an unexpunged felony or currently adjudged mentally incompetent shall be eligible to hold elective office.

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. All elections shall be non partisan.

9.03 Special Elections.

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

9.04 Conduct of Elections.

All regular and special elections whether for ward or at large elected office 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**

10.01 General Authority; Initiative And Referendum.

Ordinances (but not resolutions or other enactments) shall be subject to referendum and initiative as provided by the Constitution, the laws of Ohio and this Charter, provided however, that the Charter prevails as to issues directly addressed within the Charter. The Constitution and the laws of Ohio shall not be construed to add to or subtract from such Charter provisions.

10.02 Commencement Of Proceedings; Petitioners' Committee.

No less than three nor more than five electors, may form a Petitioners' Committee, and may commence initiative or referendum proceedings by filing a proposed ordinance or the referred ordinance with the City directed to the Law Director. After such filing, the City, through its Manager, shall provide the appropriate petition forms to Petitioners' Committee. The Petitioners shall obtain the appropriate number of valid signatures for the petition. An initiative petition must contain the signatures of not less than fifteen percent of the number of electors who voted at the last General election held for the office of governor in the municipal corporation. A referendum petition must contain the signatures of not less than ten percent of the number of electors who voted at the last General election held for the office of governor in the municipal corporation.

After obtaining the signatures of the required number of electors proposing or requesting repeal of an ordinance, the initiative or referendum petition shall be filed with the County Board of Elections and a copy of such petition shall be filed by the Petitioners' Committee with the office of the City Manager and forwarded to the Law Director. A referendum petition must be filed with the County Board of Elections within thirty days after passage of the ordinance to be reconsidered. Once an initiative or referendum petition is filed as provided herein, signatures supporting the petition may not be withdrawn. The Board of Elections shall be requested to transmit the petition with a statement indicating the number of required and valid signatures to the City, attention City Manager. The City Manager shall notify the Petitioners' Committee upon receipt of the statement from the board of elections.

10.03 Referendum Petitions; Suspension Of Effect Of Ordinance.

When a referendum petition is filed with the Board of Elections, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (A) There is a final determination of insufficiency of the petition by the Board of Elections;
- (B) The Petitioners' Committee withdraws the petition;
- (C) Council repeals the ordinance; or
- (D) Five days have elapsed after the Board of Elections certifies the results of the official vote on the question.

10.04 Action On Petitions; Initiative And Referendum.**(A) Action by Council.**

- (1) When an initiative or referendum petition has been finally determined to be sufficient by the Board of Elections, Council shall promptly determine whether all other requirements under Ohio law and this Charter have been met. If these other requirements have not been met, Council shall notify the Petitioners' Committee within twenty one days specifying the deficiencies, which deficiencies, if capable of being cured, must be cured by the Petitioners' Committee within fourteen days thereafter. Upon determination by Council that the deficiencies were both capable of being cured and have been cured, Council shall acknowledge the substantive validity of the initiative or referendum petition by filing such an acknowledgment with the Board of Elections within twenty one days after the City's receipt of evidence that such defects have been cured and, thereafter, Council shall take such action as is necessary to enable the Initiative or Referendum to be submitted to the Electors in the manner prescribed by the Constitution and Laws of Ohio.
- (2) Council, at any time, may consider the proposed initiative ordinance or may reconsider the referred ordinance by voting its repeal. If Council passes the proposed ordinance without any changes in substance unless agreed to by a majority of the Petitioners' Committee, or repeals the referred ordinance within twenty one days after the City's receipt of the notice from the Board of Elections as provided in Section 10.02, the City Law Director and the Petitioners' Committee shall file an agreed Notice of Withdrawal with the Board of Elections.
- (3) Alternatively, Council may acknowledge the substantive validity of the initiative or referendum petition by filing such an acknowledgment with the Board of Elections within twenty one days after the City's receipt and, thereafter, City Council shall take such action as is necessary to enable the Initiative or Referendum to be submitted to the Electors in the manner prescribed by the Constitution and Laws of Ohio.
- (4) A Notice of Withdrawal or an Acknowledgment of Validity may be approved by Council via a resolution.

- (B) **Submission to Electors.**
The vote of the electors on a proposed or referred ordinance shall be held at the next regular municipal election to be held not less than seventy-five days and not later than one year from the date Council failed to pass or repeal the ordinance. If no regular municipal election is to be held within the period prescribed in this subsection, Council shall provide for a special election. The special election may be held on the same day and at the same time as a general or primary election which occurs within the prescribed period.
- (C) **Withdrawal of Petitions.**
An initiative or referendum petition may be withdrawn at any time prior to the fifth day preceding the day scheduled for the election by filing with the Board of Elections a request for withdrawal signed by a majority of the members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force or effect, and all proceedings thereon shall be terminated and any election held thereon deemed to be void and of no effect.

10.05 General Provisions.

- (A) **Notice to Electors.**
Electors of the City shall receive notice of an Initiative or Referendum election by publishing and posting in accord with this Charter.
- (B) **Council Action Contrary to Initiative and Referendum.**
(1) Council shall not utilize an emergency ordinance to:
(a) Repeal or amend an ordinance enacted by initiative; or
(b) Re-enact an ordinance which has been repealed by referendum.
(2) Council may utilize a non-emergency ordinance to:
(a) Repeal or amend an ordinance enacted by initiative, if approved by the affirmative vote of five or more members of Council; and
(b) Re-enact an ordinance which has been repealed by referendum, if approved by the affirmative vote of five or more members of Council.
- (C) If the County Board of Elections shall fail or refuse to perform any function it is requested to perform under this Article X, the Clerk of Council shall so perform to the extent permitted under law.

10.06 Conduct Of Elections; Initiative And Referendum.

Elections on ordinances referred to the electors under the initiative and referendum procedures set forth in this Charter shall be conducted by the election authorities and officers of the county or counties in which the City is located under the provisions of this Charter as far as they are applicable. Where the Charter is silent concerning the conduct of the elections on matters subject to the initiative or referendum, the provisions of the Ohio Election laws shall be followed.

10.07 Recall.

- (A) The electors shall have the power to remove from office by a recall election any Council Member or the Mayor.
- (B) If the elected official shall have served at least nine months of the term during which recall is sought and has not been subject to a recall election during that term, a petition demanding the election of a successor to the person sought to be removed may be filed with the Board of Elections. Said petition may be circulated in separate parts, but the separate parts shall be filed together as one instrument. Each part shall contain the name and office of the person whose removal is being sought and a statement in not more than two hundred words of the grounds upon which removal is sought. Such petition for the proposed removal of a person serving at large shall be signed by the number of electors which equals at least twenty-five percent of the total number of electors who voted at the last regular municipal election in the municipal corporation. Such petition for the proposed removal of a Council Member serving in a ward position shall be signed by the number of electors which equals at least twenty-five percent of the total number of electors in that ward who voted at the last regular municipal election. Where not in conflict with this Charter, the form, sufficiency, and regularity of any such petition shall be determined as provided in the general election laws.
- (C) Upon filing, the Board of Elections shall determine the validity of the petition on its face and shall within ten days forward the petition to the Clerk of Council along with a statement indicating the number of valid signatures needed and the number of valid signatures contained therein. If the number of signatures is found to be sufficient, the Clerk shall promptly so certify to Council and shall deliver a copy of such certificate to the officer whose removal is sought making record of such delivery. The Clerk shall also send written notice to the person(s) who filed the petition.
- (D) If such officer shall resign within five days after the day on which such delivery shall have been made, the officer shall be replaced in accordance with the provisions of vacancy in this Charter.
- (E) If such officer shall not resign within five days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than seventy-five days after date of such delivery. If the proposed removal is on a Council Member serving a ward, the election shall be held only in that ward. The election authorities shall publish notice and make all arrangements for holding such election, which shall be conducted and the result thereof returned and declared in all respects as are the results of regular municipal elections. A recall election may be held concurrently with the primary or general election or may be held as a special election as provided by law.

- (F) The nomination of candidates to succeed each officer sought to be removed shall be made, by filing with the Board of Elections, at least forty-five days prior to the recall election, a nonpartisan nominating petition proposing a person for each said office, signed by not less than fifty electors of the municipality. Such candidate shall meet the qualifications for nomination of candidates contained in this Charter. In the case of a candidate seeking to succeed an officer serving from a ward, the candidate must be an elector from that ward and shall file a petition signed by not less than fifty electors of said ward.
- (G) The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office of (name of office) by recall?"; "For the removal by recall of (name of person)"; "Against the removal by recall of (name of person)." Under each such question shall be placed the names of candidates to fill the vacancy. The name of the officer whose removal is sought shall not appear on the ballot as a candidate to succeed the officer's self, or to succeed another officer being simultaneously recalled. In any such election, if a majority of the votes cast on the question of removal are affirmative, the person whose removal is sought shall be removed upon the announcement of the official canvass of that election, and the candidate receiving the plurality of the votes cast for candidates for that office shall be declared elected. The successor of any person so removed shall hold office during the unexpired term of the successor's predecessor. If a majority of the votes cast on the question of removal are negative or in the event of a tie vote, the person whose removal is sought shall continue in their office and may not be subject to another recall during the balance of the term during which recall was sought.
- (H) Council is prohibited from appointing a person who is successfully recalled to a seat on Council for a period of three years from the date of the recall election. A person who is successfully recalled may not serve in an elective municipal office for a period of two years from the date of the recall election.
- (I) The method of removal provided in this section is in addition to such other methods as are provided by this Charter and by law.

ARTICLE XI
PERSONNEL ADMINISTRATION AND MERIT SYSTEM

11.01 Merit System.

- (A) All appointments and promotions in the classified service of the City shall be solely on the basis of merit and fitness, demonstrated, wherever practical, by open written competitive examinations and/or other evidence of competence with respect to the duties of the position.
- (B) The following officers and positions shall be in the unclassified service of the City and shall not be subject to Division (A) of this Section pertaining to the Merit System:

- (1) All elected officials;
- (2) The Clerk of Council;
- (3) The City Manager and Assistant City Managers;
- (4) The Personnel Director, the Law Director and the Finance Director;
- (5) All administrative Department Directors and Assistant Department Directors;
- (6) Administrative Assistants to the City Manager and Finance Director;
- (7) Members of all Boards and Commissions, whether created by this Charter or ordinance or resolution;
- (8) Positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or education character;
- (9) Unskilled, provisional or temporary employees, or part-time employees working less than thirty-five hours a week; and
- (10) Probationary employees during their period of probationary employment, which period shall not exceed twelve months from their date of hire.

Other positions may be determined to be exempt from the Merit System by the City Manager, if the Personnel Board of Review approves of the exemption.

11.02 Personnel Director.

The City Manager shall undertake the duties of, or shall appoint, a Personnel Director. The duties of the Personnel Director shall include:

- (A) Recruiting employees;
- (B) Competitive testing and examination of employees covered by the merit system and establishment of eligible lists for appointment and promotion of such employees;
- (C) Classifying positions;
- (D) Establishing job descriptions and specifications;
- (E) Certifying payrolls to assure conformity to the merit system and related ordinances and resolutions;
- (F) Developing and conducting training programs or authorizing outside training for officials and employees;
- (G) Making recommendations to the City Manager on other administrative matters relating to employment and personnel matters; and
- (H) Performing such other duties and functions as the City Manager may prescribe, subject to the provisions of this Charter.

11.03 Personnel Practices Manual.

- (A) The City Manager shall present to Council and Council shall adopt, with or without amendment, an ordinance establishing a manual of personnel practices, standards and procedures applicable to employees of the City. The Personnel Practices Manual and the establishing ordinance shall distinguish its application between classified and unclassified positions of employment.
- (B) The ordinance establishing the Personnel Practices Manual shall implement this Article XI of the Charter, provided, however, that:
 - (1) Appointments to and removal from all elected and appointed offices created by this Charter and within the unclassified service of the City, including boards and commissions, shall be made in accordance with applicable provisions of this Charter which establish such office and shall not be subject to Sections 11.01(A) or 11.05; and

- (2) Appointments to and removal from all elected and appointed offices created by ordinance and within the unclassified service of the City, including boards and commissions, shall be made in accordance with applicable provisions of the ordinance which establishes such office and shall not be subject to Sections 11.01(A) or 11.05.
- (C) The ordinances establishing personnel practices, standards and procedures may provide for the:
 - (1) Recruitment of employees;
 - (2) Testing and examination and the establishment of eligible lists for appointment and promotion of employees in the classified service of the City;
 - (3) Classification of employee's positions, the establishment of job descriptions and specifications;
 - (4) Authorization of training and safety programs for the employees of the City;
 - (5) Development of procedures and causes for removal from service (including termination and layoff) and suspension of employees and other disciplinary action, provided that employees in the classified service may appeal to the Personnel Board of Review any removal or suspension from service for more than three days, a reduction in rank and other disciplinary actions; and
 - (6) Exercise of all other powers, duties and functions with respect to the City's Personnel and Merit Systems.
- (D) Eligibility for promotions within the classified service may be restricted to current employees or may be open to applicants not employed by the City as determined by the City Manager. The names of three employees eligible for promotion standing the highest on the promotional eligibility list shall be certified to the City Manager by the Personnel Director, for consideration of appointment. Promotions within the unclassified service shall be at the discretion of the City Manager.
- (E) (1) Council shall require the following part-time or full time officers or employees (including volunteers) hired after January 1, 2000, to live in the City or attain City residency within six months after completion of their probationary period or date of hire whichever is later:
 - (a) City Manager;
 - (b) Assistant Managers;
 - (c) Department Directors;
 - (d) Assistant Fire Chiefs; and
 - (e) All other officers and employees having twenty-four hour emergency response assignment, including paid on call (volunteer) fire personnel and emergency medical service personnel, and other positions designated as necessary by the City Manager.

- (2) The City Manager, with Council approval, may waive residency requirements as to particular employees if he determines, on balance, the best interests of the City are served by the waiver.
- (3) Council may require by ordinance that all employees newly hired after the effective date of the ordinance must live within the City or attain City residency within six months after completion of their probationary period or date of hire whichever is later.

11.04 Appointing Authority.

The City Manager, or his designate, shall appoint and promote, remove, suspend and otherwise discipline all classified and unclassified employees of the City. The City Manager may determine to leave a position vacant or to combine the duties of two or more positions.

11.05 Personnel Board of Review.

On an as needed basis, Council shall appoint a Personnel Board of Review consisting of three electors of the City not otherwise holding office, appointment or employment with the City, who shall be appointed by a majority vote of the members of Council. Members of the Personnel Board of Review shall be appointed during the first City Council meeting immediately following the date on which the employee filed an appeal or no later than 21 days after the appeal was filed. The Personnel Board of Review shall be organized as provided in Division (A) of this Section and shall have the powers, duties and functions provided in Division (B) of this Section.

- (A) The Personnel Board of Review shall designate one of its members as Chair, and Council, by ordinance or resolution, may authorize the appointment by said Board of a Clerk, who may be a person having other employment with the City.
- (B) The Personnel Board of Review shall have the power to hear appeals from administrative determinations concerning employees in the classified service of the City and may have such other powers and duties as may from time to time be given to it by Council. The Board shall keep a record of its proceedings, which shall be open to public inspection. The Board shall conduct its proceedings in accordance with the ordinances and resolutions of Council enacted pursuant to this Charter and the rules and regulations of the Board adopted by it pursuant to authority granted by Council.
- (C) Employees in the unclassified service of the City and employees who are subject to grievance and dispute resolution or arbitration provisions in collective bargaining agreements covering their terms and conditions of employment shall have no appeal rights to the Personnel Board of Review. (Amended November 8, 2016)

ARTICLE XII GENERAL PROVISIONS

12.01 Definitions.

- (A) The term "official" shall mean all persons invested by law and engaged in the direct function of government. Officials shall include the members of Council, the Mayor, the City Manager, the Law Director and other Directors of Administrative Departments, the Clerk of Council and members of Boards and Commissions.
- (B) The term "employee" shall mean any person employed by the City. Employees may include volunteers, if their employment status is verified by action of the City Manager or Council.

12.02 Service on Boards or Commissions.

Electors of the City of Clayton may serve on one or more board or commission.

12.03 Employment in or Appointment to Multiple Positions.

Employees of the City of Clayton are prohibited from serving in an elected position of the City. Officials of the City of Clayton may hold more than one public office with the City. Any employee of the City of Clayton may be employed in more than one position with the City.

12.04 Employees of Other Political Subdivisions.

Employees of other governmental bodies may serve in an employment, appointed or official position with the City.

12.05 City Manager Service with the City in Multiple Positions.

Unless otherwise permitted by the Charter, the City Manager must obtain approval of Council before serving in more than one position with the City of Clayton.

12.06 Non-Discrimination.

The City of Clayton shall not unlawfully discriminate against any person on the basis of race, sex, age, national origin, disability or religion.

12.07 Oath of Office.

All officials of the City shall, before entering upon their official duties, take and subscribe an appropriate oath or affirmation. The oath or affirmation shall be established by the City Council.

12.08 Effect of Partial Charter 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 such other part is wholly dependent for its operation upon the part declared invalid.

12.09 Official Bonds.

All officials involved in financial matters shall be bonded as determined by City Council. The bond shall be procured from a regularly accredited surety company authorized to do business under the law of Ohio. Premiums on such bonds shall be paid by the City.

12.10 Accounting for Fees Received.

All fees (other than salary and benefits paid by the City as compensation) received by officials and employees of the City pursuant to the performance of an official or employee's official duties and functions shall be accounted for and paid into the City's General Fund or to such other non-profit, benevolent organizations as approved by Council.

12.11 Conflicts of Interest, Ethics, Campaign Financing.

Any official or employee who has a financial or familial interest in any contract with the City or in the sale or purchase of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in that capacity as a official or employee in the making of such sale or purchase, or in the making of such contract. If a person knowingly violates this section, the City shall render the contract or sale voidable by the Manager or Council. This provision shall be subordinate to and governed by Ohio law relating to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office.

12.12 Political Belief and Activity.

- (A) No person in the employment of the City, or seeking employment thereto, shall be employed, reduced or removed, or in any way favored or discriminated against because of political opinions or affiliations.
- (B) No officer or employee of the City shall directly or indirectly solicit or receive from any other officer or employee of the City any assessment, subscription or contribution for any political party or candidate.
- (C) No officials or employees of the City shall engage in political activities for a candidate or party while at work or while performing their official duties. Nothing in this provision prohibits officials or employees from engaging in political activities at any other time. Nothing in this provision prohibits officials or employees, at any time, from engaging in political activities relating to the passage of or opposition to issues, provided such action does not interfere with the official's or employee's performance of duties.
- (D) The City, through action of Council, may financially support the passage of or opposition to issues, that in Council's opinion, affect the operation and/or well being of the City. City employees and officials may be authorized by Council to engage in activities related to the passage of or opposition to such issues. The City shall not provide financial support to any political parties or candidates for office.

12.13 Succession.

The City of Clayton, under this Charter, is hereby declared to be the legal successor of the City of Clayton, under the laws of Ohio, and shall have title to all property, real and personal, including all moneys on deposit, and all taxes and assessments in process of collection, together with all accounts receivable and rights of action. The City shall be liable for all outstanding orders, contracts and debts of its predecessors, 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.

12.14 Effect of Charter on Existing Laws and Rights.

- (A) The adoption of this Charter shall not affect any pre-existing rights of the City nor any right, liability, pending suits 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, including the ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect 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.
- (C) The provisions of this Charter shall not be interpreted as requiring the abolishment of any employment position within the classified service of the City nor as requiring the reduction of the pay and benefits associated therewith.

12.15 Retirement System and Health District.

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

12.16 Amendment of Charter.

Amendments to this Charter may be submitted to the electors of the City at any election by two-thirds vote of the City Council or by initiative petition or as otherwise provided under Ohio law.

12.17 Gender Neutral.

The use of any terms in this Charter which connote gender shall be deemed to apply equally to the opposite gender. Use of masculine terms such as "he" or "his" shall be deemed to be equivalent to the feminine "she" or "her".

ARTICLE XIII TRANSITIONAL PROVISIONS

13.01 Effective Date of Charter.

- (A) This Charter shall be submitted to the electors of the Municipality at an election to be held May 4, 1999. If approved by majority of the electors voting, the Charter shall take effect upon the date the final result of the May 4, 1999, election is certified by the election authorities, subject however to the following:
 - (1) Council shall not appoint a City Manager under Section 5.01(A) until after January 1, 2000; and
 - (2) Council shall not appoint members to the Personnel Board of Review under Section 11.05 until after January 1, 2000.

13.02 Effect of Charter Upon Existing Officials.

- (A) Upon the effective date of this Charter as a result of the certification of the election results:
- (1) The person who holds the office of Mayor is hereby designated to serve as Mayor under this Charter through December 31, 2001;
 - (2) The three persons other than the Mayor elected from the City as at large members of Council at the election held in November, 1997 who received the highest number of votes are hereby designated to serve as at large Council Members under this Charter through December 31, 2001;
 - (3) The person holding the office of Clerk-Treasurer shall continue to serve through December 31, 2001, acting as the Finance Director and Clerk of Council under this Charter; and
 - (4) The remaining three persons elected in November 1997 or appointed thereafter to Council are hereby designated to serve as Council Members under this Charter through December 31, 1999 after which time their seats will be filled by the three members of Council elected from wards at the November 4, 1999, election to serve four year terms commencing January 1, 2000.
- (B) All of such persons holding the offices designated in this Section shall have all powers, duties and functions related to their office as provided by or under this Charter.
- (C) Upon the effective date of this Charter, Council shall designate an Interim Acting City Manager to serve through December 31, 1999. Council shall define his duties consistent with the provisions of this Charter.
- (D) 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.

13.03 Continuance of Present Employees.

Every employee of the municipality 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 the Charter.

13.04 Existing Commissions and Boards.

(A) Until modified by ordinance or resolution of Council, the following commissions, boards, committees, and designated membership thereof, shall remain in effect:

- (1) Land Use Advisory Committee;
- (2) Parks Advisory Commission;
- (3) Community Improvement Corporation;
- (4) Strategic Planning Committee;
- (5) Cemetery Commission;
- (6) Welcome To Clayton Committee;
- (7) Investment Advisory, Financial Forecasting and Audit Committee; and
- (8) Clayton Records Commission;

(B) Planning Commission.

- (1) Upon the effective date of this Charter, Council shall appoint two members to replace the Mayor and member of Council currently serving on the Planning Commission. These new members and the other three members currently serving shall serve for the remainder of 1999 and until their successors are appointed. Existing members may be reappointed to the Board.
- (2) During the first meeting of Council in January, 2000, Council shall appoint five members of the Planning Commission, one of whom shall be appointed for a term of five years; one of whom shall be appointed for a term of four years; one of whom shall be appointed for a term of three years; one of whom shall be appointed for a term of two years; and one of whom shall be appointed for a term of one year.
- (3) Thereafter, all members shall be appointed to terms of five years.

(C) Board of Zoning Appeals.

Until modified by ordinance or resolution of Council, the designated membership of the Board of Zoning Appeals shall remain in effect.

13.05 Initial Designation of Ward Boundaries.

(A) No later than July 15, 1999, Council shall divide the City into three wards for the purpose of electing three ward Council members at the next regular municipal election. The division of the City into three wards shall provide for substantially equal population in each ward.

(B) All wards shall be bounded, as far as practical, by county lines, streets, alleys, avenues, public grounds, canals, watercourses, municipal boundary lines, center lines of platted streets or railroads, or lot lines of platted subdivisions.

13.06 Establishment of Interim Personnel Board of Review.

Upon the effective date of the Charter, Council shall appoint by a majority vote of its members, three electors of the City, not otherwise holding office, appointment or employment with the City, to serve as an Interim Personnel Board of Review through December 31, 1999, and exercise such powers as are provided under Section 11.05.

13.07 Elimination of Elective Offices of Statutory City.

Upon the effective date of this Charter, all elective offices provided for under Title 7 of the Ohio Revised Code applicable to an Ohio statutory city, including the legislative authority, mayor, president of council, auditor, treasurer and director of law are abolished and shall be replaced by the elective and appointed positions provided in this Charter.

13.08 No Council Initiated Amendment To Charter Prior To January 1, 2000.

Notwithstanding the provisions of Article XII, Section 12.16, Council shall take no action prior to January 1, 2000, to submit an amendment to the Charter to the electors of the City.

