

**WATERVILLE, OHIO
CHARTER
TABLE OF CONTENTS**

ARTICLE I: NAME AND BOUNDARIES

- 1.01 Name
- 1.02 Boundaries

ARTICLE II: POWERS AND EXERCISE OF POWERS

- 2.01 Powers
- 2.02 Exercise of powers (11-7-23)
- 2.03 The City of Waterville Community Bill of Rights. (11-8-16; 11-7-23)

ARTICLE III: COUNCIL

- 3.01 Composition and terms (11-6-07; 11-7-17)
- 3.02 Qualifications (11-2-71; 5-3-88; 11-5-02; 11-6-12)
- 3.03 Compensation and bonds (11-2-93; 11-5-02; 11-6-07; 11-6-12; 11-7-23)
- 3.04 Mayor
- 3.05 Vice-Mayor (11-2-71; 11-2-93)
- 3.06 Clerk of Council (11-8-77; 11-6-07)
- 3.061 Municipal Treasurer (11-8-77; 11-4-97; 11-6-07)
- 3.07 Powers of Council (11-8-77; 11-4-97; 11-6-07)
- 3.08 Meeting of Council (11-2-71; 11-8-77)
- 3.09 Quorum of Council
- 3.10 Ordinances and resolutions (Amended 11-3-87; 11-2-93; 11-4-97; 11-7-23)
- 3.11 Emergency ordinances (11-2-71; 11-3-87)
- 3.12 Codification (11-7-23)
- 3.13 Special meetings (11-2-93; 11-7-23)
- 3.14 Vacancies (11-2-71; 11-6-07; 11-6-12)
- 3.15 Removal (11-2-71)

ARTICLE IV: MUNICIPAL ADMINISTRATOR

- 4.01 Creation
- 4.02 Qualifications and appointment (11-8-77; 11-6-07)
- 4.03 Powers and duties (11-2-71)
- 4.04 Removal (11-8-77)

ARTICLE V: ADMINISTRATIVE DEPARTMENTS

- 5.01 Continuity, creation, and direction of departments (11-7-23)
- 5.02 Personnel provisions (11-2-71; 11-3-87; 11-7-23)
- 5.03 Law Department (11-8-77; 11-6-07)

ARTICLE VI: FINANCIAL PROCEDURES

- 6.01 Fiscal year
- 6.02 Budget message (11-2-93)
- 6.03 Budget (11-2-93; 11-6-12)
- 6.04 Council action on budget (11-2-93; 11-6-07; 11-3-09; 11-7-23)
- 6.05 Capital program (11-7-17)
- 6.06 Council action on capital program (11-4-97; 11-6-07; 11-3-09; 11-7-23)
- 6.07 Public records
- 6.08 Amendments after adoption (11-2-71)
- 6.09 Reserved
- 6.10 Administration of budget (11-2-93)
- 6.11 Finance Committee (11-2-93; 11-6-07; 11-3-09; 11-7-17)

ARTICLE VII: COMMISSIONS AND BOARDS

- 7.01 General provisions (11-6-07; 11-7-17)
- 7.02 Municipal Planning Commission (11-6-07; 11-2-10; 11-7-17)
- 7.03 Board of Zoning and Building Appeals (11-6-07; 11-2-10; 11-7-17)
- 7.04 Civil Service Commission (11-6-07; 11-2-10; 11-7-17)

ARTICLE VIII: NOMINATIONS AND ELECTIONS

- 8.01 Nominations (11-4-97; 11-6-07; 11-7-17)
- 8.02 Elections (11-6-07)
- 8.03 Ballots
- 8.04 Plurality, tie votes
- 8.05 Primary elections (11-6-07; 11-7-17)

ARTICLE IX: INITIATIVE, REFERENDUM, AND RECALL

- 9.01 Initiative (11-2-71; 11-7-23)
- 9.02 Referendum (11-2-71)
- 9.03 Recall (11-2-71; 11-5-02; 11-7-23)

ARTICLE X: GENERAL PROVISIONS

- 10.01 Conflict of interest (11-2-71; 11-3-87; 11-6-12; 11-7-17)
- 10.02 Prohibitions (11-7-23)
- 10.03 Charter review and amendments (11-2-71; 11-7-17)
- 10.04 Adoption of amendments
- 10.05 Public utilities (11-8-77; 5-3-88; 11-4-97; 11-7-17)
- 10.06 Oath
- 10.07 Interpretation
- 10.08 Effect of partial invalidity

ARTICLE XI: TRANSITIONAL PROVISIONS

- 11.01 Officers and employees (11-7-23)
- 11.02 Departments, offices and agencies
- 11.03 Pending matters
- 11.04 State and Municipal laws
- 11.05 Schedule (11-7-23)

**CHARTER FOR THE
MUNICIPALITY OF WATERVILLE, OHIO**

**ADOPTED MAY 3, 1966,
AMENDED NOVEMBER, 1977**

ARTICLE I: NAME AND BOUNDARIES

SECTION 1.01 NAME.

The municipal corporation now existing in the County of Lucas and State of Ohio, and known as the Village of Waterville shall continue to be a body politic and corporate under the name of Waterville.

The term "Municipality", as used in this Charter, shall be construed to mean the Village of Waterville so long as it remains a Village and also the City of Waterville when, under the Constitution and laws of the State of Ohio, the Municipality shall change in status from that of a Village to that of a City.

SECTION 1.02 BOUNDARIES.

The Municipality shall have the same boundaries as existed on the effective date of this Charter, with the power and authority to change its boundaries in the manner authorized by the laws of Ohio.

ARTICLE II: POWERS AND EXERCISE OF POWERS

SECTION 2.01 POWERS.

Except as prohibited by the Constitution of the United States and the Constitution of the State of Ohio or restrained by this Charter, the Municipality shall have and may exercise now and in the future all municipal powers, rights, privileges, and immunities of every name and nature.

SECTION 2.02 EXERCISE OF POWERS.

All powers of the Municipality shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed by this Charter, then in the manner prescribed by ordinance.

Following any general election, the Clerk of Council may, after review by the Law Director and approval by resolution of the City Council, make administrative changes or corrections limited to errors of grammar, sentence construction, the re-numbering or arrangement of articles or sections or use of gender-neutral pronouns. Such administrative changes or corrections shall in no way affect the substantive meaning or purpose of any Charter provision or section. (Amended 11-7-23.)

SECTION 2.03 THE CITY OF WATERVILLE COMMUNITY BILL OF RIGHTS.

Section 2.03 of the Waterville City Charter, Waterville Community Bill of Rights, shall be removed from the Charter since such municipal charter provisions have been found to be unconstitutional and unenforceable in the State of Ohio and conflict with state and federal law. (Amended 11-7-23.)

ARTICLE III: COUNCIL

SECTION 3.01 COMPOSITION AND TERMS.

The Council shall consist of seven (7) members, six (6) Councilmen and the Mayor, all of whom shall be elected at large. Of the six (6) members elected to the position of Councilmen, one member shall be selected to serve as the Vice-Mayor as specified in Section 3.05 of this Charter.

The term of Councilmen shall be staggered and shall begin on the first day of January next following their election, and shall serve for a term of four (4) years or until their successors are chosen and qualified.

At the regular municipal election to be held in November 1967, and for that election only, six (6) Councilmen shall be elected to start the system of staggered terms, the three (3) Councilmen receiving the highest number of votes shall each serve for a term of four (4) years and the remaining three (3) Councilmen shall each serve a term of two (2) years. (Amended 11-6-07)

Any person elected to the office of Council Member for three (3) consecutive terms shall thereafter be ineligible for that office for the next term. (Amended 11-7-17)

SECTION 3.02 QUALIFICATIONS

A member of the Council shall have been continuously a resident of the Municipality, or in territory subsequently annexed thereto, or in the Municipality and annexed territory in any combination, continuously for at least two (2) years immediately prior to the date of his or her election or appointment, and a qualified elector at the time of the filing of the election petition, and each such member shall continue to be qualified as an elector therein throughout his or her term of office. (Amended 11-5-02; 11-6-12)

Council shall be the sole and final judge of the election and qualifications of its members.

The establishment of a two-year residency requirement in this Section and in Sections 7.02, 7.03 and 7.04 is to recognize that the electors in the Municipality of Waterville have a substantial and compelling interest in encouraging qualified candidates for the Council, Planning Commission, Board of Zoning Appeals and Civil Service Commission. The two-year residency requirement ensures that such candidates have every opportunity to become knowledgeable with and concerned about the problems, needs, and unique characteristics of the community, and it also ensures that the community will have an opportunity to become familiar with the people who become candidates. In enacting this requirement, the electors find that the two-year period is reasonably related to these purposes. (Amended 11-2-71; 5-3-88; 11-6-12)

SECTION 3.03 COMPENSATION AND BONDS.

Ordinances presently in force and establishing salaries shall remain in effect for the first elected Council and thereafter the specifications established by the newly elected Council according to this Charter will prevail.

Council shall fix the salaries and compensation of the Municipal Administrator, the Municipal Treasurer, the Clerk of Council, Mayor, members of Council, and each officer, employee, or member of any board or commission of the Municipality, whether elected or appointed. The salaries and compensation of the Mayor and Council of the Municipality shall be fixed by ordinance or resolution. (Amended 11-7-23).

The compensation each member of Council (including the Mayor and Vice-Mayor) shall receive shall be fixed not less than one hundred twenty (120) days immediately preceding the date of the next municipal election. No increase can become effective for any Council Member during the current term of any Council Member enacting such ordinance. The compensation of every other

officer, employee, and member of any board or commission of the Municipality shall at any time be fixed by ordinance or resolution.

All officers and employees of the Municipality whose duties require that they handle or be concerned with the management of its money or other property, and any other employee required by Council to file a bond, shall furnish to the Clerk of Council, before entering their duties, a bond to protect the Municipality against loss due to their acts or omissions. The amount of such bond shall in each case be fixed by resolution of Council and shall be of an adequate amount in accordance with the value of property and amounts of money handled by the employee. The premiums of such bond shall be paid from the funds of the Municipality. (Amended 11-2-93; 11-6-07; 11-6-12)

SECTION 3.04 MAYOR

A Mayor shall be elected for a term of four (4) years. The Mayor shall be a full member of Council and shall have the full power of a member of Council in being able to vote, introduce ordinances, resolutions, and motions, and the right to participate in the discussions of all matters coming before Council. In addition, he shall preside at all meetings of Council, shall be recognized by the governor of the State of Ohio for the purposes of military law and as head of this municipal government for all ceremonial purposes, and shall perform all other such duties as provided for in this Charter.

During the absence or disability of the Mayor, the Vice-Mayor shall exercise all the powers and perform all the duties of the Mayor. If a vacancy occurs in the office of Mayor, the Vice-Mayor shall become Mayor for the remainder of the unexpired term.

Any person elected to the office of Mayor for two (2) consecutive terms shall thereafter be ineligible for that office for the next term.

SECTION 3.05 VICE-MAYOR.

An elected member of Council shall be elected to the office of Vice-Mayor for a term of two (2) years by a majority of the members of Council. The Vice-Mayor shall be elected at the first meeting in January 1994 and ever other year thereafter.

The Vice-Mayor shall exercise all of the powers and perform all the duties of the Mayor in case of temporary absence or temporary disability of the Mayor.

Any member of Council elected to the office of Vice-Mayor for (2) consecutive years shall thereafter be ineligible for that office for the next year.

(Amended 11-2-71; 11-2-93)

SECTION 3.06 CLERK OF COUNCIL.

Council shall appoint a Clerk of Council who shall serve at the pleasure of the Council, and shall perform such other duties as this Charter or the Council may require.

The Clerk of Council shall attend all meetings of Council, and keep a journal of all meetings, ordinances and resolutions. The Journal shall include the record of all voting upon any ordinance, resolution or motion which shall be by roll call, and the vote of each Councilman (including Mayor and Vice-Mayor) shall be listed therein.

In addition the Clerk of Council shall authenticate by signature and keep in book form, by number and alphabetically by title, all ordinances and resolutions which shall be open for public inspection at all reasonable times.

The Clerk of Council shall maintain a complete file of all official blueprints, maps, journals, and ledgers in the designated municipal hall. These shall be available for inspection at all reasonable times.

During the absence or disability of the Clerk, Council shall appoint a temporary Clerk of Council who shall perform all the duties of the office. (Amended 11-8-77; 11-6-07)

SECTION 3.061 MUNICIPAL TREASURER.

Council shall appoint a Municipal Treasurer who shall serve at the pleasure of Council and shall perform such other duties as this Charter or the Council may require. The Treasurer shall attend all meetings of Council. The Treasurer shall countersign, with the Administrator or Acting Administrator, all checks issued by the Village. In the event of an emergency or the unavailability of the Treasurer, other Village employees, as specifically authorized by the Treasurer and Administrator, may countersign checks issued by the Village. He shall reconcile all checking and savings accounts of Village funds. The Treasurer shall, when requested by the Administrator, provide whatever data and financial information the Administrator may require in the preparation of financial reports for the Council. The Treasurer shall be a suitably qualified person with bookkeeping experience. During the absence or disability of the Treasurer, Council shall appoint a Temporary Treasurer who shall perform all duties of the office.
(Amended 11-8-77; 11-4-97; 11-6-07)

SECTION 3.07 POWERS OF COUNCIL.

All legislative powers of the Municipality and the determination of all matters of policy shall be vested in Council, except for those items specifically established by other sections of this Charter.

Council shall adopt its own rules, regulations, or by-laws and shall attend that a journal be maintained of all of its proceedings; said journal to be open for public inspection at all reasonable times.

Council may by ordinance make provisions with respect to but not limited to:

- (a) The time and place of all regular meetings.
- (b) Appointing and removing the Municipal Administrator in accord with Article IV of this Charter.
- (c) The method of giving public notice of the enactment of the ordinances and adoption of its resolutions, and of any other acts or proceedings which it deems proper to publish.
- (d) Such other general regulations as Council may deem necessary, including regulations as to the custody and use by the Clerk of Council of an official seal which shall be The Municipal Seal of Waterville.
- (e) Accepting gifts and grants for the Municipality.
- (f) Adopting the budget with or without amendments.
- (g) Establishing, changing, combining or abolishing administrative departments and defining their powers, duties and responsibilities, other than those established by this Charter
- (h) Entering into and/or canceling contracts or franchises.
- (i) Incurring indebtedness and authorizing the issuance of bonds and/or notes by ordinance.
- (j) Adopting, modifying, or carrying out mapping, platting, zoning, or other plans proposed by the Municipal Planning Commission.
- (k) Appointing and/or removing the Clerk of Council and any other officer of the Municipality that is subject to the appointive powers of Council.
- (l) Inquiring into the conduct of any agency of the Municipality and making investigations as to municipal affairs.
- (m) Inquiry and investigation solely through the Municipal Administrator in respect to any administrative service for which the Municipal Administrator is responsible.
- (n) The procedure for making public improvements and including the procedure for combining two or more public improvements in one proceeding, if Council finds that it will be economical and practical to undertake such improvements jointly.
- (o) The procedure to be used in administering the oath of office as provided herein.
- (p) The procedures and methods to be followed with respect to contracting and purchasing on behalf of the Municipality, including the power to determine the method and procedure for making, awarding, advertising, modifying, and enforcing contracts with the Municipality, and the method, procedure, time, and manner of payment thereunder.

- (q) The matter of whether contracts shall be awarded pursuant to separate trades or whether a general contractor or some other method of contracting shall be utilized, which matter shall be determined by the Council either by a general ordinance or resolution or by a specific action with respect to particular projects taken by ordinance or resolution.

Council may, at their discretion and with a majority vote of the members thereof in a public meeting, arrange for a yearly review of all Village financial accounts by an independent Certified Public Accountant. (Amended 11-8-77; 11-4-97; 11-6-07)

SECTION 3.08 MEETING OF COUNCIL.

Council shall meet regularly at least once each month at such time and place as Council may prescribe in its rules. All meetings of Council shall be public; however, Council may recess for the purpose of discussing any matter legally permitted to be discussed in a closed executive session, providing that the general subject matter for consideration is expressed in the motion calling for such a session. Persons other than members of Council at the request of Council may attend executive sessions if Council feels such persons can render assistance or present information relative to the general subject matter for consideration. Formal action or vote of Council shall be taken in public.
(Amended 11-2-71; 11-8-77)

SECTION 3.09 QUORUM OF COUNCIL.

A majority of the members of Council shall constitute a quorum for the transaction of any business at any meeting of Council, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance.

SECTION 3.10 ORDINANCES AND RESOLUTIONS.

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form. No ordinance or resolution shall contain more than one subject, which shall be clearly expressed in its title. Unless such legislation is otherwise authorized by the terms elsewhere in this Charter, the adoption, rejection, amendment, time of taking effect, and the signing thereof, shall be in the manner provided herein.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those legislative acts of Council which are of a general and permanent nature and which have the full force and effect of law shall be done by ordinance, including adopting or amending the administrative code; adopting or amending the Zoning or Subdivision Codes, including the approval of rezoning requests or special use permits; establishing a rule or regulation for which a fine or penalty is imposed; levying taxes or assessments; granting, renewing, or extending a franchise; regulating utility rates; authorizing the borrowing of money, purchasing, leasing, or transferring any public lands; appropriating funds; or amending or repealing ordinances previously adopted. Acts other than those referred to in the preceding sentence may be done either by ordinance or resolution.

Prior to the presentation of any ordinance or resolution, to be passed as a regular measure, the Municipal Administrator or his designated agent shall serve either personally, by digital means or by leaving a copy thereof at the usual residence of the Mayor and each member of Council within a period of not less than three (3) days before the meeting of Council. (Amended 11-7-23).

Every ordinance and resolution proposed for passage as a regular measure shall be available at the municipal offices for review by the general public three (3) days before the ordinance or resolution is to be considered by Council, and shall also be available for review at the Council meeting.

Every ordinance, except emergency ordinances, shall be presented and distinctly read by title only at three (3) different meetings of Council. No ordinance, except emergency ordinances and ordinances relating to the appropriation of money or levy of taxes, shall become effective until thirty (30) days after its approval by Council. An emergency ordinance and an ordinance relating to the appropriation of money or levy of taxes shall be effective upon passage or at such other time stipulated in the ordinance. (Amended 11-4-97)

A resolution may be passed or adopted at the meeting at which it is first presented, provided that it must be read at least once by title only. A resolution shall be effective upon passage or at such other time stipulated in the resolution.

Each ordinance and resolution shall be authenticated by the Clerk of Council.

Except as otherwise provided herein, every ordinance or resolution of a general or public nature required to be published by this Charter, or by legislation enacted by Council, shall be published either by posting copies in the prescribed number of places designated for a period not less than fifteen (15) days, or by publishing the same in any English language newspaper with general circulation within the Municipality. Except as to resolutions or emergency ordinances, publication shall be completed prior to the taking effect therein. (Amended 11-3-87; 11-2-93)

SECTION 3.11 EMERGENCY ORDINANCES.

To meet any public emergency affecting life, health, property, the public peace, or current operating expenses, Council may adopt one or more emergency ordinances but such ordinances may not grant, renew or extend a franchise, or regulate the rate charged by any public utility for its services.

An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enactment clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

An emergency ordinance may be adopted with or without amendments or rejected at the same meeting at which it is introduced, but the affirmative vote of at least five (5) members shall be required for adoption.

After its adoption the emergency ordinance shall be published and printed as prescribed for other ordinances. It shall become effective upon adoption or at such later time as it may specify.

An emergency ordinance may be repealed by the adoption of a repealing ordinance in the same manner as provided herein for the adoption of emergency ordinances.

If such an emergency measure fails to receive five (5) affirmative votes, but receives a necessary majority for adoption or passage as a regular measure, it shall serve as a first reading and shall then be considered for adoption as a regular measure, as provided in Section 3.10 of this Charter.

An emergency ordinance shall be distinctly read at least once by title only. (Amended 11-2-71; 11-3-87)

SECTION 3.12 CODIFICATION.

Within five (5) years after adoption of this Charter and at least every ten (10) years thereafter, Council shall provide for the preparation of a general codification of all municipal ordinances and resolutions having the force and effect of law. The general codification shall be adopted by Council by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Ohio, and such codes of technical regulations and other rules and regulations as Council may specify. This compilation shall be known and cited officially as the Waterville Municipal Code. Copies of the code shall be furnished to officers, placed in libraries, public offices and on the municipal website for free public reference and made available for purchase by the public at a reasonable price fixed by Council. (Amended 11-7-23).

Following the publication of the Waterville Municipal Code and at all times thereafter, all ordinances and resolutions regulatory in nature, and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. Council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Ohio, or the codes of technical regulations and other rules and regulations included in this code.

SECTION 3.13 SPECIAL MEETINGS.

Special meetings of Council may be called as provided in its rules, regulations, and by-laws, or by ordinance or resolution. In the absence of any such provisions, special meetings may be called by a vote of Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor, or the Vice-Mayor, or any three (3) members of Council.

Notice in writing of each such special meeting called at the request of the Mayor, Vice-Mayor or three (3) members of Council shall state the date, time, and subject or subjects to be considered. Such written notice shall be served by the Clerk of Council upon the Mayor and each member of Council, either personally or by leaving a copy at his official residence, not less than twenty-four (24) hours preceding the time of the meeting. In the event that a special meeting is called by a vote of Council taken at any regular or special meeting from which any member of Council is absent, written notice of such special meeting shall be given such absentee member(s) in the manner provided herein. Service of such notice may be waived by an instrument in writing signed prior to the hour of such meeting, and the Mayor and any Councilman shall be deemed conclusively to have waived such notice by his attendance at any such meeting.

Any measure that is acted upon at a special meeting of Council shall require the affirmative votes of at least five (5) members of Council for its enactment.

The Clerk of Council shall post, or have posted in public places designated by Council, notices pertaining to all special meetings including their time and place, not less than twenty-four (24) hours preceding the time of the meeting, and such notices shall indicate the subject or subjects to be considered by Council.

All special meetings of Council shall be held at Council Chambers, unless due unforeseen or extraordinary circumstances, a special meeting of Council may be held at another public place. Special meetings not held at Council Chambers shall be called according to the requirements of this Section and shall be open to the public. (Amended 11-2-93). (Amended 11-7-23).

SECTION 3.14 VACANCIES.

Whenever the office of a Council Member shall become vacant for any reason, the vacancy shall be filled within thirty (30) days by a majority vote of the remaining members of Council. If the vacancy shall not be so filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected and shall qualify for the unexpired term as hereinafter provided.

A successor shall be elected for the unexpired term to fill any such vacancy at the next regular municipal election provided such election shall occur more than two (2) years prior to the expiration of the unexpired term, and if the vacancy shall have occurred more than thirty (30) days prior to the filing date for that election. Any vacancy in the office of Vice-Mayor shall be filled by a Councilman elected by a majority of the members of Council. The term of the member of Council elected for the unexpired term shall begin on the first day of January next following his or her election.
(Amended 11-2-71; 11-6-07; 11-6-12)

SECTION 3.15 REMOVAL.

Council may expel or remove any member for gross misconduct or malfeasance or nonfeasance or disqualification for office, or upon conviction while in office of a felony or other crime involving moral turpitude or for violation of his oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from three (3) consecutive regular meetings of Council, provided, however, that such expulsion or removal shall be upon concurrence of five (5) or more members of Council after public hearing upon the charges or charges brought; and provided, further, that the accused member shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and provided, further, that he or his counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.

The decision of Council in expelling or removing a member of Council after compliance with this section shall be final, and thereupon the office of any such removed or expelled member of Council shall be vacant.

(Amended 11-2-71)

ARTICLE IV: MUNICIPAL ADMINISTRATOR**SECTION 4.01 CREATION.**

The position of Municipal Administrator is hereby created. He shall be the chief fiscal officer of the Municipality, and shall have the duties, powers and responsibilities herein set forth, and shall be appointed by Council. The first Municipal Administrator shall be appointed within one hundred and twenty (120) days after January 1, 1968.

SECTION 4.02 QUALIFICATIONS AND APPOINTMENT.

The Municipal Administrator shall be chosen solely on the basis of his executive and administrative qualifications with reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as provided herein.

During the absence, disability, or vacancy of the Municipal Administrator, Council shall designate a properly qualified person to be the Acting Municipal Administrator. (Amended 11-8-77; 11-6-07)

SECTION 4.03 POWERS AND DUTIES.

The powers and duties of the Municipal Administrator shall be:

- (a) To see that all laws and ordinances are enforced.
- (b) To appoint, suspend, or remove all subordinate officers and employees of the Municipality (all action shall be on merit and fitness alone).
- (c) To exercise control over all municipal departments created by Council.
- (d) To make engineering and other assistance available to all boards and commissions created by this Charter or by Council, within the limits of appropriations and available funds.

- (e) To see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any public utility franchise or other contracts are faithfully kept and performed.
 - (f) To attend all Council meetings, with the right to take part in the discussions but not to vote.
 - (g) To recommend to Council any matter requiring their legislative actions and where practicable avoiding passage of an ordinance or resolution as an emergency measure.
 - (h) To annually recommend to Council repeal of obsolete legislative actions.
 - (i) To keep Council fully advised on a monthly basis as to the financial condition and needs of the Municipality.
 - (j) To submit an annual budget to Council, and be responsible for its proper execution as covered by appropriation ordinances of Council.
 - (k) To prepare and submit to Council, as of the end of each fiscal year, a complete report on the finances and administrative activities of the Municipality for the preceding year.
 - (l) To act as purchasing agent to all municipal departments.
 - (m) To issue all licenses and permits pursuant to ordinances or resolutions except as may be established by this Charter.
 - (n) To perform such other duties as are provided for elsewhere in this Charter.
 - (o) Execute contracts, agreements, or other documents on behalf of the Municipality after first obtaining authority from Council.
- (Amended 11-2-71)

SECTION 4.04 REMOVAL.

A preliminary resolution which states the reason for removal must be enacted by a vote of five (5) members of Council and shall be delivered within twenty-four (24) hours after enactment to the Municipal Administrator.

Within five (5) days after a copy of the resolution is delivered to the Municipal Administrator, he may file with Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed.

Council may adopt a final resolution of removal, which may be made effective immediately by a vote of at least five (5) members of Council at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Municipal Administrator, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The Municipal Administrator shall continue to receive his salary until the effective date of the final resolution of removal.

(Amended 11-8-77)

ARTICLE V: ADMINISTRATIVE DEPARTMENTS

SECTION 5.01 CONTINUITY, CREATION, AND DIRECTION OF DEPARTMENTS.

Council may establish municipal departments, offices, commissions, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, commissions and agencies, and shall publish such regulations as an administrative code. The Clerk of Council shall keep a copy of the administrative code on file for availability to the public. No function assigned by this Charter to a particular department, office, commission or agency may be discontinued or, unless this Charter specifically provides, assigned to any other.

Council shall, within ninety (90) days after the effective date of this Charter, appoint temporary officers or heads of departments who will function in those positions until such time as the appointed Municipal Administrator will have the opportunity to establish permanent officers or heads of departments.

All departments, offices, commissions and agencies under the direction and supervision of the Municipal Administrator shall be administered by an officer appointed by and subject to the direction and supervision of the Municipal Administrator. With the consent of Council, the Municipal Administrator may serve as the head of one or more such departments, offices, commissions or agencies or may appoint one person as the head of two or more of them.

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are municipal officers or employees at the time of its adoption. (Amended 11-7-23)

An employee holding a municipal position at the time this Charter takes full effect shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in Sections 5.02 and 7.04 of this Charter. (Amended 11-7-23)

SECTION 5.02 PERSONNEL PROVISIONS.

Appointments and promotions of municipal officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination and/or other evidence of competence.

The Municipal Administrator, or such other person as he may designate, shall prepare personnel rules. Upon approval by the Administrator, the rules shall be proposed to the Council and Council may by ordinance adopt them, with or without amendment. These rules shall provide for:

- (a) The classification of all municipal positions, based on the duties, authority, and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by circumstances
- (b) A pay plan for all municipal positions.
- (c) Methods for determining the merit and fitness of candidates for appointment and promotion.
- (d) The policies and procedures regulating reduction in force and removal of employees.
- (e) The hours of work, attendance regulations, and provisions for sick and vacation leave.
- (f) The policies and procedures governing persons holding provisional appointments.
- (g) The policies and procedures governing relationships with employee organizations.
- (h) Policies regarding in-service training programs.
- (i) Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, as provided in Section 7.04 of this Charter.
- (j) Other practices and procedures necessary to the administration of the municipal personnel system. (Amended 11-7-23).

SECTION 5.03 LAW DEPARTMENT.

A Law Department is hereby created, which shall be headed by a Law Director who shall be appointed by the Council. The Law Director shall be an Attorney-at-Law, admitted to the practice of law in the State of Ohio. Assistant Law Directors may be provided for by the Law Director, with the approval of Council, and shall perform the same duties as the Law Director in his absence. Any Assistant Law Directors shall have the same qualifications as the Law Director.

He shall be an advisor of, and attorney and counsel for the Municipality, and for all the officers and divisions thereof in all matters relating to their official duties, and shall, when requested by the Municipal Administrator, give legal opinion in writing. He shall represent the Municipality and/or its representatives in all suits or cases to which it may be a party; and shall prosecute for all offenses against the ordinances of the Municipality and such offenses against the laws of Ohio as may be required of him. He shall, on the request of the Municipal Administrator, or by motion of Council, prepare contracts, legislation, bonds, and other instruments in writing and over his signature, in which the Municipality is concerned. (He shall perform all such other duties as the Municipal Administrator may impose upon him that are consistent with his office of Law Director. (Amended 11-6-07)

ARTICLE VI: FINANCIAL PROCEDURES**SECTION 6.01 FISCAL YEAR.**

The fiscal year of the Municipality shall begin on the first day of January and end on the last day of December.

SECTION 6.02 BUDGET MESSAGE.

At least sixty (60) days prior to the end of the Village's fiscal year, the Municipal Administrator shall submit to the Finance Committee and Council a comprehensive budget for all Village functions for the ensuing fiscal year along with an accompanying budget message.

The message shall explain the budget in fiscal terms and in terms of work programs. It shall:

- (a) Outline the proposed financial policies of the Village for the ensuing fiscal year;
- (b) Describe the important features of the budget;
- (c) Indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes; Summarize the Village's debt position; and
- (d) Include such other material as may be deemed appropriate. (Amended 11-2-93)

SECTION 6.03 BUDGET.

The budget shall provide a complete plan for all Village funds and activities and shall be in such form as the Council and Finance Committee may require, but shall indicate proposed expenditures for both current operations and capital projects during the ensuing year, detailed by departments, offices, boards, commissions, and committees. In organizing the budget the Municipal Administrator shall utilize the most feasible combination of expenditure classification, by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income indicating the proposed property tax levy, and all proposed expenditures, including debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure.
- (c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Municipality and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total resources of the Municipality. (Amended 11-2-93; 11-6-12)

SECTION 6.04 COUNCIL ACTION ON BUDGET.

The Finance Committee shall review the budget, and send their recommendation to Council, with or without amendments, promptly, and in any case within thirty (30) days.

Council shall provide public notice by digital means and publish in one (1) or more newspapers of general circulation in the Municipality the general summary of the budget and a notice stating:

- (a) The times and places where copies of the message and budget are available for inspection by the public.
- (b) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget. (Amended 11-7-23).

Council shall conduct one more public meeting on the proposed budget and shall adopt the budget, with or without amendments, prior to March 1 of that fiscal year. (Amended 11-2-93; 11-6-07; 11-3-09)

SECTION 6.05 CAPITAL PROGRAM.

The Municipal Administrator shall prepare and submit to Council a five (5) year capital program at least three (3) months prior to the final date for adoption of the budget. The capital program shall include:

- (a) A clear general summary of its contents.
- (b) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
- (c) Cost estimates, method of financing, and recommended time schedules for each such improvement.
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired. (Amended 11-7-17)

SECTION 6.06 COUNCIL ACTION ON CAPITAL PROGRAM.

Council shall provide public notice by digital means and publish in one (1) or more newspapers of general circulation in the Municipality, the general summary of the capital program and a notice stating:

- (a) The times and places where copies of the capital program are available for inspection by the public.
- (b) The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program. (Amended 11-7-23).

Council, by resolution, shall adopt the capital program with or without amendment after the public hearing prior to March 1 of that fiscal year. (Amended 11-4-97; 11-6-07; 11-3-09)

SECTION 6.07 PUBLIC RECORDS.

Copies of the budget and the capital program, as adopted, shall be public records and shall be made available to the public at suitable places in the Municipality as may be directed by Council.

SECTION 6.08 AMENDMENTS AFTER ADOPTION.

If during the fiscal year the Municipal Administrator certifies that there are available for appropriation revenues in excess of those estimated in the budget, Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

To meet a public emergency affecting life, health, property, the public peace, or current operating expenses Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 3.11 of this Charter.

If at any time during the fiscal year it appears probable to the Municipal Administrator that the revenues available will be insufficient to meet the amount appropriated, he shall report to Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one (1) or more appropriations.

At any time during the fiscal year the Municipal Administrator may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Municipal Administrator, Council may, by ordinance, transfer all or part of any unencumbered appropriation balance from one (1) department, office or agency to another.

No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption. (Amended 11-2-71)

SECTION 6.09 RESERVED.

EDITOR'S NOTE: Former Section 6.09 of the Charter was deleted from the Charter on November 6, 2007.

SECTION 6.10 ADMINISTRATION OF BUDGET.

At such time as the Municipal Administrator shall specify, each department, office, or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Municipal Administrator shall review and authorize such allotments, with or without revision. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced, or transferred appropriations as provided in Section 6.08 of this Charter.

No payment shall be made or obligation incurred against any allotment or appropriations duly made unless the Finance Officer, or such other person as the Municipal Administrator may designate, first certifies that there is a sufficient unencumbered balance in such allotments or appropriations, and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the Municipality for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

In the final quarter of any fiscal year, no department or office may expend, except for amounts previously encumbered, more than one-fourth of its annual appropriation unless such expenditures have been previously approved by the Municipal Administrator.
(Amended 11-2-93)

SECTION 6.11 FINANCE COMMITTEE.

The Finance Committee shall consist of the Mayor, the Municipal Administrator, Finance Officer, Municipal Treasurer, one member of the Civil Service Commission, one member of Council, and three (3) professionally qualified residents of the Municipality, notwithstanding the provisions of the second paragraph of Section 10.01 of the Waterville Municipal Charter. The three (3) members who are professionally qualified residents shall be appointed by the Mayor with the approval of council for three-year overlapping terms. In the event that any vacancy shall not be so filled within sixty (60) days, any member of Council may nominate a qualified individual to fill the vacancy, subject to the approval of a majority of the members of Council. Committee members shall serve without compensation.
(Amended 11-6-07; 11-2-10; 11-7-17)

ARTICLE VII: COMMISSIONS AND BOARDS

SECTION 7.01 GENERAL PROVISIONS.

The Municipality shall have a Municipal Planning Commission and a Board of Zoning and Building Appeals. During the time the Municipality is classified as a City under the laws of the State of Ohio, the Municipality shall have a Civil Service Commission as provided in this Article. The Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public function, property or fund or for any proper municipal purpose.

The Municipal Planning Commission shall have the powers and duties conferred upon it by this Charter and by ordinances of Council enacted pursuant hereto, and any zoning or other ordinances presently in effect. It may adopt and recommend to Council a comprehensive general plan for the physical development of the Municipality or the redevelopment of any area or district therein, which shall include the location of public ways, property, bridges, schools, utilities, buildings, parks, playgrounds, and recreation areas, and the reservation and acquisition of lands thereof. It may prepare and recommend to Council ordinances creating areas, zones and districts of permitted and excluded uses, including rules, regulations, restrictions, and limitations governing the plan, design, height, floor area, number of stories, size of structures, area and size of lots, percentage of land occupancy, size of yards, courts, open spaces, locations and use and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residence, park, playground, agriculture, and all other uses or purposes, both public and private, pertaining to each, as will promote the general welfare of the Municipality and its inhabitants. It shall have jurisdiction over the platting and subdivision of lands and the improvement or development thereof, including the construction of streets, sewers, and utilities therein. (Amended 11-2-71; 11-6-07; 11-7-17)

SECTION 7.02 MUNICIPAL PLANNING COMMISSION.

(a) Composition and Term. The Municipal Planning Commission shall consist of five (5) qualified electors of the Municipality who shall hold no other municipal office. The five (5) members shall be appointed by the Mayor, subject to approval by Council, two (2) to serve a term of one (1) year, one (1) to serve a term of two (2) years, one (1) to serve a term of three (3) years, and one (1) to serve a term of four (4) years. In the event that any vacancy shall not be so filled within sixty (60) days, any member of Council may nominate a qualified individual to fill the vacancy, subject to the approval of a majority of the members of Council. Their successors shall serve a term of four (4) years. Commission members shall serve without compensation. Commission members shall have been (continuously) a resident of the Municipality, or in territory subsequently annexed thereto, or in the Municipality and annexed territory in any combination, continuously for at least two (2) years immediately prior to the date of their appointment. A vacancy occurring during the term of any member of the Municipal Planning Commission shall be filled for the unexpired term in the manner provided herein authorized for an original appointment. At the first meeting each year, the Commission shall elect a Chair and a Vice-Chair from the five (5) members for the remainder of the calendar year.

(b) Powers and Duties. The Municipal Planning Commission shall establish its own rules of operation except that the meetings shall be called by the Chair and at other times as its members may determine, shall be open to the public and the Commission shall maintain a record of its resolutions, findings, and determinations. It shall be the duty of the Chair of the Municipal Planning Commission to report to the Municipal Administrator and Council all matters affecting the physical development of the Municipality. The Municipal Planning Commission shall have the powers and duties conferred upon it by this Charter and by ordinances of Council enacted pursuant hereto, any zoning or other ordinances presently in effect, and in addition shall have such powers as may now or hereafter be granted by the laws of the State of Ohio. It may adopt and recommend to Council a comprehensive general plan for the physical development of the Municipality or the redevelopment of any area or district therein, which shall include the location of public ways, property, bridges, schools, utilities, buildings, parks, playgrounds, and recreation areas, and the reservation and acquisition of lands therefore. It may prepare and recommend to Council ordinances creating areas, zones, and districts of permitted and excluded uses, including rules, regulations, restrictions, and limitations governing the plan, design, height, floor area, number of stories, size of structures, area and size of lots, percentage of land occupancy, size of yards, courts,

open spaces, locations and use and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residence, park, playground, agriculture, and all other uses or purposes, both public and private, pertaining to each, as will promote the general welfare of the Municipality and its inhabitants. It shall have jurisdiction over the platting and subdivision of lands and the improvement or development thereof, including the construction of streets, sewers, and utilities therein.

(c) Planning, Zoning, and Subdivision Regulations. In furtherance and not in limitation of any power or powers granted to it by this Charter, Council shall have the full power and authority to:

- (1) Adopt, amend and enforce all or any portion of a comprehensive general plan for the redevelopment of any area or district therein.
- (2) Create, change or revise areas, zones and districts of permitted and excluded uses of such numbers or classifications, as it may deem appropriate.
- (3) Enact and enforce such rules and regulations pertaining to the matters mentioned herein, as will promote and preserve the general welfare of the Municipality and its inhabitants.
- (4) Legislate upon any matter over which the Municipal Planning Commission has jurisdiction or powers of recommendation or regulation provided that such matter shall be first submitted to the Municipal Planning Commission for recommendation and report; and the action of Council, whether approving or disapproving the recommendation of said Commission, shall require a vote of the majority of the members of Council.

(d) Notice and Hearings. In the enactment of zoning legislation, or of regulations pertaining to platting or subdivision of lands, Council shall provide by ordinance for such public hearing and notices and for the form and manner of publication or delivery of notices as it deems necessary and in the public interest, and as may be in conformity with this Charter, irrespective of the provisions of the statutes of the State of Ohio in regard thereto.
(Amended 11-6-07; 11-2-10; 11-7-17)

SECTION 7.03 BOARD OF ZONING AND BUILDING APPEALS.

(a) Composition and Term. The Board of Zoning and Building Appeals shall consist of five (5) qualified electors of the Municipality who shall hold no other municipal office. The five (5) members shall be appointed by the Mayor, subject to approval by Council, two (2) to serve a term of one (1) year, one (1) to serve a term of two (2) years, one (1) to serve a term of three (3) years, and one (1) to serve a term of four (4) years. In the event that any vacancy shall not be so filled within sixty (60) days, any member of Council may nominate a qualified individual to fill the vacancy, subject to the approval of a majority of the members of Council. Their successors shall serve a term of four (4) years. Board members shall serve without compensation. Board members shall have been continuously a resident of the Municipality, or in territory subsequently annexed thereto, or in the Municipality and annexed territory in any combination, continuously for at least two (2) years immediately prior to the date of their appointment. A vacancy occurring during the term of any member of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the manner provided herein authorized for an original appointment. At the first meeting each year, the Board shall elect a Chair and a Vice-Chair from the five (5) members for the remainder of the calendar year.

(b) Powers and Duties. The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in the application of resolutions, ordinances, regulations, measures, and orders of administrative officials or agencies governing zoning and building in the Municipality, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council, and such other powers as may be granted to it by Council. Meetings shall be called by the Chair and at other times as its members may determine, shall be open to the public and the Board shall maintain a record of the vote of each member on each question. Procedure before the Board of Zoning and Building Appeals shall be in accordance with ordinance of Council or rules or regulations established by the Board not inconsistent therewith. (Amended 11-6-07; 11-2-10; 11-7-17)

SECTION 7.04 CIVIL SERVICE COMMISSION.

(a) Composition and Term. The Civil Service Commission shall consist of three (3) qualified electors of the Municipality who shall hold no other municipal office. The three (3) members shall be appointed by the Mayor, subject to approval by Council, one (1) to serve a term of one (1) year, one (1) to serve a term of two (2) years, and one (1) to serve a term of three (3) years. In the event that any vacancy shall not be so filled within sixty (60) days, any member of Council may nominate a qualified individual to fill the vacancy, subject to the approval of a majority of the members of Council. Their successors shall serve a term of three (3) years. Commission members shall serve without compensation. Commission members shall have been continuously a resident of the Municipality, or in territory subsequently annexed thereto, or in the Municipality and annexed territory in any combination, continuously for at least two (2) years immediately prior to the date of their appointment. A vacancy occurring during the term of any member of the Civil Service Commission shall be filled for the unexpired term in the manner provided herein authorized for an original appointment. At the first meeting each year, the Commission shall elect a Chair and a Vice-Chair from three (3) members for the remainder of the calendar year.

(b) Powers and Duties. The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion of all employees in the classified service of the Municipality, as required by the Constitution of the State of Ohio, and for appeals from the action of the Municipal Administrator in cases of transfer, suspension, reduction or removal of such employees. To the extent legally permissible, the action of the Commission on any such appeal shall be final. The Commission shall adopt such other rules as may be necessary and proper for the enforcement of the merit system and for the procedures of the Commission. The Commission shall have other powers and duties as may be assigned by ordinance.

(c) Conflicts with State Law. The civil service rules, civil service regulations, and civil service statutes of the State of Ohio shall not apply to the classified service of the Municipality. All rules and regulations of the Civil Service Commission adopted under the authority of this Charter shall supersede any conflicting provisions of any administrative rule, regulation, or statute of the State of Ohio.

(d) Unclassified and Classified Service. The service of the Municipality is hereby divided into the unclassified and classified service.

(1) The unclassified service shall include:

- (i.) Members of the Council;
- (ii.) The Municipal Administrator;
- (iii.) Municipal Law Director;
- (iv.) Clerk of Council;

- (v.) Municipal Treasurer;
 - (vi.) Assistant Municipal Administrator;
 - (vii.) Assistant to the Municipal Administrator;
 - (viii.) Assistants or Deputies to the Municipal Law Director and Clerk of Council;
 - (ix.) Heads of all departments, divisions, bureaus, and offices;
 - (x.) Assistants or deputies to all department, division, bureau and office heads;
 - (xi.) Secretaries to the Administrator or the head of any department or division;
 - (xii.) Members of boards, commissions, and committees;
 - (xiii.) All positions requiring exceptional or professional qualifications or holding a fiduciary or confidential relationship to the Council, the Municipal Administrator or the head of a department or division, as determined by Council;
 - (xiv.) Clerks;
 - (xv.) Zoning Inspectors;
 - (xvi.) Engineering Technicians;
 - (xvii.) Laborers;
 - (xviii.) Volunteer members of the Fire Department;
 - (xix.) Seasonal, temporary or part-time employees.
- (2) The classified service shall include all positions not designated in this Charter as within the unclassified service. (Amended 11-2-10; 11-7-17)

ARTICLE VIII: NOMINATIONS AND ELECTIONS

SECTION 8.01 NOMINATIONS.

Nominations for each elective municipal office shall be made by petitions only, on the standard forms provided by the Lucas County Board of Elections for the nomination of non-partisan candidates. The petition shall be filed with such Board not later than four p.m. on the ninetieth day before the day of the primary election.

Each petition for the nomination of a candidate for an elective office in this Municipality shall be signed by not less than twenty-five (25) and not more than fifty (50) qualified electors of this Municipality. However, at such time that two percent (2%) of the number of electors voting at the last general election exceeds twenty-five (25) persons, the number of signatures required on a petition shall not be less than two percent (2%) nor more than four percent (4%) of those voting at the last regular municipal election.

Each candidate shall file a separate petition; group petitions shall not be used.

Nothing in this section shall be construed to prohibit the holding of a caucus by interested electors for the purpose of selecting nominees for elective offices.
(Amended 11-4-97; 11-6-07; 11-7-17)

SECTION 8.02 ELECTIONS.

Regular municipal elections shall be held on the first Tuesday after the first Monday in November of odd-numbered years. Council may, by resolution, order a special election to be held at any time, the purpose and date of which shall be set forth in the resolution.

If a primary election is not required for an elective office in accordance with Section 8.05 of this Charter, the candidates for such elective office to be voted for at the regular municipal election shall be the candidates filing valid nominating petitions in compliance with Section 8.01 of this Charter.

If a primary election is required for an elective office in accordance with Section 8.05 of this Charter, the candidates for such elective office to be voted for at the regular municipal election shall be those, equal in number to twice the number to be elected to such office at the regular municipal election, receiving the largest number of votes at such primary election.

The candidates for any elective office, equal in number to the places to be filled, who shall receive the largest number of votes at such regular municipal election shall be declared elected. (Amended 11-6-07)

SECTION 8.03 BALLOTS.

The full name of all candidates nominated for elective offices shall be printed on the official ballot without party designation. If two (2) candidates with the same surname or with names so similar as to be likely to cause confusion are nominated, the address of their places of residence shall appear with 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 8.04 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 by lot, in which case the Chairman of the Lucas County Board of Elections shall preside over the toss of a coin.

SECTION 8.05 PRIMARY ELECTIONS.

In the event valid nominating petitions are filed in accordance with Section 8.01 of this Charter by candidates for elective offices for a full term in excess of two (2) times the number to be elected at any regular municipal election, a nonpartisan primary election for the nomination of candidates for such office to be voted for at said regular municipal election shall be held on the first Tuesday after the first Monday in May, immediately preceding such regular municipal election. At such primary election, the names of all candidates for such office who have filed nominating petitions in accordance with the provisions of Section 8.01 of this Charter shall be placed upon the ballot. (Enacted 11-6-07; 11-7-17)

ARTICLE IX: INITIATIVE, REFERENDUM, AND RECALL

SECTION 9.01 INITIATIVE.

The electors of this Municipality shall have the power to propose by initiative petition, ordinances and other measures, provided that such power shall not extend to any ordinance relating to the appropriation of money, levy of taxes or salaries of municipal officers or employees.

An initiated ordinance or resolution shall be submitted to Council by a petition signed by electors of the Municipality not less in number than ten percent (10%) of the electors voting at the last regular municipal election. Such petition shall designate not less than three (3) of the signers thereof as a committee authorized to take action as provided in this section.

When so submitted, the Clerk of Council shall within ten (10) days ascertain the sufficiency of such petition and at the next meeting of Council, the Clerk of Council shall report, if it is found sufficient or insufficient. (Amended 11-7-23).

If Council fails to pass such proposed ordinance or resolution, or passes it in some form different from that set forth in the petition therefor, petitioners, through the Committee named in such petition, may, not later than the next regular meeting of Council, request in writing that the legislation as set forth in said petition be submitted to a vote of the electors. Not later than the next regular meeting thereof following receipt of such request, Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing of such requests. If such petition is signed by at least twenty percent (20%) of such electors, or such number of electors so request by petition, Council shall provide for submitting such legislation to the electors at an election to be held not later than eight (8) months after such request. (Amended 11-2-71)

SECTION 9.02 REFERENDUM.

Within thirty (30) days after the final passage by Council of any ordinance or resolution, provided that such power shall not extend to any ordinance relating to the appropriation of money or levy of taxes a petition signed by electors of the Municipality not less in number than twenty percent (20%) of the total electors voting at the last regular municipal election may be filed with Council requesting that the ordinance or resolution be repealed or submitted to a vote of the electors. When said petition is filed, the Clerk of Council shall within ten (10) days ascertain the sufficiency of the petition and, if found sufficient, Council shall, within forty (40) days of the filing of such petition, reconsider such ordinance or resolution. At such time that a referendum petition is filed with the Clerk of Council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when any of the following occurs:

- (a) There is a final determination of insufficiency of the petition.
- (b) The petitioner's committee withdraws the petition.
- (c) Council repeals the ordinance.
- (d) Thirty days have elapsed after a vote by the electors on the ordinance.

If, upon reconsideration such ordinance or resolution is not repealed, Council shall provide for submitting the same to a vote of the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing of such petition; provided that if a referendum petition is filed at such time that the submission of the legislation referred to therein to a vote of the electors at a general election or regular municipal election would not occur within a period of six (6) months after the filing of such petition, Council may provide for submitting such legislation to a vote of the electors at an election to be held at a date fixed by Council but not later than eight (8) months after the filing of such petition. (Amended 11-2-71)

SECTION 9.03 RECALL.

The electors shall have the power to remove from office by a recall election any member of Council. If such person shall have served six (6) months of their term, a form of petition demanding their removal may be filed with the Clerk of Council, who shall note thereon date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. A petition in such form may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for removal. Such petition shall be signed by at least that number of electors which equals twenty-five percent (25%) of the total number of electors voting at the last general election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk of Council shall determine the sufficiency of the petition and report such findings at the next meeting of Council. If the Clerk of Council shall find the petition sufficient, he shall promptly certify to Council, shall deliver a copy of such certificate to the officer whose removal is sought, and make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a

recall election which shall be set for the next available regular primary or general election occurring more than ninety (90) days after the finding of sufficiency of the petition. At such election this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting yes or no on such question. (Amended 11-7-23).

If a majority of votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be declared vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby. (Amended 11-2-71)

A petition for recall as provided for by this section may be circulated only once for any individual officer in any calendar year within a circulation period not to exceed ninety (90) days from the affixing of the first signature to the affixing of the last signature. (Amended 11-7-23).

ARTICLE X: GENERAL PROVISIONS

SECTION 10.01 CONFLICT OF INTEREST.

Any member of Council or any other officer or employee of this Municipality who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the Municipality or in the sale of any land, material, supplies, or services to the Municipality or to a contractor supplying the Municipality shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a municipal officer or employee in the making of such sale or in the making or performance of such contract. Any municipal officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Municipality shall render the contract or sale voidable by the Council or the Municipal Administrator.

No members of Council or any other elected or appointed officials of the Municipality of Waterville shall hold any other elected or appointed offices with the Municipality or be otherwise employed by the Municipality. Appointed office, as used in this section and in Sections 7.02, 7.03, 7.04 and 10.03 shall include positions on the Council, Planning Commission, Board of Zoning and Building Appeals, Civil Service Commission, and Charter Review Commission, but shall not include advisory or study committees that may be established from time to time by the Mayor, Council, or Administrator. (Amended 11-2-71; 11-3-87; 11-6-12; 11-7-17)

SECTION 10.02 PROHIBITIONS.

No person shall be elected, appointed to, removed from, or in any way favored or discriminated against with respect to any municipal position or appointive municipal administrative office because of race, sex, political or religious opinions or affiliations.

No person shall be elected, appointed to, removed from, or in any way favored or discriminated against with respect to any municipal position or appointive municipal administrative office because of race, sex, political or religious opinions or affiliations or through practices in conflict with Ohio or federal law. (Amended 11-7-23).

SECTION 10.03 CHARTER REVIEW AND AMENDMENTS.

On or before January 30, 1972 and each five (5) years thereafter, the Mayor shall appoint, subject to confirmation of Council, five (5) qualified electors of the Municipality holding no other office, appointment or employment with the Municipality, as a member of a Charter Review Commission. Such Commission shall review the Charter, and within five (5) months after such appointment, direct to Council such proposed amendments if any to this Charter, as in its judgment are desirable. Council shall provide for submission of any such proposed amendments ninety (90) days prior to the next election. By resolution Council may, upon two-thirds (2/3) of its members concurring, submit any proposed Charter amendment initiated by Council to the electors of the Municipality.

Members appointed to the Charter Review Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

The electors of the Municipality shall have the right to propose by initiative petition, amendments to this Charter at any time.
(Amended 11-2-71; 11-7-17)

SECTION 10.04 ADOPTION OF AMENDMENTS.

If a majority of the qualified electors of the Municipality voting upon a proposed Charter amendment vote in favor of the amendment, it shall become effective at the time fixed in the amendment, or thirty (30) days after its adoption by the voters.

SECTION 10.05 PUBLIC UTILITIES.

The Municipal Administrator shall be responsible for the operation of the utility services owned or operated by the Municipality.

Establishment of rates and charges for the use of services furnished by municipal utilities shall be by ordinance.

Council shall have the right to establish new public services or improvements or additions to existing services by passage of appropriate ordinances when estimates, prepared by the Municipal Administrator, of costs of operation and of expected revenue indicate the service will not be operated at a loss. Any necessary bonds required for the financing of said new public services, improvements, or additions to existing services may be issued when in accordance with this Charter.

New public services may be proposed by passage of appropriate ordinances to submit the question of issuance of the required general obligations or other bonds to the electors at a regular or special election.

Council may terminate new services established under provisions of Section 10.05 of this Charter. Other public services owned and operated by the Municipality may be sold, leased, or abandoned only by affirmative vote of a majority of those voting on this question at a regular or special election.

Public services owned, operated, or regulated by the Municipality may be extended beyond the corporate limits of the Municipality as determined by Council. The rates and charges for such service shall be determined by Council.

Council may, by ordinance, grant permission to construct and operate a public utility in the streets and public grounds of the Municipality or across private property when a right to cross has been acquired by agreement or condemnation.

No grant or renewal of franchise shall be considered an emergency measure. No exclusive franchise or renewal shall ever be granted and no franchise shall be renewed before one (1) year prior to its expiration. No franchise or renewal shall exceed ten (10) years in duration unless the Council determines that the ten-year limitation would create a legitimate hardship affecting life, health, property, or the public peace. In the case of such a legitimate hardship, the Council may grant, renew, or extend a franchise for a period of up to, but not exceeding, an additional ten (10) years beyond the standard ten-year limitation.

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance, or operation of any utility, whether municipally owned or operated on franchise unless such utility is of such character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

Council shall at all times control the allocation of space in, over, under, or across all streets or public grounds occupied by utility fixtures. All rights granted for the construction and operation of utilities shall be subject to the continuing right of Council to require, at the expense of the utility, such reconstruction, relocation, change, or discontinuance of the appliances used by the utility in the streets, alleys, avenues, and the highways of the Municipality, as shall in the opinion of Council be necessary in the public interest. (Amended 11-8-77; 5-3-88; 11-4-97; 11-7-17)

SECTION 10.06 OATH.

Any duly elected or appointed officer of the Municipality shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the records of the Clerk of Council.

I, _____ do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Ohio, and that I will, in all respects, observe the provisions of the Charter and ordinances of the Municipality of Waterville, and I will faithfully, honestly and impartially discharge the duties of the office _____ of the Municipality of Waterville, State of Ohio, during my continuance in said office.

SECTION 10.07 INTERPRETATION.

Masculine pronouns used in this Charter shall be construed to include the feminine pronoun, and the singular number shall be construed to include the plural number whenever the context shall require.

SECTION 10.08 EFFECT OF PARTIAL INVALIDITY.

A determination that any part of this Charter is invalid shall not invalidate or impair the force or 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.

ARTICLE XI: TRANSITIONAL PROVISIONS

SECTION 11.01 OFFICERS AND EMPLOYEES.

Section 11.01 of the Waterville City Charter, Officers and Employees, shall be removed from the Charter since transitional provisions regarding officers and employees of the City are now addressed in Section 5.01, Continuity, Creation and Direction of Departments, of the Charter. (Amended 11-7-23).

SECTION 11.02 DEPARTMENTS, OFFICES AND AGENCIES.

If a municipal department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the municipal department, office or agency designated in this Charter, or if the Charter makes no provision, designated by the Municipal Council.

All property, records and equipment of any department, office or agency existing when this Charter becomes fully effective shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated then to that municipal department, office or agency designated by Council.

SECTION 11.03 PENDING MATTERS.

All rights, claims, actions, orders, taxations, liabilities, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the municipal department, office, or agency appropriate under this Charter.

SECTION 11.04 STATE AND MUNICIPAL LAWS.

All municipal ordinances, resolutions, orders, and regulations which are in force when this Charter becomes fully effective shall continue in full force and effect except to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto in which case those are repealed. To the extent that the Constitution and laws of the State of Ohio permit, all laws relating to or affecting this Municipality or its agencies, officers, or employees which are in force when this Charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

SECTION 11.05 SCHEDULE.

Section 11.05 of the Waterville City Charter, Schedule, shall be removed from the Charter since a schedule of the transition of municipal government in 1967 is no longer needed for the City in 2023. (Amended 11-7-23).