



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, May 23, 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 May 16, 2024 meeting of the Charter Review Commission.

IV. Old Business

V. New Business

V.1 Consideration of Final Recommendations to Council.

VI. Other Business

VII. Adjourn

New Business (Continued)

THE CITY OF HURON, OHIO
Proceedings of the Huron Charter Review Commission
Regular Meeting Thursday, May 16, 2024 at 5:00pm

Call to Order

Chair Tom Harris called the Charter Review Commission (hereinafter "CRC") meeting to order at 5:01pm.

Roll Call

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

Public Comments

None.

Approval of Minutes

Motion by Lisa Fries to approve the minutes of the March 14, 2024 meeting. All in favor.

There being more than a majority in favor of the motion, the motion passed and the minutes of the March 7, 2024 meeting were adopted.

New Business

Mr. Harris said that they are now at the stage where they get to decide which of the changes they have come up with and proposed changes are the top 5. He asked how the Commission would like to go about choosing these, or what the next step might be. Mr. Majestic recommended they ask the experts the key things that impact operations today that they would like the Commission to consider.

Mr. Lasko stated that the good news is, as old as the Charter is and having never been through a charter review, he doesn't think there's anything that entirely handcuffs operations. It's amazing it has lasted this long without anything significant happening. Throughout the document, there are a lot of things that are irrelevant that if pressed are counter to how the City has operated successfully for a long time.

He knows Andrea Rocco had a lot of conversations around the Personnel Appeals Board, which is several sections of Article VIII. They never go to that body, partly because we've got bargaining units that have grievance processes in place, and they only have a handful of administrative employees who still reserve the right, if they feel aggrieved, to sue the City and/or a person in particular. The other thing is, the Charter doesn't even say what that Board is ultimately allowed to do. It doesn't explicitly state that they can reduce some type of suspension. It says they can call testimony and witnesses, but it doesn't even say that they can change something related to some type of suspension or termination. That calls into question even more its relevance, on top of the fact that the City has never gone to them because we have so few bodies that could go to them. Anyone can file a lawsuit, as well, which is more typical for someone to do. That is a big one that covers several sections in Section VIII. Throughout the document in a few places, it may sound minor, but it's actually very helpful for Terri, is the ability to do electronic postings of ordinances, appropriations, etc. The question he has for Mr. Schrader is, in Article III it talks about the means of publication – newspaper, printing it off and taking it to the library, but in other articles, we add in ways in which we can meet that obligation for those articles. Can the Charter be amended all parts of the Charter, or do they all come back to Article III, and so long as you amend Article III to allow

electronic public of communications, ordinances, etc., does that then trickle throughout the rest of the Charter. The Clerk asked if a definition could be added at the end of the Charter reflecting what publication means. Mr. Schrader's concern is that we have a portion of our population that is not computer literate or internet savvy. He recommends doing all the electronic stuff as an adjunct to what is already there, and not a replacement. It's just another way to say that we have satisfied it, but it is not to eliminate posting in the newspaper or at the public library. He sees it as an adjunct. We could add something at the end that says whenever publication is required, the City will endeavor to also post on social media or other electronic means whereby all citizens can easily access it. The one benefit of adding it, even though it's a adjunct, is that in 10-15-20 years, will the Ohio Revised Code be rewritten to say... right now we have electronic filing with the court system. They are just now recognizing electronic notary. It seems to be the direction things are going. We may say it's a wasted vote for today, but maybe it's a way to position the next Charter Review Commission 2 or 3 intervals from now to say we planted the seed, and now it's a widely recognized way of doing business. We don't do certified mail anymore; we don't post at the library. Our culture has evolved to the point, electronically, that it's a recognized method.

Mr. Kurtz asked if there is a way we can come up with evergreen language so that we don't have to ever visit this again. We would not a specific medium, but rather that it will be published in a variety of... that doesn't necessarily say, a newspaper or by electronic means, just generic language that will cover all the bases. Mr. Schrader answered that he must look at the Ohio Revised Code, because it depends on what's being served on whom, but being sensitive to what Mr. Kurtz is suggesting, what they could do is wherever we have these things (3 or 4 places) and added the electronic language, is to add all means required by Ohio law. If the law changes, our Charter is already there. That's a great suggestion. Add the electronic language, but also add whatever method is in accordance with Ohio law. Asked if that could be all in one definition at the end, Mr. Schrader said he likes the specificity of doing what they have now. It's granular, but there would be no ambiguity in our Charter, and it would never have to be changed again. Mr. Kurtz asked when it comes to a vote, to the actual ballot, are we able to create a kind of omnibus to cover multiple sections. Mr. Schrader answered that they cannot do that. The proposed language would have to be on the ballot, and they would have to check with the Board of Elections. You cannot vote for 2 and have the others fall off, it's all or nothing. Mr. Majestic pointed out that Section 3.05 allows a choice of 1 method, not all of them. Could they add electronic means and have that be one of the choices. Mr. Schrader answered that if the Ohio Revised Code says publication, personal service is no longer required... by having it here, I am not confident if the Clerk called me and said we are going to serve this person by posting it on our website, he would say, no you're not. That's not going to work. We are not there yet with the Ohio Revised Code, but when the Ohio Revised Code gets there, this could be positioned with this addition to prepared to permit electronic service and electronic service only. The Clerk stated that the current language says 1 of the following, but the choices are: publishing the entire ordinance, which Sandusky has to do now, and they spend 10's of thousands of dollars on it because they are so long or putting it in the library. She puts it in the library because of the cost to publish in the newspaper. Publication in a newspaper is fleeting, so the library is a better choice as it is permanent. Mr. Schrader said, if we are going to electronic stuff, we would just add to it, "as permitted by Ohio law," so when the law evolves, we are already there. Mr. Harris asked if it is the staff's opinion that this should be one of the changes to recommend to Council. Mr. Schrader said after Mr. Lasko is done, he would like the opportunity to go through this and this may not be one of his choices. He would like to go through this and tell the Commission which ones make sense.

Mr. Lasko brought up the section related to promotional examinations, not that they follow it operationally. Right now, we only do them for people that are going to be Sergeants or Lieutenants in police and fire. Why that doesn't make sense, at least for the administrative employees, is the City is not

big enough where we have 3 Planners, and all three are going for a Planning Director position. We are never going to be that large, nor should we. Secondly, if he has 3 Planners and they are hiring for a Planning Director, I have worked with these Planners for years and would probably have a better sense of who is most qualified versus who gets the highest score on one-time exams. Not that we follow it now, but he thinks it is completely irrelevant and probably misguided if we ever did have to judge who is eligible and should get a promotion in a specific instance. Practically speaking, he doesn't know that written examinations make sense for administration employees. That is in Section VIII.

Mr. Lasko said that he is not here to carry Council's water by any means, but he knows they love the idea of even a 1-meeting recess. He will just pass that one. He shared slightly differing opinions, which he also shared with Council. You would still have the backstop of calling special meetings, if needed, which then supports Council's request for a recess. He doesn't feel strongly either way. Some bigger cities take 2 months off, and it boggles his mind how they can. Mr. Schrader added that most municipalities have summer recess. Mr. Harris said he just doesn't see the electorate going for it. Mr. Ruf agreed that it would be a total waster of a ballot slot. With all the other things we have to do, it's not a priority. Maybe in 3 or 4 other charter reviews.

Mr. Lasko said Section 2.08(2) says Council can establish the internal organization and staffing of departments, and he knows we suggested some alternative language. He was questioning whether changing that to "establishing the internal organization of the City administration is really that different. Can that be interpreted almost as saying they can organize and thereby by organizing it, must staff it? He didn't know if it was differentiated enough from what they struck with the new language. Mr. Schrader said let's assume it's adopted with the language that says city administration. Organization of the city administration, to him, means the City Manager role, and maybe not even so much the departments or department heads. It's a little broader and less granular than the staffing of the departments. It's a step away from what the City Manager should be doing. Mr. Majestic as if there should be an exclusion and say establish the internal organization of the city administration, excluding the staffing of departments, so it calls out specifically that they can't do that Mr. Schrader asked if there are any other exclusions, meaning, if something isn't an exclusion does that mean they get to do it. If you prefer language to be more specific as to what city administration entails, like a board of directors setting the overall policy. It's a little challenging. Mr. Lasko added that through the budgetary process, Council can create departments, and to approve positions, but not necessarily the people that fill those positions. In general, he thinks the wording "staffing of departments" with the wrong Council makes them think they have the right to not just create a position, but to also fill it. He thinks something needs to be changed. Not that there has ever been a Council that has asserted such a potential power, but we all agree that they can create departments, create boards and commissions, create advisory committees, but he worries that the word "staffing" in there is problematic. If there is another way to word it.... Mr. Schrader suggested that they could say, "establish the general (or overall) internal organization, or we could simply skip it altogether, and leave it as establish the boards and commissions, etc. If there not already there between the powers of Council and the City Manager's duties as set forth in the Charter. The truth of the matter is, establishing the internal organization and staff, the way it used to be, is a vestige of when this thing got started. Somebody had to establish the overall organization of the City, and that had to be the Council at the time. We are in a different place now. We don't necessarily need the Council, after 50-70 years, to help us establish the internal organization of the City. It's already been done. When he viewed that the first time, he viewed it as if it meant from the beginning, but not now. Mr. Lasko said that if you go to "Duties of the City Manager," does 4.02(2) trump anyone from Council thinking they can staff. Mr. Schrader answered that right now, they do have the power for the appointment of boards and commissions, etc. He suggested that the Commission consider just having it say, establish the boards and commissions created by the

Charter, and strike everything up to boards and commissions, set up additional departments, etc. Mr. Lasko confirmed that Council can set up additional departments through the budgetary process. He gave an example that the City has always contracted out building inspections, and if Council wanted to bring that in-house as a new department, they could easily pass a budget with \$200,000 in it to staff. Through that process, they do have the ability to semi-create a department – but he wants to make sure that it stops there. Mr. Schrader said that, later, if Council decides they want to go a different direction and establish a new way of doing things, maybe it's ward zoning, maybe it's no longer with a City Manager, etc. That's not the City Manager's decision, that's a director decision; that's a Council decision. In some ways, he likes the language because it is reflective that they have at least that level of authority. Mr. Kurtz asked if they are still proposing to take out staffing. Mr. Lasko was reiterating that he agrees with that; he was questioning whether the new language differentiated enough. Mr. Schrader said that by eliminating "establishing internal organization of the city administration," that is would be inaccurate because they do have the right. It's a director-level type decision more than it is a City Manager decision. He thinks eliminating "staffing of the departments" is an accurate change and does think establishing internal organization of the city administration is accurate in the proper context. If something ever pops up in the future when Council has a question as to how to interpret that, he thinks they would have to work with them at that item. Mr. Kurtz said if there's ever a question, we have the history of this change, which was made to specifically address the situation. Mr. Harris said that he considers this to be one of his top 5 recommendations.

In listening to the Commission and reviewing some of the notes, he thinks that Article II, Sections 2.06, 2.08, 2.09 and 2.10 are all relevant. The salary – we don't do it anymore. We talked about the internal organization. The City Manager does get an evaluation. All this stuff is relevant and current and should be in play. He thinks the summer recess is the Commission's decision, but there are several municipalities that do it. If we are not going to have a summer recess, then we should have the meetings at the Boat Basin. Also, Article IV, the Merit System is important. He is not as concerned about Section 5.10 because the School Board already has their own legal counsel. Mr. Swaisgood's suggestions in 5.11 – it's a cleanup and a more accurate reflection of what we are doing. All of Mr. Swaisgood's changes in Article VI should also be considered strongly, because they help to clean up the Charter and be more reflective of what we are doing daily. Ms. Rocco's changes in Article VIII are an absolute yes, in his opinion.

Mr. Ruf commented that this is limiting Council and the City Manager would hire staff. Mr. Lasko said that he would have to recommend certain chartered officers to Council for approval, which include the Finance Director, Law Director, Service Director, Clerk of Courts, Fire Chief and Police Chief. If it's a Planning Director, Inspector, Planner, Accountant, etc., there is no Council approval required.

Mr. Harris said while a lot of the proposed changes are legitimate, they now must decide which ones to recommend to Council. He personally thinks Section 2.08(2) should be on, as he feels it is very important. When he looks at Article VI, he feels that as much as Articles VI and VIII are equally important, when Mr. Swaisgood was here, he had some important views. The fact is, the City doesn't do a lot of the stuff that is written in the Charter. That seems important. Every one of these must be voted on – which ones does the Commission want to vote on? Ms. Fries suggested that they start with what they don't want to deal with, eliminate some and make it a little simpler.

Mr. Harris said that although Council probably wouldn't like it, they could nix the summer recess. The Commission agreed to leave this item off the list.

Mr. Majestic said all those items in Article II, while important, are they the most important now because they have them? All those other changes to the salaries, etc. still happen today, just outside of the Charter. Mr. Harris agreed, except for Section 2.08(2). Mr. Kurtz said he is still stuck on how this will appear on the ballot. If, for example, they wanted to make 5 changes in 2.08 and 2.09, could those sections appear on the ballot with all the changes. There would be 6 changes in a single vote, and it would be an up or down. Mr. Schrader answered that in his view, if there were two or three, you would say, "shall Section 2.08(2) be eliminated and replaced with the following language: ...". "Shall Section 2.08(10) be changed and modified...". That would be a second vote. If you lump them together, there is a risk that nothing gets passed. The Commission agreed that Section 2.08(2) would move on to the next meeting for a final vote.

Regarding Article III, Mr. Majestic indicated that unless they were going to take the bold step of eliminating one versus the other. Mr. Majestic asked how much money is spent doing that. The Clerk answered that currently, she is only using newspaper publication for notices of meetings and public hearings. They are going to start putting them on their website, as well. Mr. Lasko added that they have chosen not to do the newspaper for the ordinances, which would be costly. The cost for putting copies at the library is nominal – only the cost of making a copy. The reality is that there is no silver bullet answer because if they do the newspaper, a lot of people don't read the newspaper; if we do the library, there aren't many people that go there, if we do electronic....

Mr. Harris said one he believes they should keep in as an option is Section 5.1, where the Law Director is not going to be legal advisor for the School District. Mr. Schrader said that is up to the Commission. It has come up in the past. I wasn't a direct request, but it was an indirect request. He knows other municipalities have introduced it in their charter to say that they are not going to do that. If this is adopted, we are going to have to add the reference to the Ohio Revised Code section that says that the Law Director shall serve as legal counsel to the School Board. It wouldn't happen here; it couldn't happen here. Ms. Fries asked if this is a non-issue if the School has their own legal counsel. Mr. Ruf answered that the School Board currently uses Bricker & Eckler. Depending on the Superintendent, if the District decided they want to save a lot of money on legal costs and then start kicking everything over the City's Law Director, I don't know who pays for that. Mr. Schrader answered that the status states that the law director shall serve in that capacity for no additional compensation. Not speaking for anyone other than himself, should that ever happen.... Mr. Ruf said that the City could get hit with something like the Title IX lawsuit that Huron went through starting in 2019. When he was there as Interim Superintendent in 2021, they were still having legal meetings on that case. It would be a smart move on the part of the District, but the City could get bogged down. Mr. Harris said this one sounds like it's pretty important. Mr. Ruf agreed, especially in the days of tight budgets and everyone coming back and wanting more money on both sides. If you get a grievance or go to SERB, you must have legal representation. They had an employee they spent \$80,000-\$90,000 in legal fees for that one person. There is a potential there, although highly unlikely, and with the way funding can go with schools, when they are up for the next biennial budget things start getting tight and somebody says they can just go to the City for the legal fees and save \$X. All agreed to keep Section 5.1 on for the final vote at the next meeting.

Regarding eliminating Section 3.05, the Commission agreed that this can wait for a future Charter Review Commission.

Regarding Section 4.02(2), several members of the Commission thought that was important and should be kept for the final vote at the next meeting.

Mr. Majestic said that Section 5.11 seems important, to add duties of debt management, investment strategy and financial. That's all big stuff. Mr. Lasko said it is. Mr. Harris agreed and said when Mr. Swaisgood talked with them, it seems like a lot of this stuff needs to get changed. Mr. Lasko commented that in Section 5.11 they are adding things that they do now, but at least they are doing them. He thinks it is more important to get rid of things they don't do and someone could tell us we have to do it because of the Charter versus add things that we are doing anyways. Section 6.09 might be more important than Section 5.11 because there are things in Section 6.09 that they are not currently doing. The Commission agreed that this change could be readdressed by a future Charter Review Commission.

Mr. Schrader stated that he looked up the Ohio Revised Code Section 3313.35 relating to the Law Director serving as legal counsel to the School District and it states, "In city school districts, the city director of law shall be the legal advisor and attorney for the board and shall perform the same services for such board as required of the prosecuting attorney for other boards of the County. Such duties shall devolve upon any official serving in a capacity that is like that of a prosecuting attorney or city director of law for the territory where a school district is situated. The legal advisor shall be the solicitor or director of law for all or a part which is included within the school district boundaries. No compensation in addition to such officer's regular salary shall be allowed for such services." That was passed on September 29, 1995. The Commission again agreed that changing this section is very important. Mr. Schrader doesn't know of anyone that would do it for nothing.

Mr. Majestic believes that changes to Article VIII, specifically Section 8.04 (currently 8.09) relate to things that are happening today. Mr. Lasko said that if someone was being a stickler and said this is the way you must promote, that would be a problem. Mr. Harris asked if they are going to skip the removal of 8.04 through 8.08. Mr. Majestic said he thinks it is important to remove those sections. The Clerk suggested that the entire article could be included on the ballot because it is so short with all the deletions.

Mr. Kurtz suggested that 6.09 be eliminated. Asked if 6.09 and 6.10 could be done together, Mr. Schrader answered that they could not do that, as one is an elimination, and the other is an amendment and revision. The Commission agreed that elimination of 6.09 should be kept for the final vote at the next meeting.

Mr. Majestic suggested that Section 6.07 is not a keeper, because it is just terminology. The Commission determined that this change can be handled by a future CRC.

Mr. Harris asked if they could leave 6.10 to a future CRC because it is a wording issue. He believes getting rid of Section 6.09 is more than the wording changes in 6.10. Mr. Schrader asked if a department head has ever approached Council to expand/I want to do this. Mr. Lasko has not been formally asked, but through the budgetary process, they have all the department heads come and talk about additions or reductions. They do it in a way in which they have sat down with the department heads, so they are all on the same page and in agreement (department head, City Manager and Finance Director). In his time, he has never had a department head take the responsibility on their own to approach Council, which this section might give them the right to. Mr. Ruf said that would then throw an issue into the chain of command of the city if you had a department head go over your head to Council. Mr. Lasko added that part of him agrees with that, however there's a devil's advocate part of him that says, what if you've got a really bad City Manager or Finance Director and there is a real need in the police department... I can see both sides of it. Mr. Harris asked if the Commission agrees that this one can wait because it doesn't rise to the level of the others. Mr. Lasko doesn't think Mr. Swaisgood is concerned that the department heads are going to go rogue, but he thinks he was more concerned about what appears to be an arduous process

for doing thing quarterly and coming up with these work plans. He thinks that was his concern. Section 6.09 lays out a somewhat arduous process that he was more concerned about. Mr. Ruf said he supposes if you did have a department head going rogue, that could be reflected in an evaluation. The Commission agreed to leave the changes in 6.10 to a future CRC.

Mr. Harris thinks it's pretty evident that they should very much consider going ahead and removing Sections 8.04 through 8.08. The Clerk suggested that because the entire Article must be amended to correct the article number, so the entire Article VIII. Mr. Schrader agreed that it could be done that way. The ballot language might say, amend Article VIII completely to state as follows. Mr. Harris stated the ability to do that as one ballot issue makes it possible to get a lot done. Mr. Kurtz asked if the only thing appearing on the ballot is the new language. Mr. Schrader said that Article VIII currently reads as follows, and then restate the entire Article with changes. It will be to eliminate the existing Article VIII and replace it with the following. The Commission agreed that Article VIII will be kept for final vote at the next meeting.

Mr. Harris asked the Commission if they are okay with the five chosen issues to submit to Council. They haven't looked at Articles XI and XII, but he does not think those are as importance as the five they have already identified. Lumping Article VIII as one big change is a big deal. All members of the Commission agreed that they their five items to recommend to Council. Mr. Harris advised the Commission that Cindy Miglietti said she was good with anything from Section 2 or Section 8. He can't speak for her, but he thinks they probably would agree with this, as well. They can always send her an email and let her know which one they came up with and see if she agrees. At this point, they have a quorum. The Clerk asked if the Commission wanted to vote on their choices tonight or wait until the next meeting. Mr. Lasko added that unless the Commission thinks there is some other input they need.... Mr. Schrader advised that if they want to wait until next week, they can have their meeting next week just to reflect and give everything one last look independently. Then they can come back and as a group determine if they are still making a good decision. Challenge it to say you will come back and see if anyone wants to make any changes before, they take a final vote. It could be a 5-minute meeting, but at least it would give you all a chance to review everything. Mr. Majestic agreed, saying that way Ms. Miglietti would be back, and they would have all of the Commission in attendance. Everyone confirmed that they are available for the May 23rd meeting.

Mr. Schrader asked Mr. Harris to send an email to him and the Clerk so that they have a list of all the sections. Mr. Graham asked if the Commission will be receiving this from the Clerk. Mr. Harris said that he will send an email out to everybody with the five they have come up with. Mr. Graham asked what they are going to suggest to Council, how many to go on the ballot? He is thinking about the cost of this thing – he knows that this can be expensive. Mr. Schrader answered that it will be Council's choice once they get presented with the five issues. They can choose all five, or pick four or two, or they could choose none. Mr. Graham asked if they had time to make it to the ballot with the three readings. Mr. Lasko answered that they must do the first reading by the 2nd meeting in June (June 25), although it could go to the first meeting in June. It would be helpful, if anyone is willing, if either the entire body or at least spokesperson was present at the first reading to talk through the thought process and what the recommendations were. Ms. Fries asked what the cost is to get these on the ballot. He is going to ask Mr. Swaisgood before the next meeting. Because it is a general election, he wants to say it is \$2,000-\$3,000 each. During a special election, they can be \$10,000 each.

Mr. Harris said that he will put the list together tonight and they will meet next week to finalize everything. Ms. Fries said that June 11th will be the meeting for the first reading.

Motion by Mr. Harris to adjourn the meeting, all in favor.

There being a majority in favor, the motion passed and the meeting was adjourned at 6:04pm.

Terri Welkener, Clerk of Council

ADOPTED: _____



TO: Mayor Tapp and Charter Review Commission
FROM: Terri Welkener , Clerk of Council
RE: Consideration of Final Recommendations to Council.
DATE: May 23, 2024

[Final CRC Recommendations to Council \(May 2024\).docx](#)
[Master Charter REDLINE \(5-16-24\).pdf](#)

Final Charter Review Committee Recommendations to Huron City Council

1 – Eliminate current Section 2.08(2) of the Charter and amend and restate same to state as follows:

Section 2.08 POWERS OF THE COUNCIL

Among other powers, the council shall have authority to:

“(2) Establish the internal organization 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.”

2 – Eliminate current 4.02(2) of the Charter and amend and restate same to state as follows:

Section 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:

“(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, including the merit system as provided in Article VIII of this charter.”

3 – Add an additional sentence at the end of Section 5.10 of the Charter, which shall state as follows:

Section 5.10 QUALIFICATIONS OF DIRECTOR OF LAW

“The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.” (ORC. 3313.35)

4 – Eliminate Section 6.09 (“Allotments”) of the Charter in its entirety and replace same with the words “Intentionally omitted – Section Available for Future Use”

5 – Correct erroneous reference as “Article VII” in Article VIII to “Article VIII”, and eliminate all of Article VIII in its entirety and replace same with the following:

“ARTICLE VIII

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

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

SECTION 8.02. UNCLASSIFIED POSITIONS.

Unclassified positions 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; and
- (7) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments.

SECTION 8.03. PERSONNEL OFFICER.

The City Manager shall appoint a suitably qualified person to serve part or full time as personnel officer. The City Manager shall:

- (1) Conduct recruitment of qualified persons for classified and unclassified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligible persons 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; and
- (9) Perform such other duties relating to personnel as the city manager may direct.

SECTION 8.04. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police or fire department, 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/she shall appoint one of the three so certified, as may be provided by ordinance.”

DRAFT

CHARTER

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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

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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

SECTION 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".

SECTION 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.

SECTION 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

SECTION 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.

SECTION 2.02. QUALIFICATIONS.

Any registered elector, who has lived in the city for two years prior to filing his/her petition of candidacy, and who is not the occupant of an incompatible office or employment shall be eligible to have his/her name placed on the ballot, if his/her petition is sufficient as hereinafter provided, and to serve as a member of the council, if elected. 3-21-24 - We could seek a "blanket" Charter change of all "his" pronouns to "his/her" - but see Section 12.09 jss

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SECTION 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.

SECTION 2.04. VACANCIES, CREATION OF.

Once elected and sworn in, a member of council may vacate his/her office by resignation, accepted by a majority of the other council members; by removal of his/her 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.

SECTION 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/her selection. At such election a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

SECTION 2.06. SALARY OF COUNCIL MEMBERS.

~~The members of the council shall receive a salary of \$200.00 per year, payable quarterly.~~ xx(3-21-24)xx The council may, ~~however,~~ fix a ~~different~~ salary to be paid to members of Council and 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. xx(3-21-24)xx

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SECTION 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.

SECTION 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; xx(3-21-24)xx and S-16-24)xx
- (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/her salary and any modifications thereto after an annual evaluation and/or performance review of the city manager, and appoint an acting city manager when necessary to expedite public business; xx(3-21-24)xx
- (11) Inquire into the conduct of any city officer or employee in the performance of his/her 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.

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SECTION 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 ~~except for the month of July, whereby the Council shall be required to have a regular meeting only on the fourth (4th) Tuesday of July (the first [1st] Tuesday of July shall be recognized as summer recess for Council) unless a special meeting is called as provided in this Section 2.09(1).~~ xx(3-21-24)xx 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)

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SECTION 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/her 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-determine and modify~~ the salary of ~~future-mayor~~the Mayor as they have to Council has to fix ~~increase-Council salaries and~~ the salaries of their successors, as provided in Section 2.065. ~~xx[3-21-24]xx~~

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SECTION 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.

SECTION 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 ~~hishis/her~~ successor is chosen and enters upon the duties of ~~hishis/her~~ 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 ~~hishis/her~~ services as such, as established by ordinance.

ARTICLE III

ORDINANCES AND RESOLUTIONS

SECTION 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)

SECTION 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)

SECTION 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)

SECTION 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)

SECTION 3.05. PUBLICATION OF ORDINANCES.

After final passage, public notice of each new ordinance shall be given in one ~~or more~~ 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; ~~or~~. (Amended 11-7-89)
- ~~(2)~~(4)By posting on the main City website and/or other electronic means on such electronic sites and platforms whereby all such electronic communications can be readily accessed by the citizens of the City. ~~xx[4-6-24]xx~~

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SECTION 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)

SECTION 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)

SECTION 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)

SECTION 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

SECTION 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/her executive and administrative qualifications in the profession of city management, as judged by the adequacy of his/her technical training and his/her successful experience in public administration. At the time of his/her appointment he need not be a resident of the city or state, but during his/her 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.

SECTION 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; xx(3-21-24 - AFR to opine on merit system/written test being limited to police and fire, jss
- (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/her 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.

SECTION 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/her duties during his/her temporary absence or disability. If such a designation has not been made, and the city manager is unable to perform his/her 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/her disability cease.

SECTION 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

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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.

SECTION 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

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.)

SECTION 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.

SECTION 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)

SECTION 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.

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. The City Law Director shall not be permitted to serve as the legal adviser nor attorney for the Huron City School District.

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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 [REDACTED] of the city and shall be responsible for accounting, collection and custody of public funds, [REDACTED], and control over disbursements and shall perform such other functions as may be assigned by ordinance or by order of the city manager.

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FINANCE

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

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 or agency shall supply him with estimates of probable revenue. From these data the city manager may revise the estimates and prepare his/her recommendations for the tax budget for the ensuing fiscal year.

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.

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.)

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.

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.

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 [REDACTED] 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, and posted on the main City website and/or other electronic means on such electronic sites and platforms whereby all such electronic communications can be readily accessed by the citizens of the City, xx-4-24 and 4-15-24 xxx

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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:

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- (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

(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.

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

SECTION 8.02. EXEMPT UNCLASSIFIED POSITIONS.

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

- (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~~

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SECTION 8.03. PERSONNEL OFFICER.

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

- (1) Conduct recruitment of qualified persons for classified and unclassified 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.

SECTION 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.

SECTION 8.05. DUTIES OF PERSONNEL APPEALS BOARD.

The personnel appeals board shall hear appeals when any 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 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.

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SECTION 8.06. 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.

SECTION 8.09. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in the police 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/she shall appoint one of the three so certified, as may be provided by ordinance.

ARTICLE IX BORROWING

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SECTION 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.)

xx[CS comments 4-15-24]xx

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SECTION 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.)

xx[CS comments 4-15-24]xx

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SECTION 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.

xx[CS comments 4-15-24]xx

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SECTION 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.

xx[CS comments 4-15-24]xx

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SECTION 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.

xx[CS comments 4-15-24]xx

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SECTION 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.

xx[CS comments 4-15-24]xx

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ARTICLE X

NOMINATIONS AND ELECTIONS

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 10.04. ACCEPTANCE AND VERIFICATION

The signature of the candidate indicating his/her acceptance of the nomination and his/her willingness to serve if elected shall appear on each copy of his/her 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.)

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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

SECTION 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/her~~ 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, ~~and by posting on the main City website and/or other electronic means on such electronic sites and platforms whereby all such electronic communications can be readily accessed by the citizens of the City.~~ ~~xx[5]~~ ~~13-24[xx]~~

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/her~~ 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.

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SECTION 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/her~~ name in ink or indelible pencil and shall insert after ~~his/her~~ name ~~his/her~~ 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/her~~ presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

SECTION 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.

SECTION 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.

SECTION 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

SECTION 12.01. OATH OF OFFICE.

Every officer and employee of the city shall before entering upon ~~his/her~~ 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 foregoing charter and ordinances of this city and will

faithfully discharge the duties of _____ upon which I am about to enter."

SECTION 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.

SECTION 12.03. FEES.

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

SECTION 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. xx[ORC provisions are accurate. 5-13-24]xx

SECTION 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. xx[ORC provisions are accurate. 5-13-24]xx

SECTION 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. xx[Reference to Ohio Constitution remains accurate. 5-13-24]xx

SECTION 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.

SECTION 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 and by posting on the main City website and/or other electronic means on such electronic sites and platforms whereby all such electronic communications can be readily accessed by the citizens of the City. xx[5-13-24]xx 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.

SECTION 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

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 13.04. CONTINUATION OF EMPLOYEES.

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

SECTION 13.05. TRANSFER OF RECORDS AND PROPERTY.

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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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

CODIFIED ORDINANCES OF HURON