



William Biddlecombe **Joe Dike** **Sam Artino** **Monty Tapp** **Mark Claus** **Matt Grieves** **Joel Hagy**
Councilmember Councilmember Councilmember Mayor Vice-Mayor Councilmember Councilmember

CHARTER REVIEW COMMISSION — COMMITTEE MEETING

Thursday, March 14, 2024 @ 5:00 PM

Council Chambers - Huron City Hall

I. Call to Order

II. Roll Call

III. Approval of Minutes

III.1 Minutes of the Charter Review Commission meeting of March 7, 2024.

IV. Audience Comments

Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit).

V. Old Business

VI. New Business

VI.1 Review and discussion of Section II - The City Council of the Huron City Charter.

VI.2 Review and discussion of Article IV - City Manager of the Huron City Charter.

VI.3 Select Charter Article(s) for discussion at the next meeting scheduled for March 28, 2024 at 5:00pm in Council Chambers.

VII. Other Business

VIII. Adjourn

THE CITY OF HURON, OHIO
Proceedings of the Huron Charter Review Commission
Regular Meeting Thursday, March 7, 2024 at 5:00pm

Call to Order

The Law Director called the Charter Review Commission (hereinafter "CRC") meeting to order at 5:00pm.

Roll Call

The Law Director directed the clerk to call the roll for the meeting. The following members of the CRC answered present: **Cindy Miglietti, Lisa Fries, Terry Graham, Sr., John Ruf, Andy Kurtz, Mike Majestic and Tom Harris.**

Mr. Schrader thanked everyone for coming. He and his partner, Gary Ebert, are going to go through some things about the CRC for you to consider before they begin their autonomous/independent evaluation of the Charter, and what may be fixed, repaired or modified. They are going to give the CRC guidance along the way.

Mr. Schrader thanked everyone for agreeing to serve. The City Charter, as far as he can tell, has never been modified. There are various provisions in the Charter that are either unconstitutional, outlawed by law, or no longer relevant. The good news is that they don't expect that we are going to go to the electorate with 47 changes, because once the voter gets to item #3 on that list of 27, everything is "no." We have to try to address the things that are going to be a significant concern – the things that they feel are significant enough to change. This process will go on every 5 years per the newly adopted CRC ordinance. Mr. Ebert clarified that it is every 5 years that the Charter can be reviewed and amended. Some cities have 10 years. The Charter is looked at as the gospel of the City, so that's why it is not changed every 1-2 years. That's why if you put 20 items on the ballot, they will all go down. You've got to pick and choose what is most important.

Mr. Schrader referred to a packet handed out to the CRC members (copy attached hereto as Exhibit "A"). The first page is something that he and Mr. Ebert prepared a while ago. They sat down with the Charter and based on their experience of being Law Director for the last 5 years or so, things that consistently come up or things that could be thought about. This is just he and Mr. Ebert thinking about what possible changes could occur. As they go through this tonight, the expectation is that along the CRC's journey in evaluating this, they can either add to it, delete items, consult with Department Heads, consult with the City Manager, etc. Hopefully, the public attends and give you some insights. This is a "let's get started" kind of guide, it is not the City's recommendations. This was to get things started, more than anything. The second page is an email from Andrea Rocco, who is the City Prosecutor and Personnel Officer in charge of HR. She had some changes that she introduced. Beyond that is a copy of the Charter for the CRC's benefit. Page 20 has language that was redlined by Ms. Rocco with some proposed changes. He did not want to add to this and add another page. He thinks that the CRC will have Ms. Rocco in for a visit, but he felt that it was important for them to see the changes she had proposed. He also has some stuff that the Clerk of Council, Terri Welkener, has recommended, and we will get to that.

Mr. Schrader offered a few things to keep in mind before the CRC gets started. In order for the CRC recommendations to get to Council, and for there to be 3 readings and enough time to get this to the Board of Elections, etc., the request is being made that whatever the CRC proposed changes to the Charter are, that they are submitted to the Council Clerk, Ms. Welkener, by June 3, 2024 (a Monday). It is important that they stay vigilant with that date, given the need to have 3 readings, so that the deadline

can be met. As Mr. Schrader has indicated, and as Mr. Ebert commented, there are only a few items that they feel will end up making it to the ballot. Mr. Ebert said that most cities limit the amendments to 3-5. Unless you have significant material to discuss, the CRC meetings should be about an hour long. The Commission will not be able to get through the whole thing in one meeting, and each meeting might give them some ideas for the next meeting. Ideally, one of the CRC members should be nominated or elected to serve as Chair, who can be the point of contact, arranging meetings and running the meetings. All of the CRC meetings are going to be public. The recommendation is that, at the end of their meetings, the CRC reserve a little bit of time for public comment. Further, if there are any emails you received that are Charter-related in between your meetings, he encouraged them to send them to the Ms. Welkener, so that they can be read into the record, at least topically, or if you care to discuss them. Also, when they open up the meeting to comment, he recommended that they have a 3-minute time limit, and to stay firm on the 3-minute time limit. There are legal opinions and lawsuits because somebody is aggrieved because somebody got 6 minutes, and they only got 3, and it is couched in terms of a civil rights violation. If somebody wants to continue talking after 3 minutes, they can email, it can be via a call, they can attend the next meeting(s) or write a letter, but he would be vigilant on the 3 minutes. If they are not, they might hear about it.

There is an expectation that this CRC will invite people to give input – City department heads, the City Manager, people from other municipalities that sat on a Charter Review Commission – people that they think are going to help them fill in data or backfill information, things you want to know. It's their CRC, and they can do with it what they wish and to seek authority from whomever they wish. Department heads, at a minimum, would be beneficial, and he thinks Ms. Rocco's attendance would also be beneficial. If the CRC wants the Law Director(s) to attend, or if they have questions, they are universally available to them, whatever the case may be. The idea is to consult with other folks in the City. He had mentioned designating a Chair among the members, and that could be done at any time, maybe before the end of this meeting. It would be important to keep some organization and to make sure we have one person to keep the meetings moving along to meet the agendas. He mentioned that when they look at the first page of the Charter Review considerations, there are a couple things that are unconstitutional, by law. For example, there is a residency requirement that the City Manager has to reside in the City of Huron. The case law is clear that that is no longer constitutional. The question becomes, if we already know that, and if we have more important things to address, do we want to burn a spot on the ballot for something we know to be unconstitutional. Should we wait until later? He left it to the CRC to decide. It's not his decision or Mr. Ebert's decision.

This is the first time going through the Charter, so some careful thought should be given to what items are selected, and why, and if stuff is already unconstitutional... anything that you do or say in the Charter isn't going to change that. Try to keep that in mind. Ms. Miglietti asked, if it is unconstitutional, does it still have to be voted on by the public, it can't just be eliminated? Mr. Schrader answered that it can be eliminated, but the public has to vote on the elimination. Mr. Ebert added that that is why a lot of cities that have unconstitutional items don't put them on the ballot. If it is voted down, then the City would have to go to Court, next. What the CRC recommends goes to Council, and what they approve will be on the ballot. Council gets the ultimate prerogative based on the amendments to the Charter that was adopted by the electorate. Council has the right to choose one, some, all or none. As he mentioned, this is the first time through, so they are going to be very interested in what it is you believe needs to be promoted as items to go to the ballot.

Mr. Fries asked if someone will be available to take minutes during their meetings, or are they recording them? The Clerk answered that all meetings will be recorded, even if she is not in attendance, and she will prepare the minutes from those recordings. Mr. Schrader said that they can have the meetings recorded, and if there is some stenography to occur, it doesn't have to be verbatim. They don't need a court reporter at the meeting, but what they need is concepts and any decisions, or at least some reflection of the dialogue that occurred.

Mr. Ebert pointed out that among the items that are in red on the first page, one is the unconstitutional residency requirement. Asked if any of the others are contrary to statute, regulation, Mr. Schrader answered, not necessarily. For example, there is a question in 2.10 as to a typographical error that is fairly obvious. Another is to eliminate the statutory requirement that the City's Law Director also serve as legal advisor and counsel to the School Board. There are a number of municipalities that have adopted a Charter provision relating to this, as it isn't plausible. In 1958 it may have been okay, but not now. Asked if it isn't marked as being unconstitutional or contrary to other established legal action, it just isn't one of those things that doesn't pass common sense, Mr. Schrader answered yes. He is surprised they didn't put the summer recess on the list. Asked why the Charter hasn't been updated in the past, Mr. Schrader said that is a hard question to answer because none of them were here. There are certain steps they had to go through to get it on the ballot. It may have been that the City was running smoothly, we're okay without it, do we really need to have it done, etc. Also, the Charter didn't even address it. It is a big undertaking. Mr. Ebert said Council asked how they can get amendments. You have to get the Charter Review Commission established. City Council can put a Charter amendment on the ballot, but when they do that, they are opening it up for everybody to come forward.

Mr. Schrader further explained that the first page is set up so that the Charter section numbers are on the left, and various questions in terms of accuracy, do we want it this way, is this something that we should consider, does the City even want these things, etc. to the right. He doesn't want tonight to be the Commission going through each one chapter and verse. He thinks that is something the Commission can do at their next meetings to determine which ones are important. Ms. Miglietti asked if the Law Director would suggest that the Commission read this and maybe pick the 5 most important things from what they've read, would that be a good way to start? When you are talking about redoing the Charter, it seems like an enormous job, so what would you suggest they do to start? If they each picked 5 things out of here after they've read it, and then kind of compare, would that be a way to start, or do you think they should start with the sheet the Law Director gave them? Mr. Schrader answered that he thinks this sheet is helpful. Whoever the Chair will help drive the process, but he thinks it's a great idea for each of Commission members, independently, to review and make your notes. Or you review the Charter on your own without looking at this sheet, and see if there are similarities or differences, noting that you can't overhaul the whole thing, but you have to somehow prioritize, and he thinks that is done collectively. Maybe all of the Commission should read it independently, and then at their first meeting, bring the things that they have – your top 3, 5 or 10 – and see if others feel the same way, and test your analysis against the the first page. He doesn't know how important that first sheet is, and he doesn't suggest that you follow it. It's just a preparation for review, things that they have noted, that there are inconsistencies. It's a great idea to start independently and then come together as a group and start discussing those items that you all feel are worth exploring.

Mr. Ebert said that that Council takes Oaths of Office on December 1st. Most cities, when they have an election in November, they take office on January 1st and have the organizational meeting on January 1st.

There are things like that that are, why did they pick December 1st vs. January 1st? Who knows, but most people who start a term of office nowadays, that term ends on December 31st. He is not saying that they would want to change that, but that's unique, as far as looking at a Charter is concerned. Asked if the review considerations listed on the 1st page are just their input, and is not input, other than what the HR person... there was nothing from the department heads of what they would find as a priority. Mr. Schrader said that first page was furnished to them, and it was their prerogative to respond or add or whatnot, but now that this is upon us, no. That is why he recommended department heads be invited in. Mr. Ebert said they could ask if this is how their department operates. That will give you an opportunity to meet them and they can explain how they operated, and this is the reason. A Commission member agreed, especially since you can recommend only 2, 3 or 4 amendments. You've got to take what's most important. Mr. Ebert said this is the first Charter Review Commission in the City's history, so people will be aware that the Charter hasn't changed since 1958. A Commission member said that he thinks the list is a good place to start. They can all read the Charter, but the list of probably going to be a good place to start. Mr. Ebert said they can go through it, and maybe they will say this is something we should consider, but no one is trying to dictate how the Commission does it. Mr. Schrader added that this Charter is the governing document for the City. We have our Federal Constitution, we have our State Constitution, and this Charter, in addition to the ordinances and the Administrative Code, is what we have to follow. This all about the City's home rule, its ability to govern and regulate itself as a municipality, without having someone from Columbus tell us how to do it.

Ms. Miglietti pointed out that one of the "miscellaneous" items on the first page is to fix the pronouns. Would that also have to be voted on? Mr. Schrader answered, yes, any changed must be voted on. Mr. Ebert said you are going to see a lot of "he" references in the Charter, and that should be changed. Mr. Schrader asked Mr. Ebert how he feels about a blanket, "all pronouns shall be...". Mr. Ebert answered yes, you can reference all sections. Mr. Schrader said that was a great question, and that's why we are here. Any change to this document requires the vote of the public, unless Council wanted to institute something on their own. Even the electorate with a certain number of signatures, can place an item on the ballot to amend the Charter. That's another question they asked – why has that never happened? Also in the miscellaneous section is consideration of the summer recess. There are a lot of municipalities that have summer recess. We are in a destination city and we don't. Council and the City Manager did not ask him to say this. Mr. Ebert added that a lot of cities have July and August as summer recess. They can still have special Council meetings because there is an emergency, or something needs to be adopted or passed, but the norm is July and August. Some cities have July 15 through August 20. Those are the two months that people have family vacations and things like that. That is why they have recesses put into the Charter. Mr. Schrader said there is also something in the Charter about the times of the meetings – 6:30pm. It's up to them, but they could start at 5:30pm. The Charter requires 2 a month, but the starting time could change. Ms. Miglietti asked if the Charter had to state a time, or could they just say that they have to meet twice a month. Mr. Ebert said yes, and that the rules of Council could dictate the times. Normally, the meetings are set at the same time throughout the year for consistency. The Clerk said that the times are in the administrative code. Mr. Ebert added that a lot of cities have 6pm or 7pm. If you get any earlier than that, the Council may have problems, as will the public, if they have jobs that conflict. In addition, the work sessions would be even earlier. Ms. Fries asked if they could use the Law Director to bounce ideas over what other municipalities do. Mr. Schrader said that Mr. Ebert has been the Law Director for Bay Village and Avon Lake, successively, for 4 decades.

Mr. Schrader indicated the bottom of the page where there was consideration for adding customary civil service provisions. That is what Ms. Rocco's tab is all about. Those are her redline changes, and when they invite her in to speak, you can get a flavor for why she feels that those changes are important. Ms. Fries asked if there is a list available of the department heads' contact information. The Clerk indicated that she could send that to them.

Mr. Ebert feels that the Commission should meet twice a month (every 2 weeks), although they can meet as much as they want to. They should pick some dates and times. If they want a Thursday, pick 2 Thursdays a month to meet. He is not trying to dictate how many meetings they have. That decision is for them to make and based on the situation. He recommended that they should meet at least every other week until June 3. If they get to the end of May and they know that they still have some issues, they can add another meeting. Mr. Schrader added that if any 4 of the Commission members decided to get together, that would be a public meeting. The Clerk said that she is required to public notice of every meeting at least 2 days in advance, so she would need advance notice of any such meetings. There are obligations she must meet for all public meetings. Ms. Miglietti asked about the 3 readings, does that mean that they have to make a motion? Mr. Schrader explained that that requirement was for Council, only. Council will receive the Commission's recommendation on or before June 3rd, and then at the first meeting, they will have the first reading. They will discuss it and determine what they are adopting. The second will be 2 weeks thereafter, and the 3rd reading will be at the next meeting. Mr. Ebert added that you do not want to adopt findings of the Charter Review Commission using suspension of the rules. You want to have 3 readings so that the public can comment. Mr. Harris asked if the June 3 date is based on them getting something on the November ballot. The Clerk answered that the paperwork has to be filed in early August, so with the 3 readings that takes us back to June. Mr. Harris added that Council would not be waiving the 3-reading rule, which was confirmed by Mr. Ebert. Mr. Schrader said that if there is some information or some revisit to Covid, he doesn't want to say that the rules may not change because we have to get this to the ballot, but ideally, we should have 3 readings and an opportunity for the public to attend and comment. Asked if this begs the question of should they even try to put it on the ballot this year, Mr. Schrader answered that the Commission is required to get it on this year's ballot.

Mr. Ebert said that, currently, Council determines staffing of the departments. Certainly, you don't want to take that away from Council as they are trying to determine how many departments they have and what departments need to be staffed. You will see that in the Charter. He would not like to see that eliminated because that would create havoc within the City. The Commission was asked if anyone had yet read the Charter. Mr. Graham answered that he has read it/referenced it many times. Mr. Schrader said it is important to remember that the Commission is doing their work on behalf of the constituents and residents as they see fit. He would not make any effort or attempt to try to gauge what Council wants, or what the City wants. You can get a flavor from meeting with people what things they think are important, but he wouldn't make it a mission to try to gauge precisely what it is that this person wants or that person wants. The Commission represents the community-at-large, this is why they are here. Mr. Ebert stated that the Charter also talks about Council salaries and things of that nature. That hasn't been updated, it is very low. The Charter currently states \$200 per month, but the Clerk said that they are currently being paid \$750/month. Mr. Ebert said it is generally around \$7,500 - \$15,000 (\$750/month would be \$9,000/year). As the Commission goes through the Charter, they can ask us to provide additional information. He doesn't know how the salary was changed. The salary should be something to look at,

and put some caveat in it because, although it is higher, that is not what the Charter says. Any change to the Council salary would not be in effect for current Council members for the duration of their terms.

Mr. Ebert explained that there are sections in the Charter that talk about classified and unclassified employees. You can invite the HR person to come in to talk about classified and unclassified employees for civil service. Civil service is important for police and fire because they go through testing requirements; for other positions, it is not. The reason cities are going away from that for other departments, is if you take a test (just like the police and fire), maybe the person is not a good tester, but he or she has excellent qualifications and experience. Because they didn't score high on the test, they don't get the position. Some people just can't take tests well. For police and fire it is important, because they have a whole process. For other positions, you should be talking about qualifications, and the civil service test doesn't really apply. Classified means those individuals have to take the test and score high enough. Ms. Rocco's proposed changes go right to that point. Mr. Ebert has seen in some cities that have eliminated civil service testing, except for the police and fire departments.

Mr. Schrader brought up that during Covid, Council did not have a quorum, and that meeting was suspended and rescheduled. Mr. Ebert said that he didn't think that would have to be addressed in the Charter. With Covid, the State came out with having video meetings, and things of that nature. You even had that with court hearing situations, but that has changed now, dramatically. Mr. Schrader asked if the CRC could adopt something that said the meetings could be held virtually. Mr. Ebert answered no, not unless there is a Covid-like situation. You can do video with witnesses and things of that nature, but as far as the actual meetings go, it is important to meet in person. If a member of the public wants to make a complaint, they can't go anywhere if it's on video. Ms. Miglietti said that everyone knows Zoom now. Mr. Ebert said that the Council meeting itself... I think you want to keep that at 2 meetings per month in-person. The whole reason the legislature changed it was due to Covid, because they didn't want gatherings of people. Now, that has expired.

Ms. Miglietti asked if all of the changes that have been noted in the personnel section, are they all separate issues? Can you do one issue to make the changes, or does it have to be all separate? Mr. Schrader said that there are a lot of changes in Article VIII (incorrectly referenced as Article VII in the Charter), the likelihood is that you would do as a rewritten Article VIII. There are so many changes, you wouldn't want them to be separate. That would count as only one amendment. If they wanted to, they could take an entire section as one issue. Mr. Harris asked if that should be recommended to legal for rewriting. Mr. Ebert said for the Personnel section, the CRC will have Ms. Rocco present, and she will rewrite it for you. Asked if the Commission will draft language, Mr. Ebert said that they are drafting language you want it changed to – it should say this versus that. The Law Directors will draft the language for you. Asked if they bring the language to Council on June 3rd, Mr. Schrader said no, on June 3, the Commission will say, these are the changes that we want and here's what we want it to say. The Law Director will look at the Charter provision, and draft the language for the Commission's final approval before they submitting it to Council. By the end of May would be nice. Depending on if the Law Director is attending meetings or if they ask for them to attend the meetings, if there is something the CRC feels strongly about, we can get started on it. They don't have to wait until June 3, but if the CRC can nail down a couple or 3 early on, they should send them to the Law Director for drafting.

Mr. Schrader said that he actually wanted a provision for holding the Council meetings outdoors at the Boat Basin. It is just beautiful, and I am asking myself, why aren't we out there? He does realize that it has practical issues.

Mr. Ebert explained that since Huron is a chartered city, it can be different, to some extent, than the State, as long it meets the requirements. It is important that you are not being dictated by the State as to how you operate. As a chartered city, you can be more specific than the State code indicates, in certain situations. Mr. Harris said it seems as though it would make sense for the CRC members look at Section VIII, as started, come up with their personal ideas and adjustments, and get the Law Directors started on the language immediately. Mr. Schrader answered that you see in the redlines, it already has the new proposed language there.

As the CRC goes through the various sections of the Charter, and maybe what they can do is say, at the next meeting they are going to go through Articles I, II, III, etc. - these are the articles that we talk about at the next meeting, rather than the whole Charter. Based on the number of Articles that are in the Charter, they can decide to divide them into "x" for discussion.

Mr. Schrader said that in Section 5.06, you will see on the first page that the second-to-last line says that there is a \$75,000 threshold. The Charter doesn't say that – the Charter says \$50,000 or less. It doesn't matter, because the law changed. Mr. Ebert explained that what other cities have done is change the number to \$75,000, but also add, "as ORC shall dictate hereafter" so the Charter doesn't become obsolete. Right now, there is a bid limit of \$50,000, which has now been raised to \$75,000 by the State. This limit relates to things the City buys or purchases. It is amazing what things cost the City. A fire engine is \$200,000, way over the \$75,000 limit. When the State changed the limit to \$75,000, they also said that every year thereafter it will be raised by 3% to take inflation into consideration. If that is something the Law Director could write for the CRC, it should be consistent with the State limitation so that they don't have to worry about the Charter falling behind every year without updating. Mr. Schrader said that he doesn't know if they need the change, as there is a provision in 5.06 that says, "Advertising bidding, public opening and tabulation shall be governed by the general law of the State of Ohio, as may be from time to time be amended.", which he thinks covers it. He still encouraged the CRC to review that section and make their own independent determination, and that they would be happy to provide any insight and input.

Because the members of the CRC don't know each other, he thinks it is difficult to nominate someone that they don't know versus, does anyone want to be Chair. Mr. Harris said that he comes to the Council meetings all the time, so he understands how that works, but he would be willing to do it if the rest of the CRC wanted him to.

Mr. Schrader asked the Clerk to call the roll on election of Mr. Tom Harris as Commission Chair for the CRC. Member of the CRC voted as follows:

YEAS: Miglietti, Fries, Graham, Ruf, Kurtz, Majestic, Harris (7)
NAYS: None (0)

There being more than a majority in favor, Mr. Tom Harris was elected as Commission Chair for the Charter Review Commission.

Mr. Schrader said that they should think about the next meeting, and the intervals. They should, at least, set the next meeting tonight and then discuss when future meetings would be held. Mr. Ebert said that they don't want to meet on Mondays, because that is the same evening as City Council meetings. The Clerk corrected Mr. Ebert, saying Council meetings are held on Tuesdays. Mr. Ebert said that they are here now on a Thursday, so is Thursday a good day? Mr. Schrader added that Mondays and Tuesdays are probably not good days. The CRC members agreed that Thursday will work after some discussion, and that the meeting should start at 5pm. The next meeting will be held on March 14th. The Clerk said that would get the contact information out to them very soon, and if they had anything else printed out, to just give her a call. If the CRC would like a staff member invited to a specific meeting, she can let them know, or they can do that on their own. Mr. Ebert said that he believes the CRC should do their next meeting without the Law Directors, only because they are going to give their own ideas. In the interim, if there are questions, feel free to email or call. Mr. Schrader gave each member his business card and provided Gary Ebert's cell phone number (216-789-2400). Ms. Miglietti asked if they could also get the names and cell phones of all of the people on the Commission. Ms. Welkener confirmed that she will include all of this information on the Contact Information Sheet, with the permission of each member, which was given. Mr. Schrader asked that he and Mr. Ebert also be provided with the Contact information. Asked if they thought the CRC should start with Section VIII because it is already there and will start people in the right direction, Ms. Miglietti also adding that they should also have Ms. Rocco in attendance so that she can talk about it, Mr. Ebert answered that they could take another section if she's not available. A suggestion was made to do both Sections I and VIII at the next meeting. Mr. Ebert said he would go with Sections I and II, because Section I only has 3 paragraphs. Mr. Schrader wishes they could do 15 issues, but the likelihood is that the electorate would say no. That's the rub – trying to see what floats to the top, and what can wait. Mr. Ebert suggested that each meeting they ask to have so and so department available at the next meeting so that they can ask questions about what they have problems with. They should not invite any Council members. Departments heads operate the City on the day-to-day, and the CRC can ask them questions to see what problems they have in the operation. Mr. Schrader added that members of the BZA and Planning Commission should not be invited. Mr. Schrader suggested that Stu Hamilton is a good person to talk to. Ms. Miglietti asked who should be invited to the next meeting. The first section is Incorporation Power and Form of Government, and the second is the City Council. Mr. Ebert suggested they invite Matt Lasko, the City Manager. Ms. Miglietti asked the Clerk to invite him to the next meeting, if he is able to come. Mr. Ebert said if they are going to invite Mr. Lasko, they should hold off on Section VIII, because that is going to be an overview that could take longer. A suggestion was made that if Mr. Lasko is coming next, that they should also review Section IV. It was agreed that they would review Sections II and IV for next week, and then do Section VIII the meeting after. Section I can be reviewed, but there isn't much that could be changed in that section.

The Clerk suggested that they schedule future meetings for every other week following the next meeting. After some discussion, the CRC decided to hold future meetings on March 28th and April 11th. The Clerk advised that she will send calendar invites out to everyone. If at one of the upcoming meetings the CRC decides that they want to look at some other city's Charters, to just let the Clerk know, and she will contact them, and they can get those emailed to them well ahead of the meeting. The CRC also gave the Clerk permission to include the Commission members' emails on the Contact list. Mr. Ebert says that anything discussed by email has rules. Mr. Ebert said it is important that the CRC do not make decisions via email correspondence. If there is 4 of you in the same space together, and even if you are not talking about

public stuff, there is a perception that you are. Mr. Harris asked if that is the same for City Council. Mr. Schrader said it is. You might want to go celebrate a holiday, and just can't do so with your fellow Councilmembers. Ms. Miglietti asked if they can set meeting dates via email. Mr. Schrader answered yes, and that if the CRC decides via email when future meetings are to be held, they must let the Clerk know well ahead of time to get notice published. It was recommended that the CRC copy Ms. Welkener on all emails. That way, we are assured that there is record for the public. Ms. Welkener said that she will try, but not promise, to get minutes done so that if someone is gone, they can quickly catch up.

Asked if they should allow time for the public to speak at their meetings, Mr. Schrader said a certain amount of time should be set aside. Mr. Ebert suggested that they do that at the end of the meeting, once the CRC is done with their work for that meeting – the Chairman can decide that. If they allow comments as they go, they will never get through it. At the end, the public will have 3 minutes to talk about anything discussed at that meeting. Asked if it is mandatory that they do it at the end of the meeting, Mr. Ebert answered that it can be done at the beginning, also. Asked if people actually show up for these things, Mr. Ebert answered that the only time you get people is when there is something that is really stuck in everyone's mind that's been a problem with the City and they want to make sure that it is brought up to the Charter Review Commission. Asked if they are required to answer any questions from the public, Mr. Ebert said no, they are there to listen their viewpoint. The common answer is, thank you for bringing that to our attention, and we will discuss that at our next meeting, or when they get to that Article. Mr. Harris said they have no power to enact anything, so they are just listening to their concerns. Mr. Schrader added that if CRC members get emails from someone that doesn't want to attend, that should be brought to a meeting and given to the Clerk to read into the record.

Mr. Harris said that the CRC will decide at the next meeting what they are going to go over next. Asked if there is anybody missing that is supposed to be at the meeting, that is not here, Mr. Schrader answered, "This is it." Mr. Graham asked if they are to do anything with Robert's Rules. Mr. Harris suggested that they try to run it exactly like Council does. They will make motions and then vote on those motions. All meetings will be held in Council Chambers. The Clerk answered that for recording purposes, the Council Chambers is preferred. Mr. Ebert said that they should be careful when making their motions, as if they agree on language and a motion is made accepting that language, it is assumed that that issue will go to Council. He said that when they vote, they should say something to say pending final approval at the last meeting. They may every time they meet decide to change some language, and all of the sudden they have 12 different items when they get to the final meeting. They may want to make their motions to say that the issue be added to the agenda for further consideration at the final meeting of the CRC. Ms. Welkener said that she would write out a script for the motion language. If they proceed this way, the final meeting will be to say either yes or no to each of those items. It is up to them to decide when the public comments should fall on the agenda.

Mr. Harris called for a motion to adjourn the first motion.

Motion by Mr. Majestic to adjourn the meeting. Seconded by Ms. Fries.

Mr. Harris directed the Clerk to call the roll on the motion. Members of the CRC voted as follows:

YEAS: **Majestic, Harris Miglietti, Fries, Graham, Ruf, Kurtz (7)**
NAYS: **None (0)**

There being more than a majority in favor, the motion passed and the meeting was adjourned at 6:00pm.

Terri S. Welkener, Council Clerk

Adopted: _____

CITY OF HURON, OHIO
CHARTER REVIEW CONSIDERATIONS
(Those in **red** are obvious defects requiring repair)

Current Charter Concerns (by Section number)

- 2.01 – Retain existing “at large” structure?
- 2.04 – Whom decides whether any of these issues re: vacating Council position are in play? Majority of Council? See Section 2.03 – solves issue?
- 2.06 – Council salaries needs updating – perhaps to state “as periodically determined by Council” versus inserting a fixed amount only to have to have it changed later. Is 2nd sentence sufficient to solve this concern?
- 2.08(2) – Does Council establish the “staffing of the departments”?
- 2.08(9) – Does City even do this?
- 2.09(1) - Change organizational meeting until on or after January 1st? Meeting frequency 2x monthly – do we want to establish fixed start time to say, 5:00 p.m. EST, which may be modified at the immediately preceding Council meeting for next subsequent Council meeting as needed? Consider adding summer recess.
- 2.10 – **Reference to adjusting salaries, stated to be in section 2.05, is actually in section 2.06.**
- 4.01 – **Residency requirement for City Manager is unconstitutional – remove, or leave and asterisk?**
- 4.02(2) – See “merit system” referenced in the Section 8.02 of Charter. Is this sufficient?
- 5.01 – Are these Department titles currently recognized in City? Need changed?
- 5.05 – Is there any such purchasing agency within the City? Feels like this needs additional attention.
- 5.06 – There are proposed changes to the City Manager’s right to undertake certain actions on behalf of City without Council approval... does this need to be reconciled or referenced here? This provision need to be modified at all? It appears Ohio Revised Code 731.15 (Bids and proceedings), 307.86 (Competitive Bidding Requirements [\$75,000 threshold]), and 731.141 (Administrator to Make Contracts and Purchases) are all in play.
- 5.10 – **Eliminate statutory requirement that City Law Director also serve as legal advisor and counsel to School Board? (See ORC §3313.35)**
- 7.03 – Any changes to this Section required?
- 8.01 – **Add carve out as we have done for emergencies?**
- 8.03 – Do we have any such position?
- 8.04 and 8.05 - Do we have any such Personnel Appeals Board?
- 8.09 – Is this equivalent to “civil service” commission?

Miscellaneous

- Consider Summer Recess (June and July?);
- Fix pronoun “he” (sed throughout Charter) to mean and refer to any person thus serving in any such capacity referenced in Charter?;
- **~~Consider establishing Charter Review Process (q 5 years), with number and qualifications/method chosen, and add to Charter.~~**
- **Consider adding customary “civil service” provisions.**

Drue A. Hoffman

Subject: FW: Charter Revision Recommendations

From: "Andrea F. Rocco" <andrea.rocco@huronohio.us>
Date: Saturday, February 24, 2024 at 18:40
To: Todd Schrader <TSchrader@sseg-law.com>, "Gary A. Ebert" <GAEbert@sseg-law.com>
Cc: Matt Lasko <matt.lasko@huronohio.us>, Stuart Hamilton <stuart.hamilton@huronohio.us>
Subject: Charter Revision Recommendations

Hi Todd: I have this document on SharePoint but it won't let me share it with you. I have attached it above in WORD. As Gary and I discussed in the past, I have attempted to limit the Personnel Board to fire and police. I also renamed exempt employees to unclassified. We have more employee positions than the current list in 8.02 who are exempt (like Jodi's position).

Matt: I am not sure if you want to keep the Personnel Board or not-but I do think it should be limited to police and fire who are the only employees who have a competitive promotional process. All other employees should be at-will and would not have any right to grieve to the Personnel Board.

Let me know if you have any questions.

Andrea F. Rocco
Personnel Officer/HR
440-687-7348
andrea.rocco@huronohio.us
419 Main St | Huron, OH
44839



**CHARTER FOR THE
CITY OF HURON, OHIO**

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CHARTER OF THE CITY OF HURON, OHIO

EDITOR'S NOTE: The Charter for the City of Huron, Ohio was adopted by the voters at the special election held on June 7, 1960. The Charter became effective on January 1, 1961, for the purpose of electing the first Council thereunder. For all other purposes it took effect on July 1, 1961. Dates appearing in parentheses following a section indicate that the provisions of the section were subsequently amended, enacted or repealed on the date given.

The members of the Charter Commission, chosen by the voters at the general election held on November 3, 1959, which framed and submitted the Charter to the electors were:

John W. Campbell - Chairman
James F. Delahunt - Vice Chairman
Ralph C. Pisano - Secretary
Florence M. Dutt - Treasurer

Marshall G. Browne
Frank J. Deemer
Mary G. Fontaine
Pat J. Gioffre
Russell Habick
Scott R. Hetrick
Frank J. Larizza
Dr. Bill G. Mote
Lauretta P. Reiser
Katherine M. Rudy
Robert R. Swanbeck

**A CHARTER FOR THE
CITY OF HURON, OHIO**

PREAMBLE

We, the people of Huron, Ohio, desirous of securing for our city and for ourselves and our children the advantages of self- government conferred by the home rule provisions of the Ohio constitution, do hereby ordain and establish the following Charter:

**ARTICLE I
INCORPORATION, POWERS, FORM OF GOVERNMENT**

SEC. 1.01. INCORPORATION.

The inhabitants of the Village of Huron, Erie County, Ohio, within the corporate limits as established at the time of the adoption of this charter, or as thereafter established in the manner provided by law, shall be and continue to be a municipal corporation in perpetuity, under the name of "The City of Huron". The corporation will hereinafter be referred to as "The City".

SEC. 1.02. POWERS.

The city shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, except as prohibited by the Constitution of the United States, or the Constitution of the state of Ohio, or as limited or restrained by this charter or by the general statutes of the state of Ohio relating to matters of statewide concern. The enumeration of specific powers in this charter shall not be deemed exclusive, as it is intended that in addition to the powers enumerated herein or implied therefrom or appropriate to the exercise of such enumerated powers, the city shall have and may exercise all other and additional powers which it would be competent for this charter specifically to enumerate.

SEC. 1.03. MANNER OF EXERCISE OF POWERS.

All powers of the city shall be vested in the officers provided for in this charter. Where any existing or future acquired power is not assigned to a specific officer, it shall be deemed to be among the powers of the city council. All powers shall be exercised in the manner prescribed in this charter, or if the manner be not so prescribed, then in the manner prescribed by ordinance. If no procedure is established either by the charter or by ordinance, then that provided by general state law shall be followed until the city council shall provide a different procedure by ordinance.

ARTICLE II THE CITY COUNCIL

SEC. 2.01. NUMBER, SELECTION, TERM.

The city council shall consist of seven members, elected at large in the city, for four year overlapping terms, in the manner hereinafter provided. All elections of council members shall be on a non-partisan ballot.

SEC. 2.02. QUALIFICATIONS.

Any registered elector, who has lived in the city for two years prior to filing his petition of candidacy, and who is not the occupant of an incompatible office or employment shall be eligible to have his name placed on the ballot, if his petition is sufficient as hereinafter provided, and to serve as a member of the council, if elected.

SEC. 2.03. ELECTION CONTESTS.

The Council shall be the sole judge of the election and qualifications of its own members, and for such purpose shall have power by subpoena to compel the attendance of witnesses and the production of ballots and records.

SEC. 2.04. VACANCIES, CREATION OF.

Once elected and sworn in, a member of council may vacate his office by resignation, accepted by a majority of the other council members; by removal of his permanent residence to a place outside the limits of the city; by ceasing to be a qualified elector; by absence, without excuse by the other members of council, from meetings of the council during two consecutive months; by the acceptance of and entering upon the duties of an incompatible office; by recall, as hereinafter provided; by removal from office for malfeasance, as provided by law, or by death.

SEC. 2.05. VACANCIES, FILLING OF.

Vacancies in the office of council member shall be filled within thirty days by vote of a majority of the remaining council members, by the selection of a person qualified as provided in Section 2.02 hereof. Such person so chosen shall serve until the next regular municipal election occurring not less than one hundred days after his selection. At such election a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

SEC. 2.06. SALARY OF COUNCIL MEMBERS.

The members of the council shall receive a salary of \$200.00 per year, payable quarterly. The council may, however, fix a different salary to be paid to their successors in office provided that no increase shall be paid unless the ordinance establishing it shall have been passed at least one hundred days before a regular municipal election, at which a majority of the council members are to be elected.

SEC. 2.07. RULES, JOURNAL.

The council shall adopt and may amend its own rules of procedure, in conformity with the provisions of this charter. It shall cause to be kept a journal of its proceedings, which shall be a public record.

SEC. 2.08. POWERS OF THE COUNCIL.

Among other powers the council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers, and to provide penalties for the violation thereof;
- (2) Establish the internal organization and staffing of the departments, boards and commissions created by this charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;
- (3) Adopt and modify the master plan for the city and an official map of the city;
- (4) Regulate the use of private real estate in the city by establishing zones, limiting the uses in each zone, and limiting the height of buildings and the intensity of land use;
- (5) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;
- (6) Enact a comprehensive building code;
- (7) Authorize the levy of taxes and the issuance of bonds as provided in this charter;
- (8) Adopt an annual appropriation ordinance based on the annual budget, and delegate its enforcement to the city manager;
- (9) Establish a volunteer firemen's relief and pension fund and make payments therefrom;
- (10) Appoint and remove the city manager, establish his salary, and appoint an acting city manager when necessary to expedite public business;
- (11) Inquire into the conduct of any city officer or employee in the performance of his public functions;
- (12) Make investigations of any office, department or agency of the city;
- (13) Grant public utility franchises by vote of five-sevenths (5/7) of council;
- (14) Appoint and remove the members of the city planning commission, the zoning board of appeals and any other board or commission created by ordinance;
- (15) Employ a Certified Public Accountant to audit the accounts of the city or any officer or department thereof, whenever such audit is deemed necessary; provided that a general audit of the city accounts shall be made at least annually;
- (16) Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearing or investigation.

SEC. 2.09. MEETINGS OF COUNCIL.

- (1) The council shall hold its first or organization meeting on the first day of December of each odd numbered year, or if such day falls on Sunday, then on the following day. At such meeting the newly elected members of council shall take the oath of office and the council shall proceed to elect a mayor, a vice-mayor and a clerk of council and may transact such other business as may come before it. Thereafter, regular meetings shall be held as prescribed in the council rules, but not less frequently than twice each month. Special meetings may be called as provided by the council rules. A majority of the members elected shall constitute a quorum at all meetings.
- (2) All meetings of the council shall be open to the public; provided, however, that the council and other public bodies of the City may hold executive sessions in the manner and for the purposes set forth in the general law of the State of Ohio and as the same may from time to time be amended. (Amended 11-7-89)

SEC. 2.10. MAYOR.

The council shall select biennially from among its members one to serve as mayor for a term of two years and until his successor is chosen and qualified as such. The mayor shall preside at council meetings, when present, and shall have a vote on all matters which come before the council, but shall have no power of veto. He shall be the ceremonial head of the city, but shall exercise no administrative authority. He shall also perform the judicial duties imposed upon mayors by state law. The mayor shall be paid a salary of \$800.00 per year so long as he continues to discharge judicial functions. If and when these are terminated he shall receive a salary of \$400.00 per year. The council shall have the same authority to increase the salary of future mayors as they have to increase the salaries of their successors, as provided in Section 2.05.

SEC. 2.11. VICE-MAYOR.

The vice-mayor shall preside at council meetings in the absence of the mayor and in case of the disability of the mayor he shall perform the duties of mayor. He shall become mayor in case of a vacancy in that office. When the vice-mayor assumes the office of mayor, he shall receive the salary fixed for that office.

SEC. 2.12. CLERK OF COUNCIL.

There shall be a clerk of council, selected by vote of a majority of the members of the council from outside its membership, to serve for two years and until his successor is chosen and enters upon the duties of his office. He shall give notice of council meetings, keep the journal, advertise public hearings, record in a separate book all ordinances and resolutions approved by council and see that such enactments are published as required by this charter. He shall perform such other duties as may be assigned to him by this charter or by ordinance. He may be appointed to serve full time or part time and the council may assign the duties of clerk of council to any employee of the city as an additional duty. The clerk of council shall receive a salary for his services as such, as established by ordinance.

ARTICLE III ORDINANCES AND RESOLUTIONS

SEC. 3.01. ACTION BY COUNCIL.

Every action of the council establishing any misdemeanor, or providing for the imposition of any penalty, or for the levy of any tax, or the contracting of any indebtedness, or appropriating money, as well as all actions required by this charter to be taken by ordinance, shall be taken formally, in the manner hereinafter provided. All other actions may be taken by resolution. (Amended 11-7-89)

SEC. 3.02. INTRODUCTION OF ORDINANCES.

Each proposed ordinance shall be introduced in writing by a member of the council and shall contain a title, an opening clause: "Be it ordained by the Council of the City of Huron, Ohio, " and a body in which there shall be set forth at length the action to be taken and the classes of persons to be affected thereby. Each ordinance shall contain but one subject, which shall be clearly set forth in its title. (Amended 11-7-89)

SEC. 3.03. PROCEDURES FOR LEGISLATION.

(A) The following procedures shall apply to the passage of ordinances and resolutions by the council:

- (1) Each ordinance and resolution shall be read by title only, provided the council may require any reading to be in full by a majority vote of its members.
- (2) Each ordinance or resolution shall be read on three different days, provided the council may dispense with this rule by a vote of at least five members of the council.
- (3) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.
- (4) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the council.
- (5) Final passage shall be certified by the signatures of the mayor or vice-mayor and the clerk of council. (Amended 11-8-05)

SEC. 3.04. EMERGENCY ORDINANCES.

Any ordinances which must be passed and made effective at once in order to meet an emergency in the operation of the city government, or which are necessary for the immediate preservation of the public peace, health, safety, morals or public welfare may be passed, provided the council shall, in a separate section thereof, adopted by an affirmative vote of not less than five members of the council, declare that such an emergency exists giving its reasons therefor. No ordinance granting a franchise or fixing a rate to be charged by a public utility corporation shall be passed as an emergency ordinance. (Amended 11-7-89)

SEC. 3.05. PUBLICATION OF ORDINANCES.

After final passage, public notice of each new ordinance shall be given in one of the following ways, as determined by the council:

- (1) By publication of a summary of the contents of the ordinance, one time, in a newspaper of general circulation in the city, within two weeks after passage;
- (2) By publication at length, in a code of revised ordinances which is made available to the public in libraries, in the office of the clerk of council, and in the office of the city manager;
- (3) In the case of appropriation ordinances, by reproduction and distribution to the council, to department heads, to city boards and commissions and to such citizens as may apply for copies thereof at the office of the clerk of council, or at the office of the city manager. (Amended 11-7-89)

SEC. 3.06. EFFECTIVE DATE OF ORDINANCES.

Emergency ordinances, ordinances raising revenue for the city governmental services, or for street improvements petitioned for by sixty per cent of the owners or by the owners of a majority of the feet front of property benefited and to be specially assessed for the cost thereof, and those making appropriations for current operating expenses of the city government, shall take effect upon passage and shall not be subject to referendum. All other ordinances shall take effect thirty days after passage in order to afford an opportunity for the filing of referendum petitions. (Amended 11-7-89)

SEC. 3.07. INITIATIVE AND REFERENDUM.

Except as otherwise provided in this charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedure set forth in Sections 731.28 to 731.40 of the Ohio Revised Code. Whenever the council is required to pass more than one ordinance or resolution to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance or resolution to be passed and not to any subsequent ordinance or resolution in the series relating thereto. (Amended 11-7-89)

SEC. 3.08. ADOPTION OF ORDINANCES BY REFERENCE.

The council may adopt model or standard codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning and other similar topics by reference to the date and source of the code without reproducing it at length in the ordinance. However, if the council desires to modify, add to or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the city, shall not be required. However, at least six copies of all such codes shall be kept in the office of the clerk of council and the office of the city manager for consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the clerk of council and by the office of the city manager. (Amended 11-7-89)

SEC. 3.09. RESOLUTIONS.

Action by council which is not required by this charter to be taken by ordinance, or which is not of general public application or interest, may be taken by resolution. Such a resolution shall be introduced in writing by a member of the council, and may be adopted by a viva voce vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. However, the clerk of council shall record resolutions in a separate book, which shall be a public record. (Amended 11-7-89)

**ARTICLE IV
CITY MANAGER****SEC. 4.01. APPOINTMENT OF CITY MANAGER.**

The council shall appoint, by resolution adopted by a five-sevenths majority vote of all members elected thereto, an officer of the city who shall have the title of city manager.

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications in the profession of city management, as judged by the adequacy of his technical training and his successful experience in public administration. At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside in the city. No council member shall be eligible for appointment as city manager during the term for which he has been elected, or for one year thereafter.

SEC. 4.02. DUTIES OF THE CITY MANAGER.

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to:

- (1) See that this charter and the ordinances and resolutions of the city are faithfully observed and enforced;
- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this charter;
- (3) Prepare the tax budget and the annual budget, submit them to the council for approval, and administer the appropriations made by the council;
- (4) Prepare and submit to the council and to the public annually, not later than March 31, a complete report on the finances and administrative activities of the city for the preceding year; this report shall be deemed to satisfy the requirements of Section 117.19 of the Ohio Revised Code without separate publication of the financial statement;
- (5) Keep the council informed of the current financial condition and future needs of the city;
- (6) Serve as an ex-officio member, (without vote) of the Planning Commission;
- (7) Appoint such citizen advisory committees as seem to him desirable and discharge them when in his judgment their function has been completely served;
- (8) Delegate to subordinate officers and employees of the city any duties conferred upon him by this charter or by action of council, and hold them responsible for their faithful discharge;
- (9) Perform such other duties, not inconsistent with this charter, as may be required by the council.

SEC. 4.03. ABSENCE OR DISABILITY OF THE CITY MANAGER.

The city manager may designate, by letter filed with the clerk of council, any qualified administrative officer of the city to perform his duties during his temporary absence or disability. If such a designation has not been made, and the city manager is unable to perform his duties or to make such a designation, the council may, by resolution, appoint any qualified administrative officer of the city to perform the duties of the city manager until he shall return or his disability cease.

SEC. 4.04. REMOVAL OF THE CITY MANAGER.

The city manager shall serve for an indefinite term, subject to removal by the council at any time by a five-sevenths majority vote of all the members elected thereto. At least

thirty days before such removal shall become effective, the council shall adopt a preliminary resolution stating the reasons for the removal. The city manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of the request, before the full council. After such public hearing, if one is requested, after full consideration, the council may adopt a final resolution of removal. By the preliminary resolution the council may suspend the city manager from duty and designate an acting city manager, but shall cause to be paid to the city manager forthwith any salary due him up to the date of his suspension. Upon removal, unless for misconduct of the city manager involving moral turpitude, he shall be paid his salary for the period of suspension from duty and for the next one month following the removal. In case of the voluntary resignation of the city manager, the council and the city manager shall agree upon the effective date of the resignation.

SEC. 4.05. COUNCIL: RELATION TO CITY MANAGER.

Except for the purpose of inquiry or investigation, the members of the council shall deal with the administrative employees of the city solely through the city manager. No member of council shall take the initiative in the appointment or removal of officers or employees subordinate to the city manager. Neither the council nor any member or committee thereof shall give any orders to a subordinate of the city manager either publicly or privately. Any council member who violates any of the provisions of this section or votes for any ordinance or resolution in violation thereof shall be guilty of malfeasance in office and upon conviction thereof he shall cease to be a council member and shall be ineligible to hold further office or employment in the city government for a period of two years.

**ARTICLE V
ADMINISTRATIVE DEPARTMENTS**

SEC. 5.01. CREATION OF DEPARTMENTS.

The administrative activities of the city shall be carried on by a Department of Finance, a Department of Law, a Department of Safety, and a Department of Service. Other departments may be created by ordinance, after consultation with the city manager.

SEC. 5.02. DEPARTMENT HEADS.

At the head of each department there shall be a full time or part time director appointed by the city manager with the approval of the council. Each director shall be an administrative officer of the city. He shall have supervision and control of the department he heads subject to the direction of the city manager. Two or more departments may be headed by the same person and the city manager may serve as the director of one or more departments in addition to his duties as city manager, if the council approves.

SEC. 5.03. DEPARTMENTAL DIVISIONS.

The work of each department shall be distributed among such divisions thereof as may be established by the administrative code. Pending the adoption of such a code by the council, the city manager may establish temporary divisions by administrative order.

SEC. 5.04. ADMINISTRATIVE CODE.

Subject to the provisions of this charter, and after consultation with the city manager, the council shall adopt an administrative code which shall provide in detail the organization of the municipal government, define the powers and duties of each organization unit, and determine the administrative procedures to be followed. The council may delegate to the city manager and he to the heads of departments, power to make rules and regulations to govern management practices, consistent with the administrative code. Amendments to and revisions of the administrative code shall be made by the council only after consultation with the city manager. Where the administrative code is silent, the officers and employees of the city shall have and may exercise all powers and duties provided for similar officers and employees by the state law. However, provisions of the administrative code shall supersede those of the state law in case of conflict.

SEC. 5.05. CENTRAL PURCHASING.

The council shall establish a purchasing agency either as a separate office or as a division of one of the departments created by this charter, whose duty it shall be to contract for, purchase, store, and distribute all supplies, printing, materials, equipment and contractual services required by any agency of the city, within the appropriations made by council. The council may designate the city manager as purchasing agent, but in any case the city manager shall be responsible for supervising the purchasing function.

SEC. 5.06. COMPETITIVE BIDDING.

Purchase of all supplies, materials and equipment for the city shall be made pursuant to specifications through open competitive bidding under such rules, consistent with this charter as the council may establish by ordinance. Formal advertising, bidding and public opening and tabulation of bids shall be governed by the general law of the State of Ohio and as the same may, from time to time, be amended. In cases of public disaster, declared by resolution approved by a unanimous vote of the council present, a quorum being present, purchases may be made in the open market without competition. (Amended 11-6-84.)

SEC. 5.07. OVER-EXPENDITURES.

No officer, department or agency of the city shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money on behalf of the city for any purpose in excess of the amounts appropriated for such expenditures and obligations. The officer or employee who knowingly attempts or purports to create such an obligation shall be guilty of malfeasance in office and upon conviction thereof shall be removed from office. However, nothing in this section shall prevent the making of contracts not to be fully performed within the fiscal year when specifically authorized by the council.

SEC. 5.08. PERSONAL INTEREST.

No member of the council or employee of the City of Huron shall knowingly have any conflict of interest in violation of the Ohio Revised Code and as the same may, from time to time, be amended. (Amended 11-6-84)

SEC. 5.09. ILLEGAL CONTRACTS VOIDABLE.

Whenever any contract is found to be illegal, for the reasons stated in Sections 5.07 or 5.08 and the city has received the goods or property involved, the council may, by resolution, order the return of the goods or property or retain them, paying for them not at the contract price, but at their fair value, provided such value is not in excess of the contract price. If payment has already been made, the city shall be entitled to recover the excess, if any, over the fair value.

SEC. 5.10. QUALIFICATIONS OF DIRECTOR OF LAW.

The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code.

SEC. 5.11. DEPARTMENT OF FINANCE.

The department of finance shall perform those functions customarily performed by the auditor and the treasurer under the state law. The Director of Finance shall be the fiscal officer of the city and shall be responsible for accounting, collection and custody of public funds, and control over disbursements and shall perform such other functions as may be assigned by ordinance or by order of the city manager.

**ARTICLE VI
FINANCE****SEC. 6.01. FISCAL YEAR.**

The fiscal, budget, and accounting year of the city government shall be the calendar year.

SEC. 6.02. ANNUAL TAX BUDGET.

On or before the first day of June in each year the city manager shall submit to the council a tax budget for the ensuing fiscal year. For that purpose, at such date as he shall determine, he shall obtain from the head of each department or agency of the city, plans for the work to be undertaken by such agency during the next fiscal year, together with estimates of the cost of performing such work. The department of finance shall supply him with estimates of probable revenue. From these data the city manager may revise the estimates and prepare his recommendations for the tax budget for the ensuing fiscal year.

SEC. 6.03. HEARING ON TAX BUDGET.

A copy of the tax budget, as recommended by the city manager, shall be transmitted to the council and at least two copies shall be placed on file in the office of the director of finance on or before June 1 for public inspection. Notice that they are available for that purpose shall be given by publication once in a newspaper of general circulation in the city not later than June 5 of each year. Such notice shall also specify the date of the first hearing. The council shall hold a public hearing on the tax budget at the time and place specified in the notice and may continue such hearing as necessary. When the

hearing is concluded, the council shall consider the tax budget, adopt it, with or without amendments, and transmit it to the County Budget Commission on or before July 15 in the form required by law.

SEC. 6.04. TAX LEVIES.

Upon receipt of the advice of action by the County Budget Commission and the certificate of the County Auditor as to estimated resources, the Council shall, on or before the first day of October, pass and certify to the County Auditor an ordinance levying the necessary taxes to be placed on the tax duplicate. In accordance with the provisions of Article XII, Section 2, of the Ohio Constitution, and Section 5705.02, Revised Code of Ohio, the Council shall have the power, by ordinance, to levy taxes on property, for municipal purposes, in an amount allowed by the County Budget Commission within the ten-mill limitation. (Amended 11-3-70.)

SEC. 6.05. MUNICIPAL BUDGET.

The city manager shall prepare and submit to the council, on or before December 1 of each year, a budget so revised that the total contemplated work program and recommended appropriations from each fund during the ensuing fiscal year shall not exceed the total estimated resources certified by the County Budget Commission and County Auditor. This municipal budget shall serve as the basis for the annual appropriation ordinance.

SEC. 6.06. ANNUAL APPROPRIATION ORDINANCE.

At the meeting of the council at which the municipal budget is submitted, the council shall, by resolution, fix the date and place for a public hearing thereon. A notice of this hearing shall be given by publication once in a newspaper of general circulation in the city at least seven (7) days before the date fixed. The notice shall also state that the budget is on file for public inspection in the office of the clerk of council and in the office of the city manager during the usual office hours. At the time and place advertised, the council shall hold a public hearing on the budget as submitted and may continue such hearing from day to day as may be necessary. After the hearing the council shall adopt the budget as submitted, or as amended, as the appropriation ordinance of the city for the ensuing fiscal year. Such ordinance shall be finally adopted not later than December 31.

SEC. 6.07. EFFECT OF APPROPRIATION ORDINANCE.

Upon adoption the appropriation ordinance shall become effective as of the first day of January and shall constitute an appropriation of the several items therein contained, and approval of the work projects supported thereby without further legislation. The appropriation ordinance shall be reproduced and a copy thereof, certified as correct by the city manager and by the president and clerk of council, shall be filed with the director of finance. Official copies shall be transmitted to each organization unit of the city government, and to the libraries, newspapers, and television and radio stations serving the city, and filed with such county, state and federal offices as may be required by law or agreement.

SEC. 6.08. AVAILABILITY OF FUNDS.

Appropriations for debt service and other fixed charges shall become available for expenditure upon the filing of the certified copy of the appropriation ordinance with the director of finance. Appropriations for capital outlays shall become available in two stages:

- (1) not more than ten per cent of each such item shall be available to pay for preparation of detailed plans and specifications upon the filing of the certified copy of the appropriation ordinance with the director of finance;
- (2) the remaining ninety per cent of the appropriation for each such item shall become available for encumbrance on approval of the plans and specifications by the council, after report thereon by the city manager.

SEC. 6.09. ALLOTMENTS.

Appropriations for current operation of the organization units of the city government shall become available for encumbrance only when allotted by the city manager, based on currently valid work plans for each agency made in conformity with the appropriation ordinance and submitted to the city manager by the agency head at least five days before the end of each calendar quarter for the succeeding calendar quarter. The allotments made by the city manager shall be filed with the director of finance on or before the first day of the quarter to which they relate and shall authorize the director of finance to accept, from the organization units involved, purchase orders, contracts and payrolls for encumbrance, and payment to an aggregate amount not exceeding the quarterly allotment for each item. The total annual allotment to any agency may not exceed the total amount appropriated for the use of such agency during the fiscal year. Any unallotted balance of any appropriation item and any unencumbered balance of any allotment at the end of the fiscal year shall be lapsed into the municipal treasury.

SEC. 6.10. REVISING OF ALLOTMENTS AND APPROPRIATIONS.

Upon showing of necessity by the organization unit, or on his own motion, the city manager may increase, reduce, or revise allotments during the course of any fiscal quarter, advising the director of finance of such action. If at any time during the fiscal year the city manager shall determine that the available income for the year plus available fund balances will not be at least equal to the appropriations, he shall reconsider all work programs and appropriations and recommend to the council that they be revised to prevent expenditures in excess of income. The council may, after public hearing held pursuant to a single publication of a notice thereof, revise and reduce the appropriation items to bring the total within probable income. If revenues exceed estimates, the appropriation ordinance may be revised by the council to include additional work programs whose cost will not exceed available funds.

SEC. 6.11. TRANSFERS.

The council, on recommendation of the city manager, may at any time by resolution, transfer any unencumbered balance of an appropriation from one item or project to another under the jurisdiction of the same organization unit. During the fourth quarter of the fiscal year, the council may, by resolution, transfer any unencumbered balance of an appropriation from a project under the jurisdiction of one organization unit to one under the jurisdiction of another organization unit supported from the same fund. Transfers

shall not be made from appropriations for debt service or other fixed items until all obligations due and payable during the fiscal year have been paid. The council may at any time amend or revise the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated will be available.

SEC. 6.12. ACCOUNTING.

The director of finance shall establish and maintain an accrual system of accounting which shall reveal at all times not only the cash position of the city, by funds, but also the revenue and income anticipated and the encumbrances and obligations outstanding and unpaid. No city official or employee shall have authority to create an obligation against the city by oral agreement. Purchases shall be made by written purchase order signed by the purchasing agent, agreements for construction work shall be made by written contract, and agreements for personal services by written contract or appointment signed by the city manager or an administrative official of the city designated by him. No purchase order or contract shall be valid as an obligation of the city unless it bears a certificate signed by the director of finance that the estimated amount thereof has been entered as an encumbrance in the city accounts against an allotment based on a valid appropriation.

ARTICLE VII BOARDS AND COMMISSIONS

SEC. 7.01. PLANNING COMMISSION.

There shall be a city planning commission consisting of five members, four of whom shall be citizens who hold no other city office or employment, selected by the council one each year for overlapping terms of four years, and one of whom shall be a member of the council, designated annually by the council. The commission shall adopt its own rules, and elect its own officers annually. It shall have all the power and authority conferred upon city planning commissions by state law and such other duties as may be imposed upon it by the administrative code. Its members shall serve without compensation.

SEC. 7.02. BOARD OF BUILDING AND ZONING APPEALS.

There shall be a board of building and zoning appeals consisting of five members who shall be citizens who hold no other city office or employment, selected by the council one each year for overlapping terms of five years. The board shall adopt its own rules and elect its own officers annually. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by ordinance. Its members shall serve without compensation.

SEC. 7.03. BOARDS OF TRUSTEES, POLICE AND FIRE RELIEF AND PENSION FUNDS.

The presently existing boards of trustees of the police and fire relief and pension funds, appointed under the provisions of state law, are hereby continued with the same organization, powers and functions they now possess under the provisions of the state law.

ARTICLE VII
PERSONNEL

SEC. 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the police and fire departments ~~administrative service of the city~~ shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SEC. 8.02. Unclassified Service Positions ~~EXEMPT POSITIONS.~~

Unclassified service ~~All positions in the service of the city shall be filled pursuant to open competitive examinations except~~ include:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants
- ~~(6)~~ (7) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments.

SEC. 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. ~~He shall~~ She shall:

- (1) Conduct recruitment of qualified persons for classified and non-classified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

SEC. 8.04. PERSONNEL APPEALS BOARD.

There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.

SEC. 8.05. DUTIES OF PERSONNEL APPEALS BOARD.

The personnel appeals board shall hear appeals when any police officer or firefighter ~~officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel director or the city manager or of any department head, or~~ is suspended, reduced, or removed, and

Commented [P1]: Do you want this board? Is this similar to a civil service board?

requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.

SEC. 8.06. CANDIDACY FOR PARTISAN OFFICE.

No police officer or firefighter ~~employee in the non-exempt service of the city~~ shall continue therein after becoming a candidate for nomination or election to any partisan public office.

Commented [P2]: Non-exempt would cover every employee that isn't the city manager, director, etc under 8.02. Why is this needed?

SEC. 8.07. PARTISAN POLITICAL ACTIVITY.

No police officer or firefighter ~~person holding a position in the non-exempt service of the city~~ shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his her opinion and cast his her vote.

SEC. 8.08. PENALTIES.

Any person who violates the provisions of Section 8.06 or 8.07 of this charter shall be guilty of a misdemeanor and shall, if an officer or employee of the city, be guilty of malfeasance in office and upon conviction shall be removed from the office or position he holds and shall be ineligible for election or appointment to any position in the city service for a period of five years.

Commented [P3]: What is the charge?

SEC. 8.09. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police department or fire department ~~any position in the service of the city, which is not exempted under the provisions of Section 8.02 of this charter~~ it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he shall appoint one of the three so certified, as may be provided by ordinance.

ARTICLE IX BORROWING

SEC. 9.01. POWER TO INCUR INDEBTEDNESS.

The city may incur indebtedness upon authorization of the council, by ordinance, by the issuance of its negotiable bonds and notes in anticipation of bonds for any purpose now or hereafter authorized by the Constitution and laws of the State of Ohio, but the net indebtedness incurred without a vote of the electors shall never exceed the limitations now or hereafter prescribed by such laws upon indebtedness so incurred by municipal corporations. As used in this section, the term "net indebtedness" shall have the same meaning as and shall be calculated in the manner provided by the laws of the State of Ohio, as the same may be amended from time to time, for the issuance of notes and bonds. (Adopted 5-8-62.)

SEC. 9.02. MORTGAGE REVENUE BONDS.

The council may, by ordinance, authorize the issuance of mortgage revenue bonds in accordance with the Constitution of the State of Ohio. (Adopted 5-8-62.)

SEC. 9.03. SPECIAL ASSESSMENT BONDS.

The council may, by ordinance, determine to proceed with a public improvement, all or part of the cost of which is to be assessed against real property specially benefited thereby. The council may establish by ordinance, the procedure to be followed in making such assessments and may in any case determine the proportion of the cost of such improvement which shall be paid from general revenues and that which shall be assessed. It may also fix the manner and duration of the payment of special assessments.

SEC. 9.04. TAX ANTICIPATION NOTES.

The council may, by ordinance, issue notes in anticipation of the collection of taxes on whatever conditions may seem reasonable. Such notes shall be paid from the tax receipts of the year in which they are issued.

SEC. 9.05. EMERGENCY BORROWING.

The council may, by ordinance, borrow money and issue notes in case of public emergency as authorized by Section 133.29 of the Ohio Revised Code.

SEC. 9.06. PROCEDURES IN BOND ISSUES.

The procedure followed in authorizing and issuing bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Bond Law of the State of Ohio in effect at the time.

ARTICLE X NOMINATIONS AND ELECTIONS

SEC. 10.01. MUNICIPAL ELECTIONS.

The regular election for the choice of members of the council shall be held on the first Tuesday after the first Monday in November in the odd numbered years. This shall be known as the municipal election. The council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

SEC. 10.02. CONDUCT OF ELECTIONS.

Both regular and special municipal elections shall be conducted by the Board of Elections of Erie County, Ohio, under the provisions of this charter. Where the charter is silent, the provisions of the state election law shall be followed.

SEC. 10.03. NOMINATIONS.

No primary election shall be held for the nomination of candidates for the council. Nominations for the office of council member shall be made by petition signed by not less than fifty (50) nor more than one hundred (100) electors of the city. Petitions shall be the standard forms for the nomination of individual non-partisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections at least ninety days before the day of election. An elector may sign only as many petitions as there are council members to be elected at the municipal election for which the nominations are made.

SEC. 10.04. ACCEPTANCE AND VERIFICATION

The signature of the candidate indicating his acceptance of the nomination and his willingness to serve if elected shall appear on each copy of his petition. The petitions may be in a number of parts, but each part shall be verified under oath by the circulator, as required by law. (Amended 11-6-84.)

SEC. 10.05. BALLOTS

The full names of all candidates nominated shall be printed on the official ballot without party designation. If two candidates with the same surname, or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence shall be placed below their names on the ballot. The names of all candidates shall be rotated on the ballot as provided by law. If voting machines are used, the names shall be rotated by precincts, as provided by law.

SEC. 10.06. WRITE-INS

Only in the event that fewer candidates are nominated by petition than there are council members to be elected at the ensuing election, shall space be provided on the ballot for the writing in at the election of the names of additional persons.

SEC. 10.07. WATCHERS AND CHALLENGERS.

At each municipal election, each regularly nominated candidate shall be entitled, on written application to the Board of Elections, at least ten days before the election, to appoint one alternate to represent him as a watcher and challenger at each polling place during the casting and counting of ballots, and one person and one alternate to represent him as watcher and challenger during the canvass of votes at the Board of Elections.

SEC. 10.08. PLURALITY, TIE VOTES.

A plurality of valid votes cast shall be sufficient to elect. In case of a tie vote, the election shall be decided in the manner provided by law.

SEC. 10.09. PUBLIC INFORMATION ON ISSUES

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

ARTICLE XI RECALL

SEC. 11.01. RECALL.

The voters of the City shall have power to recall and remove from office any member of the council before the expiration of his term, such power being known as the recall. A recall may be started by filing with the Clerk of Council a petition signed by a number of electors which equals twenty-five (25) per cent of the total number of electors voting at the last preceding municipal election. This petition shall contain the name of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. The councilman whose removal is being sought shall be given an opportunity to reply with a statement of equal length. These statements shall be given to newspapers, radio and television stations. The clerk, if he finds the petition sufficient, shall certify to the Board of Elections, to be placed on the ballot the question: "Shall John Doe (naming the councilman) be recalled from office as councilman in the City of Huron? Yes (), No ()." If, at the election a majority of the votes cast on the question shall be in favor of recall, the council member shall forthwith retire from office, and the council shall fill the vacancy thus created in the manner provided in this charter. No recall shall be filed against a council member during his first six months in office. If a council member against whom a petition is filed is continued in office by the vote at the election no further recall petitions may be filed against him for a period of one year.

SEC. 11.02. FORM OF PETITIONS: COMMITTEE.

All petition papers circulated for the purpose of recall shall be uniform in size and style. The signatures to petitions need not all be appended to one paper but to each separate part there shall be attached an affidavit of the circulator as provided herein. Each signer shall sign his name in ink or indelible pencil and shall insert after his name his place of residence and the date of signing. There shall appear on each copy of the petition the names and addresses of the same five voters who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. This committee shall file a sample copy of the petition with the clerk of council before any signatures are solicited or obtained. Attached to each part of the petition, when signed and filed with the clerk shall be an affidavit of the circulator thereof that he only personally circulated the foregoing paper, that it bears a stated number of signatures, that each signature was affixed in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

SEC. 11.03. FILING AND EXAMINATION OF PETITIONS.

All separate papers comprising a recall petition shall be assembled and filed with the clerk of council as a single instrument. Within twenty days thereafter the clerk shall examine the petitions and determine their validity and sufficiency and report thereon to the council.

SEC. 11.04. AMENDMENT OF PETITIONS.

In case any petition is found to be insufficient the clerk shall notify the committee of the petitioners and the petition may be amended within ten days after the date of the notice. The clerk shall within five days after such an amendment has been filed re-examine the petition, and if it is still insufficient, the petition shall be rejected and no further action taken thereon.

SEC. 11.05. SUBMISSION TO VOTERS.

Whenever the clerk finds a petition for recall sufficient, he shall certify the question involved to the Board of Elections for submission at the first regular election occurring not less than ninety days thereafter, or at a special election called by council.

**ARTICLE XII
GENERAL PROVISIONS**

SEC. 12.01. OATH OF OFFICE.

Every officer and employee of the city shall before entering upon his duties, take and subscribe to the following oath or affirmation to be filed and kept in the office of the clerk of council:

"I solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio and will obey the laws thereof, and that I will, in all respects, uphold and enforce the provisions of the charter and ordinances of this city and will faithfully discharge the duties of _____ upon which I am about to enter."

SEC. 12.02. OFFICIAL BONDS.

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

SEC. 12.03. FEES.

All fees received by any officer or employee of the city in connection with his employment with the city shall be accounted for and paid into the city treasury, except as otherwise provided by law.

SEC. 12.04. REMOVAL FROM OFFICE.

Whenever in this charter certain acts on the part of city officials or employees are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed in Sections 733.72 to 733.77 of the Ohio Revised Code.

SEC. 12.05. ENFORCEMENT OF SUBPOENAS.

Whenever in this charter the council or any other agency of the city government is given authority to issue subpoenas or to require attendance of witnesses or the production of books, ballots, papers and records, the same shall be issued and enforced in the manner provided in Section 705.21 of the Ohio Revised Code.

SEC. 12.06. AMENDMENTS TO THE CHARTER.

Any provision of this charter may be amended as provided in Article XVIII, Section 9 of the Ohio Constitution, by submission of a proposed amendment to the voters of the city and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a five-sevenths vote of the council, or by petition to the council signed by ten per cent of the electors.

SEC. 12.07. SEVERABILITY CLAUSE.

If any section or part of section of this charter shall be held invalid by any court of competent jurisdiction, such holding shall not affect the remainder of this charter, which would have been adopted without the invalid portion if its invalidity had been known at the time of its adoption.

SEC. 12.08. PUBLICATION.

Whenever publication of an ordinance, resolution, notice or other official document is required by the provisions of this charter or by any ordinance passed thereunder, it shall be sufficient compliance with such requirement if the publication is made in a daily or weekly newspaper which has an actual circulation in the city. As an alternative, the city may publish and distribute an official city bulletin to the residences in the city, containing such official notices and general reports concerning city affairs. Such official bulletin may be reproduced by letterpress, offset or any other suitable method and the cost of its reproduction and distribution shall be paid from public funds. Whenever the council so determines, official notice may also be given by radio or television news services.

SEC. 12.09. GENDER; SINGULAR AND PLURAL; TENSE.

Wherever used in this charter, words of one gender include the other genders; the singular includes the plural and the plural includes the singular; words in the present tense include the future. (Adopted 11-6-84.)

ARTICLE XIII TRANSITIONAL PROVISIONS

SEC. 13.01. FISCAL SUCCESSION.

The City of Huron, under this charter, is hereby declared to be the only legal successor to the Village of Huron under the Ohio Revised Code, and as such the city has title to all property, real, personal and mixed, owned by its predecessor, including all monies on deposit and all taxes in the process of collection together with all accounts receivable and all rights of action. The city is also liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable as such successor, in any court of competent jurisdiction.

SEC. 13.02. CONTINUATION OF ORDINANCES

All ordinances of the Village of Huron, in effect at the time this charter becomes effective, shall remain in effect, except as superseded by the provisions of this charter, until they are amended or repealed.

SEC. 13.03. CONTINUATION OF OFFICERS.

All persons holding office in this city at the time this charter takes effect shall continue in office, (except as specifically provided otherwise in this charter) until provision shall have been made, in conformity with this charter, for the performance of their duties by a successor, or the office is abolished.

SEC. 13.04. CONTINUATION OF EMPLOYEES.

Every employee of the city when this charter takes effect shall be retained in his employment with the same status, rights and privileges as before, without examination.

SEC. 13.05. TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of the city at the time this charter becomes effective shall be transferred and delivered promptly to their successors.

SEC. 13.06. CONTINUATION OF CONTRACTS AND IMPROVEMENTS.

All contracts entered into by the city or for its behalf, prior to the taking effect of this charter shall remain in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect, shall be completed, as nearly as practicable, under the provisions of such laws.

SEC. 13.07. PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending in any court at the time this charter takes effect, brought by or against the city or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they were filed.

SEC. 13.08. WHEN CHARTER TAKES EFFECT.

This charter shall be voted upon at a special election to be held on June 7, 1960. If approved by the voters, this charter shall go into effect on January 1, 1961 for the purpose of electing the first council thereunder. For all other purposes it shall take effect on July 1, 1961.

SEC. 13.09. TERMS OF COUNCIL.

The members of the council in office when this charter becomes effective shall continue in office until noon on July 1, 1961 and until their successors are elected and have qualified. At the first election under this charter, which shall be held on May 2, 1961, seven council members shall be elected. The four candidates who receive the largest number of votes shall serve for terms expiring on November 30, 1965 and the three candidates receiving the next highest number of votes shall serve for terms expiring on November 30, 1963. Thereafter, successors shall be chosen at the regular municipal election for full terms of four years.

SEC. 13.10. TRANSFER OF FINANCE FUNCTIONS.

The financial functions performed by the village clerk and village treasurer under the village law shall be transferred under this charter to the department of finance on July 1, 1961 and the offices of village clerk and village treasurer shall be abolished as independent offices as of that date.

SEC. 13.11. BOARDS OF ZONING APPEALS AND BUILDING APPEALS.

The Board of Zoning Appeals and the Board of Building Appeals now existing under ordinances passed by the council shall be abolished, effective July 1, 1961. Their functions shall thereafter be discharged by the Board of Building and Zoning Appeals created by Sec. 7.02 of this charter.

ARTICLE II THE CITY COUNCIL

SEC. 2.01. NUMBER, SELECTION, TERM.

The city council shall consist of seven members, elected at large in the city, for four year overlapping terms, in the manner hereinafter provided. All elections of council members shall be on a non-partisan ballot.

SEC. 2.02. QUALIFICATIONS.

Any registered elector, who has lived in the city for two years prior to filing his petition of candidacy, and who is not the occupant of an incompatible office or employment shall be eligible to have his name placed on the ballot, if his petition is sufficient as hereinafter provided, and to serve as a member of the council, if elected.

SEC. 2.03. ELECTION CONTESTS.

The Council shall be the sole judge of the election and qualifications of its own members, and for such purpose shall have power by subpoena to compel the attendance of witnesses and the production of ballots and records.

SEC. 2.04. VACANCIES, CREATION OF.

Once elected and sworn in, a member of council may vacate his office by resignation, accepted by a majority of the other council members; by removal of his permanent residence to a place outside the limits of the city; by ceasing to be a qualified elector; by absence, without excuse by the other members of council, from meetings of the council during two consecutive months; by the acceptance of and entering upon the duties of an incompatible office; by recall, as hereinafter provided; by removal from office for malfeasance, as provided by law, or by death.

SEC. 2.05. VACANCIES, FILLING OF.

Vacancies in the office of council member shall be filled within thirty days by vote of a majority of the remaining council members, by the selection of a person qualified as provided in Section 2.02 hereof. Such person so chosen shall serve until the next regular municipal election occurring not less than one hundred days after his selection. At such election a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

SEC. 2.06. SALARY OF COUNCIL MEMBERS.

The members of the council shall receive a salary of \$200.00 per year, payable quarterly. The council may, however, fix a different salary to be paid to their successors in office provided that no increase shall be paid unless the ordinance establishing it shall have been passed at least one hundred days before a regular municipal election, at which a majority of the council members are to be elected.

SEC. 2.07. RULES, JOURNAL.

The council shall adopt and may amend its own rules of procedure, in conformity with the provisions of this charter. It shall cause to be kept a journal of its proceedings, which shall be a public record.

SEC. 2.08. POWERS OF THE COUNCIL.

Among other powers the council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers, and to provide penalties for the violation thereof;
- (2) Establish the internal organization and staffing of the departments, boards and commissions created by this charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;
- (3) Adopt and modify the master plan for the city and an official map of the city;
- (4) Regulate the use of private real estate in the city by establishing zones, limiting the uses in each zone, and limiting the height of buildings and the intensity of land use;
- (5) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;
- (6) Enact a comprehensive building code;
- (7) Authorize the levy of taxes and the issuance of bonds as provided in this charter;
- (8) Adopt an annual appropriation ordinance based on the annual budget, and delegate its enforcement to the city manager;
- (9) Establish a volunteer firemen's relief and pension fund and make payments therefrom;
- (10) Appoint and remove the city manager, establish his salary, and appoint an acting city manager when necessary to expedite public business;
- (11) Inquire into the conduct of any city officer or employee in the performance of his public functions;
- (12) Make investigations of any office, department or agency of the city;
- (13) Grant public utility franchises by vote of five-sevenths (5/7) of council;
- (14) Appoint and remove the members of the city planning commission, the zoning board of appeals and any other board or commission created by ordinance;
- (15) Employ a Certified Public Accountant to audit the accounts of the city or any officer or department thereof, whenever such audit is deemed necessary; provided that a general audit of the city accounts shall be made at least annually;
- (16) Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearing or investigation.

SEC. 2.09. MEETINGS OF COUNCIL.

- (1) The council shall hold its first or organization meeting on the first day of December of each odd numbered year, or if such day falls on Sunday, then on the following day. At such meeting the newly elected members of council shall take the oath of office and the council shall proceed to elect a mayor, a vice-mayor and a clerk of council and may transact such other business as may come before it. Thereafter, regular meetings shall be held as prescribed in the council rules, but not less frequently than twice each month. Special meetings may be called as provided by the council rules. A majority of the members elected shall constitute a quorum at all meetings.
- (2) All meetings of the council shall be open to the public; provided, however, that the council and other public bodies of the City may hold executive sessions in the manner and for the purposes set forth in the general law of the State of Ohio and as the same may from time to time be amended. (Amended 11-7-89)

SEC. 2.10. MAYOR.

The council shall select biennially from among its members one to serve as mayor for a term of two years and until his successor is chosen and qualified as such. The mayor shall preside at council meetings, when present, and shall have a vote on all matters which come before the council, but shall have no power of veto. He shall be the ceremonial head of the city, but shall exercise no administrative authority. He shall also perform the judicial duties imposed upon mayors by state law. The mayor shall be paid a salary of \$800.00 per year so long as he continues to discharge judicial functions. If and when these are terminated he shall receive a salary of \$400.00 per year. The council shall have the same authority to increase the salary of future mayors as they have to increase the salaries of their successors, as provided in Section 2.05.

SEC. 2.11. VICE-MAYOR.

The vice-mayor shall preside at council meetings in the absence of the mayor and in case of the disability of the mayor he shall perform the duties of mayor. He shall become mayor in case of a vacancy in that office. When the vice-mayor assumes the office of mayor, he shall receive the salary fixed for that office.

SEC. 2.12. CLERK OF COUNCIL.

There shall be a clerk of council, selected by vote of a majority of the members of the council from outside its membership, to serve for two years and until his successor is chosen and enters upon the duties of his office. He shall give notice of council meetings, keep the journal, advertise public hearings, record in a separate book all ordinances and resolutions approved by council and see that such enactments are published as required by this charter. He shall perform such other duties as may be assigned to him by this charter or by ordinance. He may be appointed to serve full time or part time and the council may assign the duties of clerk of council to any employee of the city as an additional duty. The clerk of council shall receive a salary for his services as such, as established by ordinance.

ARTICLE III ORDINANCES AND RESOLUTIONS

SEC. 3.01. ACTION BY COUNCIL.

Every action of the council establishing any misdemeanor, or providing for the imposition of any penalty, or for the levy of any tax, or the contracting of any indebtedness, or appropriating money, as well as all actions required by this charter to be taken by ordinance, shall be taken formally, in the manner hereinafter provided. All other actions may be taken by resolution. (Amended 11-7-89)

SEC. 3.02. INTRODUCTION OF ORDINANCES.

Each proposed ordinance shall be introduced in writing by a member of the council and shall contain a title, an opening clause: "Be it ordained by the Council of the City of Huron, Ohio," and a body in which there shall be set forth at length the action to be taken and the classes of persons to be affected thereby. Each ordinance shall contain but one subject, which shall be clearly set forth in its title. (Amended 11-7-89)

SEC. 3.06. EFFECTIVE DATE OF ORDINANCES.

Emergency ordinances, ordinances raising revenue for the city governmental services, or for street improvements petitioned for by sixty per cent of the owners or by the owners of a majority of the feet front of property benefited and to be specially assessed for the cost thereof, and those making appropriations for current operating expenses of the city government, shall take effect upon passage and shall not be subject to referendum. All other ordinances shall take effect thirty days after passage in order to afford an opportunity for the filing of referendum petitions. (Amended 11-7-89)

SEC. 3.07. INITIATIVE AND REFERENDUM.

Except as otherwise provided in this charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedure set forth in Sections 731.28 to 731.40 of the Ohio Revised Code. Whenever the council is required to pass more than one ordinance or resolution to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance or resolution to be passed and not to any subsequent ordinance or resolution in the series relating thereto. (Amended 11-7-89)

SEC. 3.08. ADOPTION OF ORDINANCES BY REFERENCE.

The council may adopt model or standard codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning and other similar topics by reference to the date and source of the code without reproducing it at length in the ordinance. However, if the council desires to modify, add to or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the city, shall not be required. However, at least six copies of all such codes shall be kept in the office of the clerk of council and the office of the city manager for consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the clerk of council and by the office of the city manager. (Amended 11-7-89)

SEC. 3.09. RESOLUTIONS.

Action by council which is not required by this charter to be taken by ordinance, or which is not of general public application or interest, may be taken by resolution. Such a resolution shall be introduced in writing by a member of the council, and may be adopted by a viva voce vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. However, the clerk of council shall record resolutions in a separate book, which shall be a public record. (Amended 11-7-89)

ARTICLE IV CITY MANAGER

SEC. 4.01. APPOINTMENT OF CITY MANAGER.

The council shall appoint, by resolution adopted by a five-sevenths majority vote of all members elected thereto, an officer of the city who shall have the title of city manager.

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications in the profession of city management, as judged by the adequacy of his technical training and his successful experience in public administration. At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside in the city. No council member shall be eligible for appointment as city manager during the term for which he has been elected, or for one year thereafter.

SEC. 4.02. DUTIES OF THE CITY MANAGER.

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to:

- (1) See that this charter and the ordinances and resolutions of the city are faithfully observed and enforced;
- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this charter;
- (3) Prepare the tax budget and the annual budget, submit them to the council for approval, and administer the appropriations made by the council;
- (4) Prepare and submit to the council and to the public annually, not later than March 31, a complete report on the finances and administrative activities of the city for the preceding year; this report shall be deemed to satisfy the requirements of Section 117.19 of the Ohio Revised Code without separate publication of the financial statement;
- (5) Keep the council informed of the current financial condition and future needs of the city;
- (6) Serve as an ex-officio member, (without vote) of the Planning Commission;
- (7) Appoint such citizen advisory committees as seem to him desirable and discharge them when in his judgment their function has been completely served;
- (8) Delegate to subordinate officers and employees of the city any duties conferred upon him by this charter or by action of council, and hold them responsible for their faithful discharge;
- (9) Perform such other duties, not inconsistent with this charter, as may be required by the council.

SEC. 4.03. ABSENCE OR DISABILITY OF THE CITY MANAGER.

The city manager may designate, by letter filed with the clerk of council, any qualified administrative officer of the city to perform his duties during his temporary absence or disability. If such a designation has not been made, and the city manager is unable to perform his duties or to make such a designation, the council may, by resolution, appoint any qualified administrative officer of the city to perform the duties of the city manager until he shall return or his disability cease.

SEC. 4.04. REMOVAL OF THE CITY MANAGER.

The city manager shall serve for an indefinite term, subject to removal by the council at any time by a five-sevenths majority vote of all the members elected thereto. At least

thirty days before such removal shall become effective, the council shall adopt a preliminary resolution stating the reasons for the removal. The city manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of the request, before the full council. After such public hearing, if one is requested, after full consideration, the council may adopt a final resolution of removal. By the preliminary resolution the council may suspend the city manager from duty and designate an acting city manager, but shall cause to be paid to the city manager forthwith any salary due him up to the date of his suspension. Upon removal, unless for misconduct of the city manager involving moral turpitude, he shall be paid his salary for the period of suspension from duty and for the next one month following the removal. In case of the voluntary resignation of the city manager, the council and the city manager shall agree upon the effective date of the resignation.

SEC. 4.05. COUNCIL: RELATION TO CITY MANAGER.

Except for the purpose of inquiry or investigation, the members of the council shall deal with the administrative employees of the city solely through the city manager. No member of council shall take the initiative in the appointment or removal of officers or employees subordinate to the city manager. Neither the council nor any member or committee thereof shall give any orders to a subordinate of the city manager either publicly or privately. Any council member who violates any of the provisions of this section or votes for any ordinance or resolution in violation thereof shall be guilty of malfeasance in office and upon conviction thereof he shall cease to be a council member and shall be ineligible to hold further office or employment in the city government for a period of two years.

ARTICLE V ADMINISTRATIVE DEPARTMENTS

SEC. 5.01. CREATION OF DEPARTMENTS.

The administrative activities of the city shall be carried on by a Department of Finance, a Department of Law, a Department of Safety, and a Department of Service. Other departments may be created by ordinance, after consultation with the city manager.

SEC. 5.02. DEPARTMENT HEADS.

At the head of each department there shall be a full time or part time director appointed by the city manager with the approval of the council. Each director shall be an administrative officer of the city. He shall have supervision and control of the department he heads subject to the direction of the city manager. Two or more departments may be headed by the same person and the city manager may serve as the director of one or more departments in addition to his duties as city manager, if the council approves.

SEC. 5.03. DEPARTMENTAL DIVISIONS.

The work of each department shall be distributed among such divisions thereof as may be established by the administrative code. Pending the adoption of such a code by the council, the city manager may establish temporary divisions by administrative order.