

# Charter

## City of Washington Court House

(Generally known as City of Washington)



# 2012

Revised through May 3, 2011

## ***Preamble***

*We, the people of the City of Washington Court House, Fayette County, Ohio, in order to exercise all powers, and to secure the benefits of local self-government under the Constitution of the State of Ohio, do adopt this Charter for the government of the City of Washington Court House.*

## **Article I (1.0) - Name and Boundary**

- 1.1 **Name** The municipal corporation existing as the City of Washington (generally known as Washington Court House) under the general statutes of the State of Ohio shall continue to be a body politic and corporate under the name of the City of Washington Court House (generally known as City of Washington) under this Charter.
- 1.2 **Boundary** The City shall have the same boundaries that exist on the effective date of the Charter, with power and authority to change its boundaries and annex territory in the manner authorized by the general laws of the State of Ohio. Territory annexed to this City shall immediately be subject to the provisions of this Charter.

## **Article II (2.0) - Form of Government**

- 2.1 **Form of Government** - The government provided for by this Charter shall be known as the Council- Manager form.

## **Article III (3.0) - Municipal Powers**

- 3.1 **General Powers Granted** - The City shall have all powers possible for a City to have under Article XVIII and other provisions of the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in this Charter. Title to all property shall be taken in the name of the City.
- 3.2 **Exercise of Powers** - All powers shall be exercised in the manner prescribed in this Charter, or if not so prescribed, in the manner provided by legislation of the City taken in the form of an ordinance or resolution. When not prescribed in this Charter or by legislation of the City, then the

powers shall be exercised in the manner provided by the laws of the State of Ohio until Council provides a different manner of exercising the powers.

- 3.3 **Construction of Powers** - The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers granted in this Article.
- 3.4 **Cooperative Authority** - The City may exercise any of its powers, perform any of its functions and provide related financing, jointly or in cooperation, by contract or otherwise, with any one or more states, including but not limited to the State of Ohio, and any of their political subdivisions, special districts, instrumentalities, divisions or agencies; the United States or any of its divisions or agencies; or any individual, partnership, corporation or other type of entity, whether for profit or not-for-profit, unless prohibited by the Constitution of the State of Ohio.

#### Article IV (4.0) – Council

- 4.1 **Qualifications** - All council candidates must qualify as an elector in the State of Ohio and in this municipality. Also, they shall meet all qualifications necessary to hold such office if elected.
- 4.2 **Residency** - Candidates must have at least one year of residency in the City immediately prior to the date of election and shall maintain residency during their tenure on council.
- 4.3 **Restrictions** - No member of Council shall hold any other employment or have contractual interest with the City of Washington Court House, or hold any other publicly elected government office, during the term for which the member was elected or appointed to Council.
- 4.4 **Chairperson** - At the organizational meeting of the newly elected Council, at a time and place as defined by the rules of the Council, by the simple majority of at least four votes, council shall choose one of its members to be the Chairperson for a term of two (2) years. A Vice-Chairperson shall also be chosen to serve in the absence or disability of the Chairperson and shall succeed to the office in case of any vacancy. While acting in the place of the Chairperson, the Vice-Chairperson shall have the same powers and duties as the Chairperson. The Chairperson shall preside at meetings of the Council, shall be the official head of the City and shall perform the customary duties of a Council Chairperson under the Council-Manager form of government. The Chairperson shall retain a vote as a member of Council, but shall have no veto. The term of the Chairperson

shall commence at the organizational meeting. The organizational meeting shall be presided over by the City Law Director until a Chairperson is successfully elected. A member of council may serve an unlimited number of terms as Chairperson with the limit of no more than two (2) consecutive terms as Chairperson.

4.5 Members - The Council will consist of seven members serving overlapping four-year terms. Council members will be elected at-large from the City.

4.6 Term Limits - Term Limits shall not be imposed on council members.

4.7 Clerk of Council and other employees - There shall be a Clerk of Council selected by vote of the majority of Council. The clerk shall be chosen from outside the membership of Council and shall serve at the pleasure of the Council. He/she 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/she shall perform such other duties as may be assigned to him/her by this Charter, or by ordinance or resolution of the Council. He/She may be appointed to serve full-time or part-time and shall receive a salary as established by ordinance or resolution for his/her services. In the event of a vacancy in the office of Clerk of Council, either permanent or temporary, someone shall be designated by Council to perform the duties of Clerk of Council until a successor is chosen. Council may employ any other employees it may deem necessary for the proper discharge of its duties. Any person employed by the Council shall serve at the pleasure of the Council.

4.8 Meetings - A quorum of the Council shall be present to conduct official business. A majority of the total membership of the Council shall constitute a quorum. The Council shall meet regularly twice a month at such time and place as the Council may prescribe. Special meetings may be held on the call of the Chairperson or of four (4) or more members of the Council and, whenever practicable, upon no less than forty-eight (48) hours notice to each member and to the public with such manner of notice to be determined by Council.

4.9 Emergency Meetings - Emergency meetings may be called when a situation requires immediate official action as determined by the Chairperson of Council. An emergency meeting shall be considered a "special meeting" of an emergency nature. For such a meeting, any notice requirement as required for a special meeting shall be an immediate notice. All meetings of Council and its

Boards and Commissions shall be open to the public except Executive Sessions as provided for by the general laws of the State of Ohio.

4.10 Vacancies - The office of Council member shall become vacant upon the Council member's death, resignation, removal from office in any manner authorized by this Charter, or forfeiture of office.

4.10.1 Forfeiture of Office - A Council member shall forfeit his/her office if the Council member has been found to be in violation by a majority of the remaining members of the Council of any of the following:

- a) Lacks at any time during a term in office, any qualifications for the office prescribed by this Charter
- b) Violates any express prohibition of this Charter
- c) Is convicted of a felony and/or a conviction of a crime of malfeasance with regard to the office held, or
- d) Fails to attend three (3) consecutive regular scheduled meetings or fails to attend five (5) regular meetings in total in any one calendar year without being excused by a majority vote of Council.

4.11 Disability - Based on competent medical consultation, the office of Council Chair, Vice-Chair or Council member may be declared vacant by a majority vote of the remaining members of the Council, using procedures prescribed by ordinance or resolution, if his/her disability adversely affects the operation of the Municipal Government.

4.12 Filling of Vacancies - Vacancies in the office of a Council member shall be filled within 30 days by vote of a majority of the remaining members of Council. The individual selected by Council to fill a vacancy shall meet qualifications as prescribed in this Charter. If a vacancy occurs in one or more positions among Council-members-elect, Council of the new term shall appoint by majority vote, a qualified elector of the Municipality to fill the vacancy. If the Council fails to fill any vacancy within 30 days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Fayette County to hold a special election to fill the vacancy. Such special election shall be held not

sooner than 90 days and not later than 120 days following the occurrence of the vacancy. A special election need not be held if a regular election occurs between the 90-day and the 120-day period. During the 90 to 120 day period, the Council shall appoint a qualified person to serve as an Interim Member of the Council by a majority vote of the remaining members of the Council. The Interim Member shall hold office until the person elected at the Special Election is seated. Any Council member permanently appointed or elected at a Special Election, under the provisions of this section, shall hold office and serve for the remainder of the unexpired term.

In the event that 3 or more members of council are appointed and did not acquire their position by a special election as referenced in 4.12, then all appointed members of council not holding their position by a special election referenced in 4.12 shall have to stand for election to fill the unexpired terms they were appointed to, at the next regular election that falls no sooner than 90 days from the most recent appointment. Any appointments occurring once the threshold is met would begin a new cycle relative to another 3 members threshold and election cycle. See certified Ordinance No. 14-2008. Effective November 4, 2008.

- 4.13 Powers - The legislative powers of the City, powers of local self government, police powers, utility powers and other powers granted by the Ohio Constitution and general laws of the State of Ohio and the adoption of all matters of policy shall be vested in the City Council subject to the terms of this Charter and the Constitutions of the United States of America and the State of Ohio. Council shall be empowered by this Charter to execute these powers, adopt policy and legislate accordingly. Council shall have the power to issue subpoena(s) for witness(es) and to require the production of documents, which may be necessary in the conduct of any hearings or investigation for legislative purposes.
- 4.14 Administrative Code - The Council shall adopt, as policy, an Administrative Code that shall provide in detail the organization of the Municipal Government, define the powers and duties of each organizational unit, and define the administrative procedures to be followed, subject to the provisions of this Charter. Where the Administrative Code is silent, with such exceptions as provided by this Charter, the officers and employees of the City shall have, and may exercise, all powers and duties provided for similar officers and employees by General Law.
- 4.15 Interference with Administration - The Council or its members shall deal with the Municipal officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give any orders to any such officer or employee, either publicly or privately.

4.16 Compensation – The Council shall determine the annual salary of Council members by ordinance or resolution, but no ordinance increasing such salaries shall become effective until the commencement of the terms of Council members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. Council members, by ordinance or resolution of Council, stating the exact purpose of the appropriation, may receive their actual and necessary expenses incurred in the performance of their duties of office.

4.17 Independent Audit – The Council shall provide for an independent annual audit of all Municipal accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a Certified Public Accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Municipal government of the City of Washington Court House or any of its officials. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years. If the State makes such an audit, the Council may accept it as satisfying the requirements of this section.

4.18 Council Rules and Organization - The Council shall determine its own rules and order of business, in conformity with the provisions of this Charter. It shall cause the Clerk of Council to keep a journal of its proceedings, which shall be open to public inspection. Council Rules are limited to the establishment of a process by which Council conducts regular and special meetings or other meetings as provided by this Charter. Council, after each general or special election in which seat(s) on council have been elected, shall adopt its rules and order of business prior to any legislation or policy adoption vote.

4.19 Investigations - The Council may make investigations independently or through the manager into the affairs of the City of Washington Court House and the conduct of any municipal department, division, board or commission for the purpose of determining legislative needs. For this purpose Council shall establish, by ordinance or resolution, investigative procedures.

4.20 Evaluation - For the purpose of improving employee performance and job growth, City Council shall establish evaluation procedures, including periodic reports, for every employee except the City Manager. City Council shall insure continuing evaluation of the City Manager and make periodic reports on his/her performance.

4.21 Citizen Participation - City Council shall establish rules for citizen participation at Council meetings.

## Article V (5.0) - Legislation

5.1 Introduction of Legislation - Action of Council shall be by ordinance, resolution or motion. Every action of a general or permanent nature or having the force and effect of law, or granting a franchise, or levying a tax or fee, or appropriating money, or contracting an indebtedness to be evidence by the issuance of bonds or notes, or for the purchase, lease or transfer of property and otherwise providing for the operation or government of the City or the powers, duties or functions of its officers and employees shall be taken formally, by ordinance or resolution, in the manner hereinafter provided. All other action may be taken by motion.

5.2 Ordinances and Resolutions - All legislative action shall be by ordinance or resolution except when otherwise required by the Constitution or the laws of the State of Ohio. The Council shall keep a journal of its proceedings, which shall be a public record. The vote shall be taken by yeas or nays and entered upon the journal; and no ordinance or resolution shall be passed without the concurrence of a majority of the members of Council. Every proposed ordinance, before passage, shall be read, by title, at three separate meetings unless two-thirds (2/3) of the members of Council dispense with the rule. Every proposed resolution, before passage, shall be read, by title, at two separate meetings. The option to dispose of the rules shall only be available on the second reading of an ordinance. All ordinances, resolutions or other items required to be published by law or by this Charter shall be published by posting copies at the City Offices, the Public Library and on the City's electronic media site by noon of the next business day and remain for thirty (30) calendar days. Ordinances, resolutions and other items may have an effective date that is beyond noon of the next business day. In such cases, the effective date must be contained in the legislation and shall remain posted for an additional thirty (30) calendar days after the effective date.

5.3 Emergency Measure - The emergency measure will no longer be utilized under this Charter. All ordinances and resolutions and simple motions will become effective at 12:00 PM (noon) on the first business day following the meeting where passage or adoption of said ordinance, resolution or motion took place unless otherwise provided in the ordinance or resolution.

5.4 Effective Date of Ordinances and Resolutions - Refer to Article V (5) section 2 and 3 (5.2, 5.3).

5.5 **Amendments** - Amendments in general will be a function as set forth by the adopted council rules and order of business. Council shall not amend legislation that will alter or misdirect the initial purpose or meaning of that legislation. If such an amendment is proposed and accepted by council by majority vote, that legislation shall revert back to first reading status and proceed accordingly.

5.6 **Codifications and Publications** - Within one year after adoption of this Charter, and at least every two (2) years thereafter, the Council shall provide a general codification of all City ordinances and resolutions. The general codification shall be adopted by the Council and shall be published in bound or loose-leaf form, together with this Charter and any amendments thereto, including any pertinent provisions (as the Council may specify) of: the Ohio Constitution; other laws of the State of Ohio; codes of technical regulations; and other rules and regulations or pertinent supplementary matter of service or interest. This compilation shall be known and cited officially as the City of Washington Court House Code. Copies of the Code shall be furnished to City officials, placed in municipal office, the local public library and on the City's electronic media for free public reference, and made available for purchase at cost.

#### **Article VI (6.0) - Chief Executive Officer**

6.1 **Qualifications** - The City council, by a majority vote of its total membership, shall appoint a City manager for an indefinite term and fix compensation. The manager shall be appointed solely on the basis of executive and administrative qualifications. The appointee need not be a resident of the City or State of Ohio at the time of the appointment but must reside within the City within six (6) months.

6.2 **Powers, Duties and Responsibilities** - The City Manager shall be the chief executive officer of the City. The manager shall be responsible to the Council for proper administration of all affairs of the City, and to that end, subject to the provisions of this Charter, shall have the authority and shall be required to carry out the following duties:

1. See that this Charter and the ordinances and resolutions of the City are faithfully observed and enforced.
2. Appoint, evaluate and remove all officers and employees of the City except those selected or appointed by Council, or as otherwise provided in this Charter. The manager may authorize

any administrative officer who is subject to the direction and supervision of the manager to exercise these powers, except the power to terminate, with respect to subordinate employees in that department, office or agency.

3. Insure the preparation of the annual budget and submit to Council for approval at a time established by Council. The manager shall administer the appropriations made by Council.
4. Prepare and submit monthly reports to Council on administrative activities of the City and prepare and submit to the Council and citizens a yearly State of the City report.
5. Insure the preparation and submission to Council of quarterly and annual financial reports as prepared by the Chief Financial Officer.
6. Evaluate twice annually (every six (6) months) all heads of departments including the Chief Financial Officer and the City Law Director and submit the evaluations to Council for review.
7. Formulate and arrange contracts, franchises, grants and agreements subject to the approval of Council. Sign, as the official signatory of the City, all legal documents on behalf of the City including, but not limited to, all contracts, bonds and notes, except that bonds and notes shall be executed in the manner provided by the general laws of the State of Ohio.
8. Attend all meetings of Council unless otherwise directed by Council. The manager shall have the right to recommend legislation and take part in the discussion of all matters coming before Council but shall have no vote.
9. Serve as an ex-officio member (without vote) of all boards and commissions authorized under this Charter or established by Council, except the Civil Service Board.
10. In conjunction with the Director of Finance, prepare and submit to Council for approval an annual expenditures budget, an annual capital improvements budget and an annual appropriations ordinance.
11. Establish goals for the City for the upcoming year and the future.

12. Perform such other duties not inconsistent with this Charter, as may be required by the Council.

6.3 **Vacancy, Absence or Disability** - The Chairperson of City Council shall serve as the Acting City Manager in the event of the temporary absence or disability of the City Manager. City Council reserves the right to appoint, by majority vote of its members, a person other than the Chairperson of City Council to the office of Acting City Manager. The assumption of the duties of Acting City Manager by the Chairperson of City Council shall be automatic upon any temporary absence or disability of the City Manager, unless City Council exercises its stated authority to appoint a person other than the Chairperson to discharge the duties of the office of Acting City Manager. In all respects the responsibilities, duties and authority of the office of Acting City Manager and City Manager shall be the same.

6.4 **Resignation and Removal**

1. City Council may remove or suspend the City Manager from office by a majority vote of its total membership at any time and is subject to the provisions of any agreement or contract entered into by the City Council and the City Manager.

2. The City Manager may request a meeting with City Council to review his job performance as the City Manager. City Council shall comply with this request at a time and place convenient to City Council. Said meeting shall be called in accordance with the provisions of this Charter and the laws of the State of Ohio.

6.5 **Review of Policies** - The City Manager shall review all policies at least annually and review suggestions for changes to existing policies with each department head in the City. The City Manager may make recommendations to City Council for changes or adoption.

6.6 **Political Activity** - The City Manager is an employee of the elected City Council. At no time shall the City Manager engage in the recruitment of candidates for the office of City Council. Further, the City Manager shall not show any prejudice toward any candidate for the office of City Council. Section 6.6 shall not be construed to prohibit the City Manager from responding to any specific verbal or written request for information submitted by any candidate for the office of City Council.

## Article VII (7.0) – Administration

7.1 Creation of Departments - The administrative functions of the City shall be carried out by Departments of Finance, Law, Service and Safety. A full-time Police department and Fire department, with each directed by a full-time Chief, will be within the Department of Safety. Other departments may be created by ordinance or resolution after consultation with the City Manager.

7.2 Department Heads - Each City department shall be headed by a full-time or part-time director. With the exception of the departments of Finance and Law, the City Manager shall appoint all department heads. The heads of the department of Finance and Law shall be appointed by the City Council by a majority vote of the Council, in accordance with the provisions of this Charter. Each department head shall be an administrative officer of the City. The same person may head two or more departments. The City Manager serves as the director of the department of Safety unless changed by ordinance passed by Council.

7.3 Department of Finance - The department of Finance shall perform those functions customarily performed by a City Auditor and a City Treasurer under the general laws of Ohio. The Director of the department of Finance shall be assigned the title of Director of Finance. The Director of Finance shall be appointed by City Council by a majority vote of its members for an indefinite term of office. The Director of Finance shall be the fiscal officer of the City and shall be responsible for the accounting, collection and custody of public funds and control over disbursements. The Director of Finance shall countersign all bonds and notes issued by the City and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.

7.4 Department of Law - The Director of the department of Law shall be known as the City Attorney. The City Attorney shall be an attorney-at-law, admitted to practice law in the State of Ohio and in good professional standing. The City Attorney shall perform such duties as may be assigned to the office of Law Director by law, as well as those imposed by the Charter and City ordinance and resolutions. The City Attorney shall be appointed by a majority vote of the members of City Council for an indefinite term of office.

7.5 Boards and Commissions - Creation of Boards and Commissions: The City shall have a Planning Commission, a board of Zoning Appeals, a Historic District Review Board and such other boards and commissions as may be created by City Council.

7.6 General Rules for Boards and Commissions - The following general rules shall govern boards and commissions:

1. Each board or commission created by City Council shall consist of at least three members and shall have such powers, duties and functions as provided in this Charter or by ordinance or resolution.
2. Compositions, terms, appointments and removals shall be determined by City Council unless otherwise provided for in this Charter.
3. Each member of a board or commission shall be and shall remain an elector of the City during the term of appointment.
4. A vacancy occurring during the term of any member of a board or commission shall be filled for the un-expired term in the same manner as original appointments.
5. Vacancies shall be filled within sixty (60) days by a majority vote of the members of Council.
6. Each board and commission shall establish its own rules of order to be approved by City Council.
7. Members of boards and commissions shall serve without compensation unless otherwise provided by City Council.
8. All meetings of boards and commissions shall be open to the public, except as allowed by the general laws of the State of Ohio.

7.7 Planning and Zoning Commissions

1. Composition and Terms - The Planning and Zoning Commission shall consist of five (5) electors of the City of Washington Court House, the City Manager and the Chairperson of City Council. The five (5) electors of the City shall serve four (4) year staggered terms. The City Manager and Chairperson of City Council shall be ex-officio members and shall have no voting rights while serving in their capacity on this commission.

2. Powers and Duties - The Planning and Zoning Commission shall have the power and duty to hear applications for land use, zoning classifications or districts and, as merited, to submit written recommendations for legislative action or to render final determinations for administrative action, to initiate, review and recommend legislation, rules and regulations on all matters of municipal planning, land use and zoning classification and to exercise such other powers, duties and functions as provided by City Council.

7.8 Board of Zoning Appeals

1. Composition and Terms - The Board of Zoning Appeals shall consist of five (5) electors of the City of Washington Court House who shall serve overlapping three (3) year terms.

2. Powers and Duties - The Board of Zoning Appeals shall have the power and duty to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, other legislative measures and administrative determinations governing zoning in the City, as may be required to afford justice and avoid unreasonable hardship. The Board of Zoning Appeals may make advisory recommendations to City Council and the Planning Commission concerning zoning matters; and shall exercise such other powers, duties and functions as provided by City Council.

7.9 Historic District Review Board

1. Composition and Terms - The Historic District Review Board shall consist of the five (5) members of the Planning Commission and two (2) additional members appointed by a majority vote of City Council for three (3) year terms. The two (2) additional members shall both be residents of the City and at least one of these two shall be a resident or property owner in the Historic District.

2. Powers and Duties - The Historic District Review Board shall have the stated purpose of maintaining the integrity of the Historic District as established by the City Council's ordinances or resolutions.

## Article VIII (8.0) – Personnel

- 8.1 **Merit Principle** - Appointments and promotions in the City service shall be made according to merit and fitness to be determined as far as practicable by competitive examination. The positions of Police and Fire Chief shall follow this plan with the following exceptions: The ranks of patrolman and fire-fighter, both considered entry level ranks, shall not be considered when testing and choosing candidates for the chief's position. Both chief positions shall be competitive. When at least two (2) do not apply, or are not eligible to apply, applications may be taken from outside current City employees. All requirements must be met by outside applicants. Should the candidate hired be the outside applicant that person then becomes a classified employee at the same level as if hired from within.
- 8.2 **Civil Service Board** - There shall be a Civil Service Board consisting of three (3) members appointed by the City Council for terms of three (3) years. Any vacancy occurring during the term of any member shall be filled for the un-expired term by appointment of the City Council. Each member of the Board shall be a qualified elector of the City known to be sympathetic with the merit principle employment; shall neither hold nor be a candidate for any other public office, local, state or national political party, or any partisan political organization.
- 8.3 **Duties of the Civil Service Board** - The Board shall hear appeals from any classified employee who has successfully completed a probationary period, on such issues as may be subject to appeal as defined by Civil Service rules. The Board shall have the power to subpoena witnesses and require the production of records.
- 8.4 **Personnel Rules and Regulations** - Existing Civil Service laws shall remain in effect and no provisions of this Charter shall be construed to allow changes to State of Ohio Civil Service law except for the provisions of Article VIII (8.0) Section 8.1 Merit Principle, as it relates to the selection of Fire Chief and Police Chief, Section 8.5 Local Rule To Prevail, and any legal authority for the Civil Service Board to adopt and amend procedures for Civil Service Employment.

The City Manager shall prepare and propose to the Council personnel rules and regulations. The City Council shall adopt the proposed rules and regulations with or without amendment. These rules shall provide for, but not be limited to:

1. The unclassified service may be exempt from competitive examinations set forth in Section 8.1 titled Merit Principle.
2. Write job descriptions for all City positions, based on the duties, authority and responsibility of each position, with provisions for re-classification or regarding of any position whenever warranted by changed circumstances.
3. A pay plan for all City positions.
4. The policies and procedures regulating, appointment, promotion, demotion and discipline, suspension removal of employees; as well as reduction in force due to lack of funds, lack of work, or reorganization of providing service and the abolition of position.
5. The hours of work, attendance regulations and provisions for sick and vacation leave.
6. The policies and procedures governing persons holding provisional appointments
7. The policies and procedures governing relationships with employee organizations.
8. Grievance procedures.
9. Other practices and procedures deemed necessary or appropriate by the City Council with regard to the administration of the personnel system.
10. An employee handbook shall be distributed among all departments of the City. Pending adoption of revisions to the Employee Handbook by City Council, the City Manager may establish temporary provisions of the Employee Handbook.

Subject to the provisions of this Charter and after consultations with the City Manager, the City Council shall approve and adopt an Employee Handbook, which shall provide in detail the organization of the municipal government, define the powers and duties of each organizational unit and determine the employee procedures to be followed. Amendments to, and revisions of, the Employee Handbook shall be made by City Council only after consultation with the City Manager. Where the Employee Handbook 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 of Ohio law.

8.5 **Local Rule to Prevail** - The City Council shall have the authority to adopt personnel ordinances or personnel rules and regulations which modify, supplement or supersede the laws of the State of Ohio and which, in the case of conflict, shall prevail over the laws of the State of Ohio.

#### Article IX (9.0) – Finance

9.1 **Guiding Principles** - The financial functions of the City of Washington Court House will comply with current and future general laws of the State of Ohio unless otherwise specified in this charter.

9.2 **Fiscal Year** - The fiscal year of the City of Washington Court House shall begin on the first day of January and end on the last day of December.

9.3 **Levying Taxes** ~ The Council shall have the power to levy taxes for the purpose of funding the expenses of the City of Washington Court House and other lawful municipal purposes, in the manner provided by the constitution and general laws of Ohio.

9.4 **Power to Incur Debt** - The Council may, by ordinance, issue debt obligations to an amount not exceeding that authorized by the general laws of Ohio, currently in effect or hereafter enacted, for any purpose for which bonds and/or notes are authorized by state law. Mortgage revenue bonds, special assessment bonds and all other notes or bonds exempted by statute shall not be included in calculating the net debt.

9.5 **Mortgage Revenue Bonds** - The Council may, by ordinance issue mortgage revenue bonds for any purpose and in any total amount authorized by the state constitution or laws of Ohio.

9.6 **Procedure 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.

9.7 **Special Assessments** - Special assessments may be levied by Council, by ordinance to pay part or all of the costs of any public work or improvement authorized by ordinance. Such assessments shall be made and levied in accordance with the provisions and subject to the limitations prescribed by the general laws of Ohio.

9.8 **Special Funds, Trusts, Gifts, Donations or Bequests to the City** - Any gift, donation or bequest to the City of Washington Court House shall be used, appropriated and expended under the direction of the Council, unless provided for in such gift, donation or bequest. Trusts, gifts, and special funds shall continue in force until the purposes for which they are made have been accomplished. When the purpose of the fund has been accomplished, all residuals shall be dispersed in a manner determined by the Council.

9.9 **Investments** - Council may at its discretion provide the Director of Finance directions for the investment of any surplus, reserve, interim or inactive funds into such investments as are permitted to fiduciaries by general law.

9.10 **Duties of Director of Finance** - The Director of Finance shall have those powers, duties and functions as provided in this Charter, the City's ordinances and resolutions and as provided to City auditors and treasurers by the general laws applicable to general statutory plan cities. He/she shall have charge of the administration of the financial affairs of the City, including the keeping and supervision of all accounts, the preparation of income estimates and debt servicing expenses for the City Manager to include in the annual budget. The supervision of all accounts as set forth under this section shall include financial records and accounts maintained in connection with all sources of revenue, such as: utilities, all income producing projects and all sources of taxation; the custody and disbursement of City funds and monies; the preparation and certification of special assessments and the collection of such assessments as are payable directly to the City; the certification of unpaid assessments to the county auditor for collection; the collection of license fees; the control over expenditures; and such other duties as the council may by ordinance or resolution require.

Any employee of the City of Washington Court House assigned with the task of directly assisting the Finance Director shall be under the supervision of the Finance Director. Other employees of the City of Washington Court House whose primary duties focus upon the collection of taxes, the collection of fees, the collection of fines other than employees assigned to the Municipal Court of the City of Washington Court House, utility charges or other fees and charges shall be under the supervision of the Finance Director.

9.11 **Monthly Statement by Director of Finance** - The Director of Finance shall prepare for submission to the council a summary statement of revenues and expenses for the preceding month, detailed appropriations and funds in such manner as to show the exact financial condition of the City and of

each department and office thereof as of the last day of the previous month. This report shall be submitted to the council at their next regular meeting.

- 9.12 Financial Reporting - In addition to the requirements of the general laws of the State of Ohio, the Finance Director in consultation with the City Manager shall make available on the internet and by other means deemed appropriate by Council a financial report designed for the use of the general public. Said report need not be comprehensive in nature and shall be prepared twice each calendar year.
- 9.13 Annual and Planning Budget - The City Manager shall prepare and submit to the Council each year a budget in consultation with the Finance Director that describes the total contemplated work program and expenditures from each fund during the ensuing fiscal year. Expenditures shall not exceed the total estimated income to and fund balances of the City of Washington Court House as prepared and submitted to the City Manager by the Finance Director. The City Manager shall also maintain with the consultation of the Finance Director and submit to Council every two years a five-year planning budget. The planning budget shall serve as a guide to the administration and Council in the preparation of the annual budget and various appropriation ordinances.
- 9.14 Budget Hearings - The Council shall publish the general summary of the Budget and a notice stating; (1) the times and places where copies of the message and Budget are available for inspection by the public including the internet location of the complete Budget; (2) the time and place, not less than two weeks after such publication, for a public hearing on the Budget. After a public hearing, the Council shall adopt the Budget with or without amendment. In amending the Budget, Council may add or increase programs or amounts and may delete or decrease any programs and/or amounts, except expenditures required by law, or for debt service, or for estimated cash deficit, provided that no amendment to the Budget shall increase the authorized expenditures to an amount greater than the total of estimated income and fund balances.
- 9.15 Annual Appropriation Ordinance - Prior to the beginning of each calendar year, the City manager shall submit to the Council an appropriation ordinance based on the revised budget and drawn so as to provide for all expenditures proposed therein for that fiscal year. The ordinance shall be subject to the same procedure in the council as other ordinances but shall be passed before the first meeting of the Council in January of the budget year. After its passage the appropriation ordinance shall be published in the manner provided for the publication of other ordinances.

9.16 Transfer of Appropriations - At any time during the fiscal year any unencumbered appropriation balance may be transferred in accordance with the general laws of Ohio requirements.

9.17 Lapse of Appropriations - Appropriations expire at the end of the fiscal year. Residual balances are returned to the parent fund to be available as a resource for appropriation in the next fiscal year.

9.18 Purchases and Contracts - The City Council shall establish purchase and contract procedures for the City of Washington Court House. All procedures will comply with the Ohio Revised Code and this Charter

9.19 Other Financial Procedures - In all other respects the procedures for the preparation, advertising, hearing and adoption of the budget and the appropriation of municipal funds shall be governed by the general laws of the State of Ohio pertaining to such matters. The general laws of the State of Ohio shall govern any amendment to the annual appropriation ordinance.

#### Article X (10.0) - Nominations and Elections

10.1 Nominations - No primary election shall be held for the nomination of candidates for the Council. Petitions signed by at least fifty (50) qualified electors and no more than one-hundred (100) qualified electors of the City shall nominate candidates for the Council to be elected at large. Petitions shall be the standard forms provided by the Fayette County Board of Elections for the nomination of individual non-partisan candidates for such offices. Group petitions shall not be used for individual offices. Each circulator of a nominating petition shall be a qualified elector of the City as prescribed by this Charter. The signatures to a nominating petition need not be all affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in his/her presence and that he/she believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to his/her signature the date of signing and the place of residence. Petitions shall be filed with the Board of Elections in accordance with the Ohio election law.

See Resolution No. R13-2011, Effective May 3, 2011.

10.2 Regular Municipal Elections - The regular election for members of the Council shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may, by

resolution, order a special election, the purpose of which shall be set forth in the resolution. The date for special elections shall be set in accordance with the state election calendar.

- 10.3 **Conduct of Elections** - The Board of Elections of Fayette County, Ohio, as required by law with such exceptions as provided by this Charter, shall conduct both regular and special elections. Non-partisan ballots shall be used for all elective offices.
- 10.4 **Plurality** - A plurality of valid votes cast shall be sufficient to elect

#### **Article XI (11.0) - Initiative, Referendum and Recall**

##### **11.1 Definitions**

###### **Initiative**

"An electoral process whereby designated percentages of the electorate may initiate legislative or constitutional changes through the filing of formal petitions to be acted on by the legislature or the total electorate. The power of the people to propose bills and laws, and to enact or reject them at the polls independent of legislative assembly"

###### **Referendum**

"The process of referring to the electorate for approval a proposed new City ordinance or resolution or of a law passed by the City Council. Right constitutionally reserved to the people of the municipality, or local subdivision thereof, to have submitted for their approval or rejection, under prescribed conditions, any law or part of law passed by lawmaking body,"

###### **Recall**

"Right or procedure by which a public official may be removed from office before the end of his/her term of office by a vote of the people to be taken on the filing of a petition signed by required number of qualified voters."

- 11.2 **Voters Rights** - The people shall have the right to propose ordinances, to require ordinances to be submitted to a vote and to recall elected officials by processes known respectively as initiative, referendum and recall. The Fayette County Board of Elections shall be the lawful authority for the purpose of validating signatures upon any petition submitted to the Clerk of Council.

11.3 Initiative - Any ordinance or resolution may be proposed by a petition, which shall state at the head of each page or attached thereto the exact text of the ordinance sought to be proposed. The petition shall be signed by qualified electors of the City of Washington Court House equal in number to at least ten (10) percent of the number of votes cast at the last regular municipal election. If council fails to enact the ordinance without change within thirty (30) days after the filing of the petition with the Clerk of Council, the ordinance shall be placed on the ballot at the next general election in the City of Washington Court House, which occurs on or after the 120th day from the filing of the petition with the Clerk of Council. If a majority of the votes are in the affirmative, the ordinance shall become effective immediately or as provided in the text of the proposal.

11.4 Referendum - Any ordinance or resolution enacted by City Council may be subject to referendum by a petition within thirty (30) days after the ordinance or resolution was enacted by Council. The only exceptions to referendum shall be the annual appropriation ordinance that primarily funds the operations of the City of Washington Court House, any ordinance or resolution to refinance existing indebtedness of the City of Washington Court House, or any ordinance or resolution relating to a public improvement that has previously been authorized by Council. The petition shall state, at the head of each page or attached thereto, the exact text of the ordinance or resolution that is sought to be proposed for referendum and shall be filed with the City Clerk of Council. The petition shall be signed by qualified electors of the City of Washington Court House equal in number to at least ten (10) percent of the number of votes cast at the last regular municipal election. In the event that City Council fails to repeal or amend the ordinance or resolution to the exact requirements of the petition, the ordinance or resolution shall be placed on the ballot at the next general election in the City of Washington Court House, which occurs on or after the 120th day from filing of the petition with the Clerk of Council. See Ordinance No. 11-2008, Effective November 4, 2008.

11.5 Recall - Any person holding an elected office for a period of at least one year may be removed by recall. The petition shall state at the head of each page a demand for the removal of the officer and the office held. The recall petition shall be filed with City Clerk of Council. The petition shall be signed by qualified electors of the City of Washington Court House equal in number to at least ten (10) percent of the number of votes cast at the last regular municipal election. The recall shall be placed on the ballot at the next general election in the City of Washington Court House, which occurs on or after the 90th day but prior to the 180th day from the filing of the petition with the Clerk of Council.

11.6 Repeal of Ordinances or Resolutions Submitted to Voters - No ordinance or resolution adopted by the voters on initiative or ordinance or resolution approved by referendum shall be repealed within one year after its effective date.

#### Article XII (12.0) - General Provisions

12.1 Conflicts of Interest, Ethics, Campaign Finance - Unless otherwise provided in this Charter or by Council, the laws of the State of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

12.2 Personal Financial Interest - Any official or employee of the City who may stand to benefit financially, directly or indirectly, in any and all dealings between the City and other parties as a result of his/her action or position of authority shall make known that interest in a manner prescribed by Council. Council, by ordinance, shall provide procedure and restrictions to cover activities of such persons and circumstances.

12.3 Political Solicitations Prohibited - No elected City official or compensated City employee shall solicit, or cause to be solicited, any contributions, financial or otherwise, for any political purpose, from any City employee. The Council shall enact ordinances to enforce this provision.

12.4 Effects of Charter on Existing Laws and Rights - The adoption of this Charter shall not affect any pre-existing rights of the City, nor any right or liability or pending suit or prosecution, either on behalf of or against the City or any officer thereof, nor any franchise granted by the City, nor pending proceedings for the authorization of public improvements or the levy of assessments thereof. Except as a contrary intent appears herein, all acts of Council, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until lawfully amended or repealed.

#### 12.5 Amendment of Charter

1. Submission - Any provisions 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 electors of the

Municipality and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a vote of at least five (5) members of Council, or by petition to the Council signed by ten (10) percent of the electors voting in the last regular Municipal election held in the Municipality.

2. Review - At the first meeting of the Council in January 2008, and every eight (8) years thereafter, Council shall appoint a Commission of nine (9) electors of the Municipality. No member of the Commission shall be an employee of the City or a member of Council. It shall be the duty of the Commission to review the existing Charter and make such recommendations as it may see fit for revision. The Commission shall submit its report to Council not later than August 1 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations.

3. Conflicting Amendments. In the event two or more conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

12.6 Effect of Partial Invalidity - A determination that any article, section, or part of any article or section, of this Charter is invalid shall not invalidate or impair the force of effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

12.7 Oath of Office - Every officer and employee of the City shall, before entering upon public duties, take and subscribe to the following oath or affirmation, which shall be filed and kept in the office of the Clerk of Council:

I (*insert name*) solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, uphold and enforce the provisions of the Charter and ordinances of this City, and will faithfully discharge the duties of (*insert position*) upon which I am about to enter.

12.8 The City of Washington Court House under this Charter is hereby declared to be the legal successor of the City of Washington, under the laws of the State of Ohio, and as such it has title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The City is

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, by any court of competent jurisdiction. All contracts entered into by the City for its benefit prior to January 1, 2004, shall continue in full force and effect.

### **Article XIII (13.0) - Transitional Provisions**

13.1 Effective Date of Charter shall be January 1, 2004. Beginning January 1, 2004 the type of government for the City of Washington Court House, Ohio shall be known as "Council Manager." Implementation of the various sections of this Charter shall take place according to the dates specified in Section 13.4 below.

13.2 Continuance of Present Officials and Abolition of Offices. The process of electing Council Members bi-annually with overlapping, four year terms shall continue:

- a. Three City Council members elected on November 4, 2003 shall take office on January 1, 2004.
- b. Four City Council members shall be elected in the General Election in 2005 and shall take office on January 1, 2006.

13.3 Continuation of Present Employees

- a. No full time employee shall be terminated based on the provisions of this charter.
- b. The part time position of "Treasurer" shall be abolished, with the approval of this charter, on January 1, 2004. The duties of the Treasurer shall be transferred to the Director of Finance on that date.
- c. Nothing in this Charter, except as otherwise specifically provided in the Charter, shall affect or impair the rights or privileges of persons who are Municipal officials or employees at the time of its adoption to continue in the service of the City.
- d. Any provisions for selection or promotion of employees specified in this Charter shall take effect on January 1, 2004 except that, Civil Service or other promotion lists in effect on January 1, 2004 shall remain in effect until the normal expiration date for that list.

13.4 The provisions of this Charter shall use the dates listed below for implementation. Where this section is silent on an implementation date, the effective date of the Charter, January 1, 2004, shall apply.

Article 1.1 The name of the City shall be changed to the City of Washington Court House on January 1, 2004. It shall not be required to change the name on property or supplies owned by the City until replacement property or supplies are purchased.

Article 4.2 The residency requirement becomes effective January 1, 2005.

Article 4.4 Term limit will be in effect at the organizational meeting of Jan 1, 2006.

Article 4.10 Provisions of 4.10 shall take effect when the charter takes effect.

Article 4.14 The Administrative Code shall be adopted not later than January 1, 2005. Existing procedures shall be in effect until that time.

Article 4.17 An audit is required starting in the year 2004.

Article 4.18 Council will be required to adopt rules and order of business prior to adoption of any legislative matter in 2004.

Article 4.19 Such rules shall be required before any investigation is started and these rules shall be completed by December 31, 2004.

Article 4.20 An evaluation procedure, including employee performance and job growth provisions, shall be established prior to July 1, 2005.

Article 4.21 Rules shall be adopted prior to February 1, 2004.

Article 5.6 The first Codification shall be not later than December 31, 2004. Existing codification may be used, where appropriate, to initiate actions required to meet provisions of 5.6.

Article 6.2.6 The first of these evaluation reports shall be not later than December 31, 2005. City Council may require reports prior to that time by a temporary procedure until permanent evaluation provisions are adopted as required in 4.20.

Article 6.2.11 The first goals are required by Jan 31, 2005.

Article 6.5 The first review shall take place in the calendar year 2005.

Article 7.7.1; 7.8.1; 7.9.1; 8.2 Terms and appointments to boards and/or commissions in the referenced sections shall be established by Council by resolution or ordinance not later than December 31, 2004. Procedures used prior to the effective date of this charter may remain in effect until that date.

Article 8.4 Provisions of this article shall be fully implemented not later than December 31, 2004. Until that time, existing policies may be utilized for day-to-day operation of the City.

Article 12.3 This ordinance shall be passed prior to July 1, 2004, however, the intent of this section shall be in effect on the effective date of this charter.

Article 12.7 New or promoted officers and employees shall take this oath or affirmation beginning with the effective date of this charter.

\*\*\*\* *Please Note: The Original Charter of 2003, was updated pursuant to Ordinance 12-2008 and Ordinance 14-2008, passed by Council on August 19, 2008, to Article IV, section 12 and Article XI, section 4, upon the recommendations established by the Charter Review Commission.\*\*\*\* Effective November 4, 2008*

\*\*\*\* *Please Note: The Original Charter of 2003, was updated pursuant to Resolution R13-2011 adopted by Council on January 26, 2011, to Article X, section 10(1) upon the recommendations established by the Charter Review Commission.\*\*\*\* Effective May 3, 2011*

## ARTICLE XIV GLOSSARY

Glossary: Terms in this Charter shall be interpreted using the following definitions. Where not defined in this Glossary, other terms shall be applied as accepted in general law and government.

ADMINISTRATIVE CODE - The sum of all standard administrative practices used by the departments of the City and adopted as policy by City Council. The Administrative Code is part of the Municipal Code.

APPROPRIATION - A sum of money set aside to be expended for a public purpose in a manner determined by law.

BOARD - An officially designated group of three or more persons charged with some specific public function.

BUSINESS DAY - A day that City administrative offices are open for business during posted hours.

CHARTER - Basic law that controls the organization, function, powers and processes of the City of Washington Court House.

CITY - Where used in this charter, the word City shall mean the City of Washington Court House, named for our first U.S. President, George Washington. For postal use, geographic identification and common use, the City of Washington Court House may also be known as "Washington Court House" and may be abbreviated "Washington C.H."

CLASSIFICATION - (Classified Services) The organization of occupational positions into groups or classes on the basis of their duties and qualification requirements with attendant wage schedules.

COMMISSION - A body of three or more officials who collectively discharge the duties specified by ordinance, state law, or this Charter. Examples would be the Municipal Records Commission, Planning Commission, or Civil Service Commission.

COUNCIL - The elected, policy-making, legislative body of the Municipal government, seven in number elected at large for four (4) years on staggered terms.

DEPARTMENT - The primary administrative unit of the City of Washington Court House, generally functionally aligned (e.g.. Finance, Safety, Service, etc.)

DIVISION - A functional subsection of a Department.

ELECTOR - Defined as any person who is fully qualified to vote in a City election.

EXEMPT POSITIONS - Employees exempted from wage laws.

INTERIUM COUNCIL MEMBER - A person serving as a member of council for a period of time as described in section 4.12. The interim member shall enjoy all the privileges and rights as other members of Council.

JOURNAL - The record of transactions of Council kept by the Clerk of Council.

"MAY" - "May" as used in this Charter shall be construed as permissive.

MUNICIPAL CODE - The ordinances and resolutions having the force and effect of law arranged in a systematic order.

MUNICIPAL CORPORATION - The political, legislative and administrative authority of the City of Washington Court House.

NON-PARTISAN BALLOT - A ballot on which the candidates are not identified as being supported by or affiliated with any political party.

OHIO REVISED CODE - The laws of the State of Ohio arranged in systematic order.

ORDINANCE - A regulation or by-law of the Municipal Corporation made under the authority granted in this Charter and in conformity with National and Ohio State constitutions and general laws.

POLICY - General - A plan or course of action, as of a government, political party, or business, designed to influence and determine decisions and actions. Specific for this charter - A set of written rules, procedures, or actions adopted by the legislative authority, the City Council of the City of Washington Court House.

POST - To make available for public review, typically for a specific time period.

PUBLISH - To reproduce official documentation for review and information of the electorate in accordance with time schedules and procedures established.

QUORUM - The number of members who must be present in a deliberative body before business may be transacted. In the City of Washington Court House, the quorum for City Council shall be 4 in number.

RESOLUTION - A measure, which expresses legislative policy or opinion, censure, thanks, condolences, etc., or provides for a subsidiary description of procedural matters.

"SHALL" - "Shall" as used in this Charter shall be construed as mandatory.