

Charter of the City of North College Hill



**As proposed by the North College Hill Charter
Commission elected on November 7, 2006**

Charter of the City of North College Hill, Ohio

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CHARTER OF THE CITY OF NORTH COLLEGE HILL, OHIO

PREAMBLE

We, the people of the City of North College Hill, Ohio, do adopt this Charter in order to give its residents and City officials the best tools to prepare our City for the future.

ARTICLE I

NAME, BOUNDARIES AND FORM OF GOVERNMENT

SECTION 1.01 NAME, BOUNDARIES (TERRITORIAL JURISDICTION)

The residents of the City of North College Hill, Ohio, within the corporate limits as established, or as thereafter established in the manner provided by law, shall be and continue to be a municipal corporation under the name of "The City of North College Hill". The corporation will hereinafter be referred to as "the City".

SECTION 1.02 FORM OF GOVERNMENT

The form of government shall be known as "Charter". The powers and functions of the municipal government shall be distributed among the City, its residents, and the various officers, boards, and commission within the City.

ARTICLE II

CORPORATE POWERS/GENERAL POWERS

SECTION 2.01 POWERS GRANTED

The City hereby reserves to itself all powers, general or special, governmental or proprietary, which may now or hereafter, lawfully be possessed or exercised by any municipal corporation of Ohio under the Ohio Constitution and the laws of the State of Ohio.

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

SECTION 2.02 MANNER AND EXERCISE OF POWERS

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council, and when not prescribed in this Charter or provided by ordinances or resolutions of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until the Council shall provide a different manner of exercising such powers.

ARTICLE III

COUNCIL

SECTION 3.01 NUMBER, ELECTION AND TERM OF OFFICE

The legislative powers of the City, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, elected at large in the City, for four (4) year staggered terms commencing on the first day of January next after the election.

TRANSITION YEARS

At the first municipal election after the adoption of this Charter, to be held in November 2009, seven (7) Council members shall be elected. The four (4) highest vote recipients shall serve a full four (4) year term. The next three (3) highest vote recipients shall serve two (2) year terms.

At the next municipal election to be held in November 2011, there will be three (3) positions on Council open for election. At this election and all subsequent elections, Council members elected will serve four year terms, thus creating staggered terms on Council.

SECTION 3.02 QUALIFICATIONS

Each member of Council shall be a resident elector of the City for at least one year prior to the date of the primary election and shall be a qualified resident elector thereof throughout their term in office. Other than provided in this Charter, a member of Council shall not hold any other public office, except that of notary public or a member of the state militia, and shall not be interested in any contract with the City, and no such member may hold employment with said City. A member of Council who ceases to possess or who violates any of the qualifications herein provided shall forfeit his or her office, but failure to maintain such qualifications shall not render void or ineffective any action of Council in which such a member has participated.

SECTION 3.03 POWERS OF COUNCIL

- 1) Legislative Powers – The powers of the Council shall be legislative only. It shall perform no administrative duties, and it shall neither appoint nor confirm any officer or employee in the City government except those of its own body, unless otherwise provided in the general laws of Ohio.
- 2) General Powers – The Council shall have the management and control of the finances and property of the municipal corporation, except as otherwise provided.

SECTION 3.04 PRESIDENT PRO TEMPORE AND CLERK OF COUNCIL

Within ten (10) days from the commencement of their term, the members of the Council shall elect a president pro tempore, a clerk, and such other employees as are necessary and fix their duties, bonds and compensation. Such officers and employees shall serve for two (2) years, but may be removed at any time for cause, at a regular meeting of the Council by a two-thirds vote of the members elected.

SECTION 3.05 COUNCIL MEETINGS

Council shall hold not less than twelve (12) regular meetings per year at such a time and place, as designated by ordinance or resolution, and open to the public. An organizational meeting shall be held on or before January 10 following each general election of Council members. Special meetings may be called by the Mayor or by any three (3) members of Council, on twelve (12) hours written notice served on each member of Council personally, or left at his or her usual place of residence.

A majority of members of Council constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. The affirmative vote of four (4) members of the Council shall be necessary for the passage of any ordinance or resolution unless otherwise provided herein. All votes shall be taken by yeas and nays entered upon the journal.

SECTION 3.06 COMPENSATION AND EXPENSES

Council shall not increase or diminish the salary of an elected official of the City during the term for which the official was elected or appointed to fill an unexpired term. This section does not prohibit the payment of any increased costs needed to provide the identical benefits provided to an elected official of the City at the commencement of the term of the office.

Unless otherwise provided, all fees pertaining to any office shall be paid into the City treasury.

The Council of the City, by ordinance or resolution, shall determine the number of officers, clerks, and employees in each department of the City government, and shall fix, by ordinance or resolution, their respective salaries and compensation, and the amount of bond to be given for each officer, clerk, or employee in each department of the government, if any is required. Such bond shall be made by such officer, clerk, or employee, with surety subject to the approval of the City Administrator and the Mayor.

SECTION 3.07 VACANCIES AND REMOVAL

VACANCIES

Except as otherwise provided in this division, when the office of a member of the Council of the City becomes vacant, either because a member ceases to hold office before the end of the members term or because a member-elect fails to take office, the vacancy shall be filled for the remainder of the unexpired term by a person chosen by the residents of the City who are members of the county central committee of the political party by which the last occupant of that office or the member-elect was nominated.

Not less than five (5) or more than forty-five (45) days after a vacancy occurs, the specified members of the City or county committee shall meet to make an appointment to fill the vacancy. At least four (4) days before the date of such meeting, the chairperson or secretary of the City or county committee shall notify each committee member eligible to vote on filling the vacancy, by first class mail, of the date, time, and place of the meeting and its purpose. A majority of all eligible committee members constitutes a quorum and a majority of the quorum is required to make the appointment. If election to the office so vacated took place at a nonpartisan election, or if the office was occupied by, or was to be occupied by a person not nominated at a primary election, or if the appointment was not made by the committee members in accordance with this section, the vacancy shall be filled by a majority vote of the remaining members of the Council.

REMOVAL

The Council shall determine its own rules and keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules, and declare his seat vacant for absence without valid excuse, where such absence has continued for two months. No expulsion shall take place without the concurrence of two thirds (2/3) of all the members elected, and until the delinquent member has been notified of the charge against the member, and has had an opportunity to be heard.

ARTICLE IV

MAYOR

SECTION 4.01 ELECTION AND TERM OF OFFICE

The Mayor shall be elected for a term of four years, commencing on the first day of January next after his or her election.

SECTION 4.02 QUALIFICATIONS

The Mayor shall be a resident elector of the City and have had a minimum of three years continuous residency prior to the date of the primary election and shall be a qualified resident elector thereof throughout his or her term in office.

SECTION 4.03 POWERS OF THE MAYOR

- 1) **GENERAL POWERS** – The Mayor shall be the Chief Executive Officer of the City. He or she shall appoint the City Administrator with the advice of Council. He or she may remove the City Administrator with the advice of Council. He or she shall have such other powers and perform such other duties as are conferred and required by this Charter and state law.
- 2) **APPOINTMENT OF MUNICIPAL OFFICERS** – All appointments as required by this Charter shall be appointed not earlier than the second Monday in January and not later than the first Monday in February.
- 3) **CONSULTATION AND ADVICE TO DIRECTORS OF DEPARTMENTS** When the Mayor deems it necessary; the directors of the several departments of the City shall meet with him or her at the time and place he or she designates, for consultation and advice upon the affairs of the City.
- 4) **MAYOR AND OFFICERS SHALL ATTEND MEETINGS OF COUNCIL – MAYOR'S WRITTEN RECOMMENDATIONS** – The Mayor shall attend the meetings of the Council of the City when specifically requested by such Council, and answer at such time questions put to any of them by any member of such Council, relative to the affairs of the City under their respective management and control. The Mayor shall make such recommendation, in writing, to the Council for the welfare of the City as seem wise to him or her.
- 5) **ACTING MAYOR** – When the Mayor is absent from the City, or is unable for any cause to perform his or her duties, the President of the Council shall be the acting Mayor. While such president is acting as Mayor, he or she shall not serve as President of the Council.

SECTION 4.04 VACANCY

In case of the death, resignation, or removal of the Mayor, the vacancy in the office of Mayor shall be filled in accordance with the general laws of Ohio pertaining to general statutory plan Cities.

ARTICLE V

PRESIDENT OF COUNCIL

SECTION 5.01 ELECTION AND TERM OF OFFICE

The President of the Council shall be elected for a term of four years, commencing on the first day of January next after his election.

SECTION 5.02 QUALIFICATIONS

The President shall be a resident elector of the City and shall have been a resident of the City for one year prior to the date of the primary election and shall be a qualified resident elector thereof throughout his or her term in office

SECTION 5.03 POWERS OF THE PRESIDENT OF COUNCIL

The President of Council shall preside at all regular and special meetings of the Council, but he or she shall have no vote therein except in case of a tie.

ARTICLE VI

CITY ADMINISTRATOR

SECTION 6.01 APPOINTMENT

A City Administrator shall be appointed by the Mayor with the advice of Council and he or she shall serve at the pleasure of the Mayor.

SECTION 6.02 POWERS AND DUTIES

The City Administrator shall be the Chief Operating Officer and head of the administrative branch of the City government, and shall be responsible to the Mayor for the proper administration of all the affairs of the City and the enforcement of all the laws, ordinance or resolutions, except as herein otherwise provided, and to that end the City Administrator shall have to make all appointments and removals of employees of the City in the departments and offices under the City Administrator's control.

He or she shall:

- 1) Attend all Council meetings with the right to participate in its discussion, but without a right to vote.
- 2) Be an ex-officio member of the planning commission.
- 3) Prepare and submit to Council the annual budget and be responsible for its administration after adoption.
- 4) Keep Council advised of the financial conditions and the future needs of the City and make such recommendations as desirable.
- 5) Submit to the Mayor, Council, and make available to the public a report on the financial and administrative activities of the City at the end of each month.
- 6) Make such other reports as the Mayor or Council may require concerning the operation of the City departments, offices, and agencies subject to the City Administrator's directions and supervision.
- 7) Issue all licenses and permits pursuant to ordinances or resolutions and perform all other duties as may be described by the charter or required of the City Administrator by the Mayor not inconsistent with this charter.

SECTION 6.03 ACTING CITY ADMINISTRATOR

The City Administrator may designate in writing an administrative employee of the City who shall exercise all powers, duties and functions of the City Administrator during the City Administrator's temporary absence from the City or during the City Administrator's disability. If such designation has not been made and the City Administrator is absent from the City or unable to perform the City Administrator's duties or to make such designation, the Mayor may appoint a qualified administrative employee of the City to perform the powers, duties, and functions of the City Administrator until the City Administrator shall return to the City or the disability ceases.

In the event of a vacancy in the office of City Administrator, the Mayor may designate a person as acting City Administrator who shall exercise all powers, duties, and functions of the City Administrator until the City Administrator is appointed.

SECTION 6.04 COUNCIL-CITY ADMINISTRATOR RELATIONS

Neither Council, nor its committees or members, shall direct or request the appointment of any person to, or removal from office or employment, by the City Administrator, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the administrative service to the City. City Council, its committees and members shall not interfere with that portion of the service of the City for which the City Administrator is solely responsible. Neither the Council, nor its committees or members shall give any orders to any subordinate of the City Administrator. Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of

the affairs of the City. Council may, in the exercise of such power, compel, or authorize a committee to compel the attendance and testimony of witnesses and the production of books, paper and other evidence under penalty of law.

SECTION 6.05 PURCHASES AND CONTRACTS

The City Administrator shall execute and deliver all contracts for the City except contracts for an annual audit which shall be executed by the Mayor. Purchases may be made simultaneously with purchases by other governmental bodies and in cooperation with their officers. No purchase or contract in an amount more than authorized by state law shall be made except after advertisement and the receipt of bids in writing, except in the following cases: 1) emergency 2) use of state bidding process or 3) better value or performance, and in such case the City Administrator shall report the facts to the Mayor and to the Council at its next meeting. City Council shall have the right by ordinance or resolution to further restrict or increase the amount of purchases or contracts that may be authorized without bidding, but no increased limit shall exceed \$75,000.

ARTICLE VII

FINANCE MANAGER

SECTION 7.01 QUALIFICATIONS

The Finance Manager shall be the head of the Department of Finance and appointed by the City Administrator. The Finance Manager shall have a degree in finance/accounting and/or work experience in a financial capacity sufficient to discharge the duties as the head of the Department of Finance.

The City Administrator may designate an officer or employee of the City, who, during the absence or disability of, or during the vacancy of the Finance Manager, shall exercise the powers and discharge the duties of the Finance Manager under the title of Acting Finance Manager.

SECTION 7.02 POWERS AND DUTIES OF THE FINANCE MANAGER

The Finance Manager shall be the fiscal officer of the City. The Finance Manager shall:

- 1) Advise the City Administrator concerning the financial condition of the City;
- 2) Collect all money due and payable to the City and shall be the custodian of all public money of the City;
- 3) Disburse the same as may be required by law or ordinance or resolution;

- 4) Render statements to and receive payments from the customers and property owners of the City, except for the monies collected from certain taxes where the laws of the State of Ohio require a County or State official to administer and collect the tax;
- 5) Assist the City Administrator in preparation and submission of appropriation measures, estimates, budgets and other financial matters;
- 6) Perform all other duties now or hereafter imposed on City auditors and treasurers under the laws of the State of Ohio; and,
- 7) Perform such other duties, consistent with his office, as may be required by this Charter, by ordinance or resolution of Council, or as directed by the City Administrator.

ARTICLE VIII

LAW DIRECTOR

SECTION 8.01 ELECTION AND TERM OF OFFICE

The Law Director shall be elected for a term of four (4) years commencing on the first day of January following his election.

SECTION 8.02 QUALIFICATIONS

He or she shall be an attorney-at-law admitted to practice in Ohio. Unless a qualified attorney willing to serve does not live in North College Hill, the Law Director shall be a resident of the City of North College Hill and shall be a qualified resident elector thereof throughout his or her term in office

SECTION 8.03 POWERS AND DUTIES OF THE DIRECTOR OF LAW OR LAW DIRECTOR

The Law Director shall act as the legal advisor, attorney, and counsel for the City and its officers in matters related to their official duties. The Law Director, at the request of the City Administrator, shall prepare all contracts, bonds, and other instruments in writing in which the City is concerned and shall endorse approval of their forms.

The Law Director shall represent the City in all suits or cases in which it may be a party and shall prosecute for all offenses against the ordinances and resolutions of the City and such offenses against the laws of Ohio as may be required by law. The Law Director may, with the approval of Council, designate or otherwise retain special or assistant counsel to represent the City in such matters as may from time to time be required, expedient, or advisable.

The Law Director shall perform such other duties consistent with the office as may be required by this Charter, ordinance or resolution of Council, or the general laws of the State applicable to cities and not inconsistent with this Charter.

ARTICLE IX

ORDINANCES OR RESOLUTIONS

SECTION 9.01 ACTION TO BE TAKEN BY ORDINANCE OR RESOLUTION

Action by Council shall be by ordinance or resolution, or motion. Every action of a general or permanent nature, including but not limited to granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease, sale, or transfer of real property; or establishing an offense and fixing the penalty therefore shall be taken by ordinance or resolution, in the manner hereinafter provided. All other action may be by motion.

SECTION 9.02 SUBJECT OF ORDINANCE OR RESOLUTIONS

Each ordinance or resolution shall contain only one subject which shall be expressed in its title, provided however, that appropriate ordinances and resolutions may contain the various subjects, accounts, and amounts for which moneys are appropriated, and that ordinances and resolutions which are codified or recodified are not subject to the limitations of containing one subject.

SECTION 9.03 MAJORITY REQUIRED

The affirmative vote of four (4) members of the Council shall be necessary for the passage of any ordinance or resolution unless otherwise provided herein.

SECTION 9.04 PROCEDURE OF PASSAGE OF NON-EMERGENCY ORDINANCE OR RESOLUTIONS

Every ordinance or resolution shall be introduced in written form. After its first reading, which may be by title only, the ordinance or resolution shall be posted at the City Building. A copy of the ordinance or resolution in the form, in which it was introduced, shall be made available for public inspection in the office of the Clerk of Council of the City, together with a notation as to the time and place of its consideration for second and third readings or for Council action.

SECTION 9.05 SECOND READING, THIRD READING AND FINAL ADOPTION

For the second and third readings, at the time and place so published by posting, such ordinances or resolutions shall be read by title only. After the third such

reading, the Council may adopt such ordinance or resolution except that if additional readings are dispensed with the ordinance or resolution may be adopted at any time subsequent to the passage of the motion to dispense with readings.

SECTION 9.06 AMENDMENT OF ORDINANCES OR RESOLUTIONS

No existing ordinance or resolution or any section thereof, shall be revised or amended unless the new ordinance or resolution contains the entire proposed ordinance or resolution or section as revised or amended, and the existing ordinance or resolution or any section thereof so amended, shall be repealed. This requirement shall not prevent the amendment of an ordinance or resolution by the addition of a new section or sections, and in such case the full text of the former ordinance or resolution need not be set forth.

Except in the case of codification or recodification of ordinances or resolutions, a separate vote shall be taken on each ordinance or resolution proposed to be amended.

Ordinances or resolutions that have been introduced and have received their first, second, or third reading, but have not been voted on as to passage, may be amended or revised upon approval by a majority vote of the members of Council, and such amended or revised ordinance or resolution need not receive readings in addition to the readings required by this Article.

SECTION 9.07 RULE SUSPENSION

The Council, on an affirmative vote of six (6) members, may suspend the rule requiring readings of an ordinance or resolution prior to its first, second or third readings, or prior to the vote for adoption of an ordinance or resolution and no additional readings shall be required.

SECTION 9.08 EFFECTIVE DATE

Unless the ordinance or resolution shall specify a later date, the effective date of any ordinance or resolution shall be thirty (30) days after its adoption, except as otherwise provided in this Charter or by the Constitution of the State of Ohio.

Ordinances or resolutions providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of the majority of the front footage of the property benefited to be assessed for the improvement, shall go into immediate effect.

Every ordinance or resolution, upon its final passage, shall be recorded in a book or other record kept for this purpose, and shall be authenticated by the signature

of the presiding officer and the Clerk of Council. Failure to authenticate will not invalidate the ordinance or resolution.

SECTION 9.09 PROCEDURE OF PASSAGE OF EMERGENCY ORDINANCES OR RESOLUTIONS

The Council may, with an affirmative vote of not less than five (5) members, pass emergency ordinances or resolutions to take effect immediately upon their passage, or at the time indicated therein in order to preserve the public interest, public peace, property, health, safety or welfare, or to provide for special emergencies in the operation of City services. Each emergency ordinance or resolution shall set forth the reason necessitating the emergency legislation. No ordinance or resolution involving the granting, renewing or extending a franchise or regulating the rate to be charged for public utility services shall be passed as an emergency measure. In lieu of publication by posting before adoption, an emergency ordinance or resolution shall be published by posting within one (1) week after its passage.

SECTION 9.10 MAYOR'S VETO

Every ordinance or resolution of the Council shall, before it goes into effect, be presented to the Mayor for approval. The Mayor, if he or she approves such an ordinance or resolution, shall sign and return it forthwith to Council. If he or she does not approve it, he or she shall, within ten (10) days after its passage, return it, with his or her objections, to Council, or, if not in session, to the next regular meeting thereof, which objections shall be entered upon its journal. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money. If he or she does not return such ordinance or resolution within the time specified in this section, it shall take effect in the same manner as if he or she had signed it. When the Mayor disapproves of an ordinance or resolution, or any part thereof, and returns it with his or her objections, Council may, after ten (10) days, reconsider it, and if such ordinance or resolution, or item, upon such reconsideration, is approved by a two-thirds (2/3) vote of all members elected, it shall then take effect as if signed by the Mayor.

ARTICLE X

BOARDS AND COMMISSIONS

SECTION 10.01 PLANNING COMMISSION

The Planning Commission shall provide City Council with recommendations on changes in zoning districts, zoning text amendments, business development plans, and comprehensive land use planning, on business and residential

development planning, on zoning plans and proposed changes, and on such other related issues as the City Council shall from time to time request.

The Planning Commission shall consist of six (6) members: four (4) resident electors of the City, one (1) design professional who may or may not be an elector of the City, and who is not a member of any other Commission; the City Administrator, who shall be an ex-officio member. The four (4) resident electors and the design professional, who is not a member of any other Commission, shall be appointed by the Mayor.

The Planning Commission shall have the powers, duties and functions as provided in this Charter, and as provided by ordinances and resolutions of the City and the Ohio Revised Code.

SECTION 10.02 CIVIL SERVICE COMMISSION

The Civil Service Commission shall hear and rule on appeals concerning such issues as working conditions and management actions (including poor evaluations, demotions, improper placement on the salary scale, and discipline and terminations). The Civil Service Commission is also responsible for devising, administering, and evaluating the results of qualifying tests for certain employee positions. Such tests must be designed according to the official job description and the information contained in the application packet supplied to those interested in the position.

The Civil Service Commission shall consist of three (3) resident electors of the City, appointed in accordance with the general laws of Ohio. The Civil Service Commission shall be responsible for the merit system required by the Ohio Constitution.

SECTION 10.03 RECREATION COMMISSION

The Recreation Commission shall consist of six (6) members: three (3) of whom shall be appointed by the Mayor and shall serve at the pleasure of the Mayor, and two (2) of whom shall be appointed by the Superintendent of the North College Hill City School District, with the approval of the School Board, and shall serve at the pleasure of the Superintendent. These five (5) members shall be resident electors of the City. The sixth (6th) member shall be the Recreation Director, who shall be an ex-officio member of the Recreation Commission, and shall be appointed by and report to the City Administrator. The responsibility of the Recreation Commission shall be to develop and maintain a comprehensive recreation program for the City of North College Hill, and to secure funding for the program. Said funding shall include, but not be limited to, grants, fees, contributions, and City appropriations. The duties of the Recreation Director shall be to coordinate all recreation programs and activities of the City, and such other powers or duties as may be provided by ordinance or resolution.

SECTION 10.04 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hear and decide appeals in the enforcement of the zoning ordinance, grant variations to the zoning ordinance, approve conditional uses and nonconforming uses, and interpret provisions regarding the zoning district boundaries.

The Board shall consist of five (5) members appointed by the Mayor: four (4) resident electors of the City, and one (1) design professional who may or may not be an elector of the City.

SECTION 10.05 RECORDS COMMISSION

The Records Commission shall periodically review the types and locations of official City records to insure that they are being processed and preserved according to relative state statutes. Additionally, in accordance with state statutes, the Records Commission is responsible for the proper retention and disposal of records of the City.

The Records Commission shall consist of four (4) members: one (1) resident elector of the City appointed by the Mayor; the Finance Manager, the Law Director, and the Mayor.

SECTION 10.06 EARNINGS TAX BOARD OF APPEALS

The Earnings Tax Board of Appeals shall hear appeals filed by a taxpayer dissatisfied with the ruling or decision of the persons administering the City's income tax ordinance.

The Board shall consist of three (3) resident electors of the City appointed by the Mayor.

SECTION 10.07 VOTING REQUIREMENTS

All decisions shall require at least a majority of the appointed members of the various Commissions under Article X of this Charter.

ARTICLE XI

INITIATIVE, REFERENDUM & RECALL

SECTION 11.01 INITIATIVE AND REFERENDUM

Ordinances and resolutions exercising legislative powers may be proposed by imitative petition and adopted by election, and ordinances and resolutions exercising legislative powers adopted by the Council shall be subject to referendum, all as provided by the laws of Ohio pertaining to General Statutory Plan Cities, provided ordinances and resolutions calling elections under this Charter shall not be subject for referendum.

ARTICLE XII

FINANCE, TAXATION AND DEBT

SECTION 12.01 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 is made in the Constitution of Ohio.

ARTICLE XIII

NOMINATIONS AND ELECTIONS

SECTION 13.01 NOMINATIONS AND ELECTIONS

Except as provided in this Charter, elections held for the purposes of nominating and electing officials shall be held in conformity with the election laws of Ohio.

SECTION 13.02 SPECIAL ELECTIONS

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

SECTION 13.03 CONDUCT OF ELECTIONS

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

ARTICLE XIV

GENERAL PROVISIONS

SECTION 14.01 CONFLICTS OF INTEREST, ETHICS, CAMPAIGN FINANCING

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

SECTION 14.02 SUCCESSION

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

SECTION 14.03 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS

- A) The adoption of this Charter shall not affect any pre-existing rights of the City nor any right, liability, pending suit or prosecution, either on behalf of or against the City or any officer thereof, nor any franchise granted by the City, nor pending proceedings for the authorization of public improvements or the levy of assessment therefore. Except as a contrary intent appears in this Charter, all acts of the Council of the City, including 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.

SECTION 14.04 SAVINGS CLAUSE, SEPARABILITY, EFFECT OF PARTIAL INVALIDITY

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 14.05 SINGULAR AND PLURAL, GENDER AND TENSE

The singular includes the plural, and the plural includes the singular.

Words of one gender include the other gender.

Words referring to the present tense include the future, and words referring to the future include the present.

SECTION 14.06 CHARTER REVIEW

A Charter Review Commission shall be created not less than once each five (5) years, on or before December 1 of the year prior to the year of the Charter Review, for the purpose of reviewing this Charter to determine if amendments are necessary to conform to the changing needs of the Municipality or to recommend other additions. The Commission shall consist of seven (7) members. The Mayor shall serve as a member of the Commission by virtue of his or her office and the Council shall elect one (1) of its own to the Commission. The Mayor shall appoint two (2) resident electors of the Municipality to the Commission and Council shall elect three (3) resident electors of the Municipality to the Commission. The Director of Law shall meet with the Commission in an advisory capacity.

The Commission shall elect a Chairman, Vice Chairman, and Secretary at its first organizational meeting. Minutes shall be kept of the proceedings and all meetings shall be open to the public. The Commission shall consider any appropriate revision to the Charter and shall submit its recommendation to the Council upon approval by a majority of its members. The recommendations shall not be binding upon the Council.

The Commission must complete its review of the Charter and present its report to Council within six (6) months from the date the Commission was created.

SECTION 14.07 RETIREMENT SYSTEM-HEALTH DISTRICT

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

SECTION 14.08 DEFINITIONS

As used in this Charter:

1) "General Laws of Ohio" means the statutes of the State of Ohio which are valid in light of applicable constitutional provisions or court decisions, except those sections of the statutes that pertain to the optional plans or forms of municipal government authorized by Section 2 of Article XVIII of the Ohio Constitution as "additional laws" (currently at the time of this Charter's adoption being Charter 705 of the Revised Code) are excluded from the definition of General Laws.

2) "Resident Elector" is a registered voter who resides in the City of North College Hill, Ohio.

ARTICLE XV

TRANSITIONAL PROVISIONS

SECTION 15.01 EFFECTIVE DATE OF CHARTER

This Charter shall be submitted to the electors of the City at an election to be held November 6, 2007. If approved by a majority of the persons voting on the issue, the Charter shall take effect from the date the final result of the election is certified by the election authorities for the purpose of designating, nominating and electing officers of the City and conducting municipal elections. For all other purposes, this Charter shall take effect January 1, 2008.

SECTION 15.02 EFFECT OF CHARTER ON EXISTING OFFICES

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, or the General Laws of Ohio, 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 General Laws of Ohio, or under any municipal ordinance, resolution or contract in force at the time this Charter takes effect, if the office, body, commission, board, department or division is abolished by this

Charter, shall be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.

SECTION 15.03 CONTINUANCE OF PRESENT EMPLOYEES

Every employee of the City on the effective date of this Charter shall continue in his or her employment subject in all respects to the provisions of this Charter and ordinances, resolutions, rules, or regulations enacted or promulgated under this Charter.

SECTION 15.04 ABOLITION OF THE OFFICES OF CITY AUDITOR AND CITY TREASURER

- A) The persons elected as the City Auditor and the City Treasurer at the November 6, 2007 general election shall each serve for the term of office provided for by the laws applicable to general statutory plan cities. Upon the expiration of their term, or if either of both offices shall become vacant, or if either shall fail to assume the office of City Auditor or City Treasurer, then, upon the vacancy occurring, the office shall be abolished and the powers, duties and functions of that office shall be exercised by the Finance Manager provided for in Section 7.01 and 7.02 in this Charter.
- B) Until the term of the office of City Auditor or the term of the office of City Treasurer shall end, or a vacancy shall first occur, the Finance Manager provided for in Section 7.01 of this Charter shall advise the Mayor and the Council on the fiscal matters of the City and shall carry out the functions of Deputy Auditor as previously directed by the auditor and provide an internal audit function. Upon the abolition of either or both of the offices of City Auditor and City Treasurer, the Finance Manager may exercise the functions of that vacated office as set forth in Section 7.01 and 7.02 of this Charter.

CERTIFICATE

We, the qualified members of the Charter Commission of the City of North College Hill, Ohio, have framed the foregoing Charter and have fixed November 6, 2007, as the date of the election at which the Charter shall be submitted to the electors of the City of North College Hill.

James D. Bechel

Chairman

Kimberly B. Newman

John Overback

Marta Basil

Frank B. White

Barbara Graves

James E. Edwards

Jacqueline Stedesei

Dennis R. Bell

Marta Duman

Les Ilija