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REVISED CHARTER OF DUBLIN , OHIO

PREAMBLE

We, the people of the City of Dublin, Ohio, to secure the benefits of home rule and to exercise the powers of local self-government conferred by the Constitution and the laws of the State of Ohio, adopt this Revised Charter for the governing of our City and as a complete replacement to the original Charter adopted on July 24, 1979.

Article I.

NAME; BOUNDARIES; FORM OF GOVERNMENT

1.01. NAME AND BOUNDARIES.

The municipal corporation existing as the City of Dublin under the laws of the State of Ohio and the Charter adopted on July 24, 1979, shall continue to be a body politic and corporate under the same name under this Revised Charter. The City shall have the same boundaries that exist on the adoption date of this Revised Charter, with power and authority to change its boundaries and annex territory. Territory annexed to the City shall immediately be subject to the provisions of this Revised Charter.

1.02. FORM OF GOVERNMENT.

The form of municipal government established by this Revised Charter shall be the Council-Manager plan.

Article II.

POWERS OF THE CITY

2.01. GENERAL POWERS GRANTED.

The City shall have all powers possible for a city to have under the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in this Revised Charter. Title to all real property shall be taken in the name of the City.

2.02. EXERCISE OF POWERS.

All powers shall be exercised in the manner prescribed in this Revised Charter, or if not so prescribed, in the manner provided by legislation of the City. When not prescribed in this Revised 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.

2.03. CONSTRUCTION OF POWERS.

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

2.04. 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 III.

COUNCIL

3.01. POWERS OF COUNCIL.

All powers of the City permitted by this Revised Charter, the Constitution, and the laws of the State of Ohio, shall be vested in Council. Council shall provide for the exercise of all City powers and for the performance of all duties and obligations imposed on the City by law, through the adoption of legislation. Without limitation of the foregoing, Council shall have the power to:

- (a) establish or authorize the number of positions in the various departments, divisions, offices, bureaus, boards, commissions and committees of the City and to adopt a wage, salary and benefit structure for all positions within the classified and unclassified service;
- (b) create, combine, change and abolish departments, divisions, offices, bureaus, boards, commissions and committees not specifically created by this Revised Charter;
- (c) provide for an independent audit of the accounts and records of the City, which may be in addition to audits by State offices and agencies as may be required under the laws of the State of Ohio; and
- (d) conduct inquiries and investigations regarding the affairs of the City and the conduct of any City department, office or agency and for this purpose subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

3.02. COMPOSITION, ELIGIBILITY, NOMINATIONS AND TERMS

(a) COMPOSITION.

Council shall be composed of seven members. Three shall be nominated and elected by the electors of the City at large and four shall be nominated and elected by the electors of each of the four Council wards, as provided in Article IX.

(b) ELIGIBILITY.

Any elector of the City who has lived in the City of Dublin, or any area annexed to the City of Dublin, for one year prior to filing a petition of candidacy, shall be eligible to hold the office of Council member. All Council members shall be residents of the City of Dublin during their entire term of office. Ward Council members shall also be residents of the ward which they represent at the time they file for office and during their entire term of office.

(c) NOMINATIONS.

Nominations for Council members shall be made by petition only and no primary shall be held. Nominating petitions shall be in the form determined by the election authorities of the State of Ohio.

(d) TERMS.

The terms of Council members shall be four years beginning on January 1 after their election.

3.03. PROHIBITIONS.

(a) HOLDING OTHER OFFICE.

Except where authorized by the laws of the State of Ohio or legislation of the City, no Council member shall hold any other elected public office during the term for which the member was elected to Council. No Council member shall hold any other City office or employment with the City during the term for which the member was elected to Council. Except for boards, commissions and committees, no former Council member shall hold any compensated appointive office or employment with the City until one year after the expiration of the term for which the member was elected to Council. Nothing in this Section shall be construed to prohibit Council from selecting any current or former Council member to represent the City on the governing board of any intergovernmental agency or organization.

(b) CITY EMPLOYEES.

Except for the purpose of inquiries and investigations under Section 3.01(d), Council or its members shall deal with City employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Neither Council nor any of its members shall in any manner direct or demand the hiring or termination of any City employee whom the City Manager is empowered to hire, but Council may express its views and fully and freely discuss with the City Manager anything pertaining to the hiring and termination of such employees.

3.04. MAYOR, VICE MAYOR AND ACTING MAYOR.

(a) *MAYOR.*

At the first regular meeting of Council in each even-numbered year, Council shall elect one of its members as the Mayor for a two-year term of office. The Mayor shall:

- (1) preside at all meetings of Council;
- (2) perform ceremonial duties and functions as necessary;
- (3) exercise all judicial powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio and applicable court rules;
- (4) have authority to appoint a magistrate, at the discretion of the Mayor and with the approval of Council, to hear and determine prosecutions of criminal cases subject to the laws of the State of Ohio;
- (5) exercise military powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio or the laws of the United States; and
- (6) perform or exercise such other powers, duties and functions as provided by this Revised Charter and the Council Rules of Order, to the extent such Council Rules of Order are consistent with this Revised Charter.

(b) *VICE MAYOR.*

At the first regular meeting of Council in each even-numbered year, Council shall elect one of its members as the Vice Mayor for a two-year term of office. The Vice Mayor shall serve as the president pro-tempore of Council. In the event of a vacancy in the office of Mayor, the Vice Mayor shall succeed to the office of Mayor to serve for the remainder of the unexpired term and Council shall elect another of its members to the office of Vice Mayor to serve for the unexpired term of office. In the event of the temporary absence or disability of the Mayor, the Vice Mayor shall exercise all powers, duties and functions of the Mayor.

(c) *ACTING MAYOR.*

In the event of the temporary absence of both the Mayor and Vice Mayor, the senior Council member, based on length of continuous elected service with the City, shall serve as the Acting Mayor. If two or more Council members have held the same length of continuous elected service with the City, then an Acting Mayor shall be chosen from among those two or more Council members by a vote of Council at the first regular meeting of Council in each even-numbered year.

3.05. CLERK OF COUNCIL.

Council shall appoint a person to serve as Clerk of Council. The Clerk of Council shall be an officer of the City and shall give notice of Council meetings to its members and the public, keep the minutes of Council's proceedings and perform such other duties as are provided by this Revised Charter or by Council. The Clerk of Council shall be subject to the direction of Council and the general supervision of the City Manager. The Clerk of Council shall serve at the pleasure of Council and may be removed without cause by Council.

3.06. COUNCIL MEETINGS.

(a) *REGULAR MEETINGS.*

Council shall hold at least one regular meeting each month and shall determine the frequency, dates and times of additional regular meetings in order to properly conduct its business.

(b) *SPECIAL MEETINGS.*

Special meetings of Council may be called, for any purpose, by the Mayor or any three Council members upon at least twenty-four hours notice to each Council member, which notice may be served personally or left at the usual place of residence. Council members who attend special meetings of Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Council members may waive receipt of notice of a special meeting either prior or subsequent to the meeting. Attendance at a special meeting constitutes a waiver of receipt of notice of special meeting.

(c) ADJOURNMENT OR RECESS OF MEETINGS.

Any regular or special meeting of Council may be adjourned or recessed to another time, date or place without giving the notice required in Section 3.06(b).

(d) OPEN MEETING.

All meetings of Council shall be open to the public, except as allowed by the laws of the State of Ohio and as Council may further provide by ordinance for matters declared in such ordinance to require confidentiality.

3.07. COUNCIL ORGANIZATION AND RULES.

Council shall be a continuing body and shall meet for the purpose of organization at its first meeting in January of each year. Council shall adopt its own rules which shall not conflict with this Revised Charter and which shall remain in effect until amended, or repealed by Council. The Council Rules of Order shall not be subject to initiative or referendum. The Council Rules of Order shall provide for such matters as Council shall determine to be necessary for the proper functioning and governance of Council.

3.08. COMPENSATION.

Once in any calendar year and only as a non-emergency ordinance, Council may determine the annual salary and benefits of its members. In the event Council shall fail to establish salaries and benefits as required in this Section, the salaries and benefits in effect shall remain until changed in accordance with this Section.

3.09 VACANCIES AND FILLING OF VACANCIES.

(a) VACANCIES.

The office of Council member shall become vacant upon the member's resignation or forfeiture of office as provided in Section 3.10.

A vacancy in Council shall be filled by a majority vote of the remaining Council members. If the vacancy occurs on or after July 1 of the second year of the term, the person elected by Council shall serve for the unexpired term. If the vacancy occurs on or before June 30 of the second year of the term, the person elected by Council shall serve until a successor is elected at the next regular municipal election. The person so elected shall take office on January 1 following such election. If Council fails to fill a vacancy in Council within sixty days after the occurrence of the vacancy, the Mayor shall appoint a person to serve for the time as provided in this Section.

3.10. FORFEITURE OF OFFICE.

(a) GROUNDS CONSTITUTING FORFEITURE.

The office of a Council member shall be forfeited upon a determination that the Council member:

- (1) has pled to or has been convicted of a felony while in office;
- (2) has pled to or has been convicted of any crime involving dereliction of duties while in office;
- (3) lacks, or is found to have lacked, at any time prescribed by this Revised Charter, any eligibility requirement of Section 3.02(b);
- (4) has violated any prohibition of Section 3.03(a); or
- (5) has failed to attend three consecutive regular meetings of Council without being excused by Council.

(b) *JUDGE OF GROUNDS CONSTITUTING FORFEITURE.*

Council shall be the sole judge of the grounds constituting forfeiture of office. Council shall initiate the process to establish grounds for forfeiture of office by motion and shall have the power to subpoena witnesses, administer oaths and require the production of evidence.

(c) *NOTICE AND PUBLIC HEARING.*

Upon finding that grounds exist which subject a Council member to forfeiture of office, Council shall instruct the Clerk of Council to notify the Council member. The Clerk of Council shall notify the Council member by any method which includes written evidence of receipt. A member so notified shall receive a public hearing before Council to be held no earlier than ten days nor later than thirty days after the written evidence of receipt.

(d) *FINAL DETERMINATION.*

Council shall make a final determination by a motion to regard the office of the Council member as forfeited. The Council member subject to forfeiture of office shall be entitled to vote. Upon passage of the motion, the office shall be deemed vacant, and Council shall fill the vacancy as provided in Section 3.09(b).

Article IV.

LEGISLATIVE AND OTHER PROCEDURES

4.01. FORM OF ACTION BY COUNCIL.

Non-legislative action of Council shall be by motion, and legislative action shall be by resolution or ordinance. No action of Council shall be invalidated merely because the form of the action taken fails to comply with the provisions of this Revised Charter. Unless otherwise provided in this Revised Charter, all action taken by Council shall be by a vote of no less than four members of Council.

(a) *MOTIONS.*

Council shall use a motion to determine policy and procedural matters; to conduct elections among and make appointments by Council members; and as otherwise provided in this Revised Charter or by Council.

(b) *RESOLUTIONS.*

Council shall use a resolution, where practicable, for any legislation of a temporary, informal or ceremonial nature and as otherwise provided in this Revised Charter or by Council.

(c) *ORDINANCES.*

Council shall use an ordinance, where practicable, for any legislation of a general or permanent nature and as otherwise provided in this Revised Charter or by Council.

4.02. FORM AND READING OF LEGISLATION.

The form of legislation shall be established by the Council Rules of Order. Legislation shall contain only one subject, which shall be clearly expressed in its title; provided that appropriation ordinances may contain the various accounts for which monies are appropriated, and that ordinances which are codified or recodified are not subject to the limitation of containing one subject. The reading of legislation shall be by title only, unless otherwise required by Council.

4.03. PROCEDURE FOR CONSIDERATION OF LEGISLATION.

(a) *INTRODUCTION.*

Legislation may be introduced by any member at any regular or special meeting of Council. Prior to the introduction of any legislation, the Clerk of Council shall distribute a copy of the legislation to each Council member and to the City Manager, file a reasonable number of copies in the office of the Clerk of Council and such other public places as Council may designate, and publish the title of the legislation together with a notice setting forth the time and place for its public hearing before Council.

(b) *PUBLIC HEARINGS.*

The procedure for public hearings shall be determined by the Council Rules of Order. The public hearing of any legislation shall follow its publication by no less than seven days; may be held separately or in conjunction with a regular or special Council meeting; may be adjourned or recessed from time to time; and may be dispensed with for an emergency ordinance. The public hearing of a resolution shall be conducted at the time of its introduction. The public hearing of an ordinance shall be conducted at the next designated meeting subsequent to its introduction, unless otherwise specified by Council. Upon closing the public hearing and after discussion by Council, Council may adopt the legislation with or without amendment, reject it, or table it.

(c) VOTE RECORDATION AND PUBLICATION.

The vote on legislation shall be entered in the minutes or other record of Council proceedings. As soon as possible after adoption, the Clerk of Council shall have the legislation and a notice of its adoption published and available to the public at a reasonable price.

4.04. EFFECTIVE DATE OF LEGISLATION.

(a) EFFECTIVE IMMEDIATELY.

All resolutions and the following ordinances shall take effect upon adoption, unless a later time is specified by Council:

- (1) appropriations of money;
- (2) annual tax levies for current expenses;
- (3) improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefitted and to be assessed;
- (4) submissions of any questions to the electorate or a determination to proceed with an election;
- (5) approvals of a revision, codification, recodification, rearrangement or publication of ordinances; and
- (6) emergency ordinances.

(b) EFFECTIVE AFTER THIRTY DAYS.

Unless otherwise provided in this Revised Charter, all other ordinances shall become effective thirty days after their adoption or at any later date specified by Council.

4.05. EMERGENCY ORDINANCES.

(a) SPECIFICATION REQUIREMENT.

An emergency ordinance shall be introduced in the form and manner prescribed for legislation generally, except that each emergency ordinance shall declare that it is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall clearly specify the nature of the emergency.

(b) SUPER MAJORITY REQUIREMENT

Upon successful motion to treat an ordinance as an emergency, and to dispense with the public hearing when appropriate, an ordinance may be adopted as an emergency ordinance by an affirmative vote of no less than five Council members. If an emergency ordinance fails to receive an affirmative vote of at least five Council members, but receives a vote of at least four Council members, the ordinance shall become effective as non-emergency legislation.

4.06. AUTHENTICATION OF LEGISLATION.

Legislation shall be authenticated by the signature of the presiding Council member and the Clerk of Council. The failure or refusal to sign shall not invalidate otherwise properly enacted legislation.

4.07. RECORDING AND CERTIFICATION OF LEGISLATION.

Legislation shall be recorded in a book or other record prescribed by Council. The Clerk of Council or designee, upon request of any person and upon the payment of a fee if established by Council, shall certify true copies of any legislation, which certified copies shall be admissible as evidence in any court.

4.08. AMENDMENT OF LEGISLATION.

(a) PENDING LEGISLATION.

Pending legislation may be amended at any time prior to its adoption by Council, and such amendment shall not require an additional public hearing of the legislation.

(b) EXISTING LEGISLATION.

Any legislation may be amended by the adoption of subsequent legislation that revises existing sections or parts; enacts new or supplemental sections or parts; or repeals existing sections or parts. This Section does not prevent, prohibit nor preclude repeals by implication.

4.09. ZONING ORDINANCES.

(a) PUBLIC HEARING NOTICE.

As to any zoning ordinance, initiated by an applicant or by Council, the Clerk of Council or designee shall mail written notice of the public hearing to the owners of the property within, contiguous to and directly across the street from the affected parcel or parcels. The failure of delivery of the notice shall not invalidate any zoning ordinance.

(b) DISPOSITION PROCEDURES.

Council, by ordinance, shall establish procedures for the disposition of ordinances establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations.

(c) VOTING REQUIREMENTS.

The following voting requirements shall apply to zoning ordinances:

(1) an affirmative vote of at least four Council members shall be necessary to adopt or defeat a zoning ordinance as to which the Planning and Zoning Commission has recommended approval or has made no recommendation.

(2) an affirmative vote of at least five Council members shall be necessary to adopt a zoning ordinance as to which the Planning and Zoning Commission has recommended against approval.

4.10. ADOPTION OF TECHNICAL CODES.

(a) BY REFERENCE.

Council may, by ordinance, adopt technical codes for the purpose of drawing on the latest scientific and technological advances, including but not limited to construction standards, and such other matters as Council may determine to be appropriate for adoption by reference.

(b) PUBLICATION NOT REQUIRED.

An ordinance adopting any technical code shall make reference to the date and source of the technical code without reproducing it at length in the ordinance. In such cases, publication of the technical code shall not be required. A copy of each technical code and a copy of the adopting ordinance shall be authenticated and recorded by the Clerk of Council as provided in Sections 4.06 and 4.07. If the technical code is amended after its adoption by reference, Council may adopt the amendment or change by incorporation by reference under the same procedure established for the adoption of the original technical code.

4.11. CODIFICATION.

Council shall provide for the preparation of a general codification, a recodification, a revision, or a rearrangement of all City ordinances which shall be adopted by Council by ordinance and shall be published in printed form, together with this Revised Charter. A current service supplementing the City's codified ordinances shall be maintained in the manner prescribed by Council.

4.12. PUBLICATION OF LEGISLATION.

(a) *PUBLISH DEFINED.*

Unless otherwise provided by this Revised Charter, legislation shall be published after its adoption. As used in this Section, the term "publish" shall mean to post the legislation or a summary of the legislation in at least three public places as designated by Council for a period of at least fifteen days after its adoption, and to take such other actions as provided by Council. Failure to publish legislation as required by this Section shall not invalidate the legislation, and in such event, the Clerk of Council may authorize the legislation to be published at a later date.

(b) *CERTIFICATION.*

The Clerk of Council shall make and retain a certificate as to the times and places by which the legislation is published. The certificate shall be prima facie evidence that the legislation was published as required by Section 4.12(a). Failure to make or retain the certificate required by this Section shall not invalidate any legislation.

Article V.

CITY MANAGER

5.01. APPOINTMENT, QUALIFICATIONS, AND COMPENSATION.

(a) *APPOINTMENT.*

Council shall appoint a City Manager.

(b) *QUALIFICATIONS.*

The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The City Manager need not be a resident of the City at the time of appointment, but shall become a resident of the City within six months after appointment, unless Council approves a longer period of time or residence outside the City.

(c) *COMPENSATION.*

Council shall determine the compensation of the City Manager.

5.02. PROCEDURE FOR REMOVAL.

The City Manager may be suspended by resolution of Council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have five days in which to reply in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after the hearing is requested. After the public hearing, if requested, and after full consideration Council may adopt a final resolution of removal. The decision of Council to suspend or remove the City Manager shall be in the sole discretion of Council and shall not be subject to review by any court. If the City Manager is suspended from duty as provided under this Section, Council shall appoint an Acting City Manager.

5.03. ACTING CITY MANAGER.

By letter filed annually with the Clerk of Council by January 31, the City Manager shall designate a City employee to exercise the powers and perform the duties of the City Manager during the Manager's absence or disability. Council may revoke such designation at any time and appoint another employee of the City to serve as Acting City Manager.

5.04. POWERS AND DUTIES OF THE CITY MANAGER.

The City Manager shall be the chief administrative and law enforcement officer of the City. The City Manager shall be responsible to Council for the administration of all municipal affairs placed in the City Manager's charge by or under this Revised Charter, the legislation of the City and the laws of the State of Ohio. Without limitation of the foregoing, the City Manager or designee shall:

- (a) appoint, promote, suspend, remove or otherwise discipline any City employee, except as otherwise provided by or under this Revised Charter, subject to the provisions of Section 6.06 pertaining to Personnel Systems;
- (b) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Revised Charter;

- (c) attend all regular and special meetings of Council with the right to participate in discussions but not to vote;
- (d) enforce within the City all laws, provisions of this Revised Charter and legislation of the City;
- (e) prepare and submit budgets and capital programs to Council;
- (f) keep Council fully advised as to the financial condition and future needs of the City;
- (g) submit to Council and make available to the public complete records of the finances and administrative activities of the City;
- (h) make such other reports as Council may require concerning the operations of City departments, divisions, offices, boards, commissions, bureaus, and agencies;
- (i) provide staff support services for Council and the City's boards, commissions and committees;
- (j) execute on behalf of the City all contracts, leases, deeds, easements, conveyances and agreements; and
- (k) perform such other powers, duties and functions as are conferred or required by this Revised Charter or by Council.

Article VI.

CITY DEPARTMENTS AND PERSONNEL SYSTEMS

6.01. CREATION AND ALTERATION.

(a) *CREATION.*

The City shall have a Department of Law, a Department of Finance and such other departments as Council may create.

(b) *ALTERATION.*

Except for the Department of Law and the Department of Finance, Council may abolish, combine, merge, change or alter any department of the City.

6.02. POWERS, DUTIES AND FUNCTIONS.

Departments shall have those powers, duties and functions as provided in this Revised Charter or by Council.

6.03. DEPARTMENT DIRECTORS.

(a) *DIRECTORS.*

Departments shall be under the supervision of directors.

(b) *APPOINTMENT OF DIRECTORS.*

The Director of Law and the Director of Finance shall be appointed and removed by the City Manager, subject to the consent and approval of Council. The Director of Law and the Director of Finance shall serve at the pleasure of the City Manager and Council. All other directors shall be appointed by the City Manager and shall serve at the pleasure of the City Manager. With the consent of Council, the City Manager may serve as the director of one or more departments or may appoint one person as the director of two or more departments.

(c) *QUALIFICATIONS AND PROHIBITIONS.*

A director need not be an elector or resident of the City. A director shall not hold any other public office, except that the director may hold office in a political party or be a delegate to a political party convention; serve as a notary public; serve as a member or officer in the military reserve or national guard; serve in any office, position or capacity to further intergovernmental cooperation; and hold any office permitted by the laws of the State of Ohio, this Revised Charter, or by Council.

6.04. DIRECTOR OF LAW.

(a) *QUALIFICATIONS.*

The Director of Law shall be an attorney-at-law duly authorized and licensed to practice law in the State of Ohio.

(b) *DUTIES.*

The Director of Law shall be the prosecuting attorney and legal counsel for the City, and subject to the direction of Council, shall represent the City in all proceedings in court or before any administrative board or body. The Director of Law shall perform other duties as required by this Revised Charter, by legislation of the City, by Council or by the City Manager. The Director of Law shall not be required to represent any school district or any other unit of government, other than the City.

(c) *ASSISTANTS AND SPECIAL COUNSEL.*

Council may provide for assistants and special counsel to the Director of Law. All assistants shall be appointed by the City Manager upon the advice and recommendation of the Director of Law.

The assistants shall be responsible to the Director of Law and when authorized by the Director of Law, may exercise all or any part of the powers, duties and functions granted to the Director of Law under this Section. Special counsel may be employed by Council to exercise the powers, duties and functions authorized by and in the manner provided by Council.

6.05. DIRECTOR OF FINANCE.

The Director of Finance shall be the chief financial officer of the City; shall exercise the powers, duties and functions as required by the laws of the State of Ohio, this Revised Charter, legislation of the City, Council and the City Manager; and shall provide full and complete information concerning the financial affairs and financial status of the City as requested by the City Manager or Council.

6.06. PERSONNEL SYSTEMS.

(a) *MERIT PRINCIPLE.*

All appointments and promotions of City employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by Council.

(b) *CLASSIFIED AND UNCLASSIFIED SERVICE.*

Council shall establish a classified and unclassified service for employees of the City. Council shall adopt a Code of Personnel Practices and Procedures to define and govern the classified and unclassified service of the City. All original appointments and promotions to full-time positions below the level of Chief within the divisions of police and fire shall be within the classified service.

(c) *ELECTED AND APPOINTED OFFICES.*

Appointments to and removal from all elected and appointed offices, including the City's boards, commissions and committees, shall be made in accordance with the specific applicable provision of this Revised Charter or the specific applicable legislation of the City, and shall not be subject to Sections 6.06(a) and 6.06(b).

(d) *RETIREMENT SYSTEM.*

The laws of the State of Ohio governing the retirement of employees of a city shall be applicable to City employees under this Revised Charter.

Article VII.

BOARDS AND COMMISSIONS

7.01. CREATION OF BOARDS AND COMMISSIONS.

The City shall have a Planning and Zoning Commission, a Board of Zoning Appeals, a Personnel Board of Review and such other boards and commissions as may be created by Council.

7.02 GENERAL RULES FOR BOARDS AND COMMISSIONS.

The following general rules shall govern boards and commissions:

- (a) each board or commission created by Council shall consist of at least three members;
- (b) compositions, terms, appointments and removals shall be determined by Council, unless otherwise provided in this Revised Charter;
- (c) each member of a board or commission shall be and shall remain an elector of the City during the term of appointment unless otherwise provided by Council;
- (d) a vacancy occurring during the term of any member of a board or commission shall be filled for the unexpired term in the same manner as original appointments;
- (e) vacancies shall be filled within sixty days;
- (f) each board and commission shall establish its own rules of order to be approved by Council;
- (g) members of boards and commissions shall serve without compensation unless otherwise provided by Council;
- (h) no member of any board or commission shall serve as a member of the same board or commission for more than two consecutive full terms unless at least one year has elapsed since the member's last full term ended; provided that this rule does not apply to anyone who serves on a board or commission by virtue of holding another office or position with the City; and
- (i) all meetings of boards and commissions shall be open to the public, except as allowed by the laws of the State of Ohio and as Council may further provide by ordinance for matters declared in such ordinance to require confidentiality.

7.03. PLANNING AND ZONING COMMISSION.

(a) COMPOSITION AND TERMS.

The Planning and Zoning Commission shall consist of seven electors of the City who shall serve overlapping four-year terms; one of which may be a Council member who shall serve at the pleasure of Council.

(b) 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 Council.

7.04. BOARD OF ZONING APPEALS.

(a) COMPOSITION AND TERMS.

The Board of Zoning Appeals shall consist of five electors of the City who shall serve overlapping three-year terms.

(b) 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 Council and the Planning and Zoning Commission concerning zoning matters; and shall exercise such other powers, duties and functions as provided by Council.

7.05. PERSONNEL BOARD OF REVIEW.

(a) COMPOSITION AND TERMS.

The Personnel Board of Review shall consist of three electors of the City who shall serve overlapping three-year terms.

(b) POWERS AND DUTIES.

The Personnel Board of Review shall have the power and duty to hear appeals from administrative determinations made pursuant to the Code of Personnel Practices and Procedures, and such other powers, duties and functions as provided by Council.

Article VIII.

BUDGETING AND CONTRACTING PROCEDURES

8.01. GENERAL.

The laws of the State of Ohio relating generally to budgets, appropriations, taxation, debts, bonds, assessments, deposit and investment of funds and other fiscal matters of the City shall be applicable except as otherwise provided by this Revised Charter or by Council.

8.02. OPERATING BUDGET.

(a) PREPARATION AND SUBMISSION.

The City Manager shall prepare and submit to Council an operating budget ordinance in accordance with the annual budget calendar. ***(b) PROVISIONS AND FORM.***

The operating budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal period, and except to the extent required by law or this Revised Charter, shall be in a form acceptable to Council.

(c) COUNCIL ACTION.

Council shall adopt the budget on or before December 31 of every year. To implement the adopted budget, Council shall adopt, prior to the beginning of the ensuing fiscal year, an appropriation ordinance authorizing an appropriation for each program or activity by department or major organizational unit.

8.03. CAPITAL PROGRAM.

(a) PREPARATION AND SUBMISSION.

The City Manager shall prepare and submit to Council a five-year capital program in accordance with the annual budget calendar as authorized by Council.

(b) COUNCIL ACTION.

Council shall adopt the capital program in accordance with the annual budget calendar as authorized by Council.

8.04. CONTRACTING PROCEDURES.

(a) AWARD AND EXECUTION OF CONTRACTS.

Consistent with Section 5.04(j) of this Revised Charter and except as otherwise provided in this Section, the City Manager shall award and execute all contracts on behalf of the City.

(b) COMPETITIVE BIDDING.

Council, by ordinance, shall establish a threshold amount, notice provisions and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold established by Council, the contract shall be competitively bid. Council shall award a contract to the lowest and best bidder, provided that Council may reject any and all bids in whole or by items. No contract shall be divided to avoid the requirements of competitive bidding.

(c) WAIVER OF COMPETITIVE BIDDING.

By a vote of no less than five members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding; if Council determines that an item is available and can be acquired only from a single source; or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City.

(d) *PROFESSIONAL SERVICES.*

Contracts for professional services shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by Council if the current operating budget provides sufficient funding for the scope of services in any such contract.

(e) *ALTERATIONS OR MODIFICATIONS OF CONTRACTS.*

Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding.

(f) *CERTIFICATION OF FUNDS.*

No contract involving the expenditure of money shall be entered into or authorized by the City Manager unless the Director of Finance or designee shall first certify that:

(1) funds required for the contract are in the City's treasury or in the process of collection; and

(2) funds have been appropriated by Council for the specified purpose and remain unencumbered.

The Director of Finance shall file and record the certification of availability and appropriation of funds in the accounting records of the City and shall furnish a copy to the vendor or contractor. Without the certification, a contractual obligation shall be void and unenforceable against the City unless recognized by Council as a moral obligation.

Article IX.

ELECTIONS, INITIATIVE, REFERENDUM AND RECALL

9.01. REGULAR MUNICIPAL ELECTIONS.

Regular municipal elections shall be held on the dates and at the times fixed by the election laws of the State of Ohio.

9.02 SPECIAL ELECTIONS.

Council may, at any time, order a special election by legislation which shall set forth the date and purpose of the election, including but not limited to the referral of pending legislation to the electors for their approval or rejection. Special elections may be held on any date.

9.03. CONDUCT OF ELECTIONS.

All regular and special elections shall be conducted by the election officials of the State of Ohio. Elections shall be held in conformity with the provisions of this Revised Charter or as otherwise provided by Council. Where not addressed by this Revised Charter or by Council, the provisions of the election laws of the State of Ohio shall be followed.

9.04. WARDS AND BOUNDARIES.

(a) *ESTABLISHMENT OF WARDS.*

No later than July 1, 2001 and no less frequently than every ten years thereafter, Council shall, by legislation, divide or redivide the City into four wards for the purpose of electing four ward Council members at the next regular municipal election. The division or re-division of the City into four wards shall provide for substantially equal population in each ward.

(b) *WARD BOUNDARIES.*

All wards shall be bounded, to the extent possible, by county lines, streets, alleys, avenues, public grounds, canals, water-courses, municipal boundary lines, center lines of platted streets or railroads, or lot lines of platted subdivisions.

(c) *EFFECT OF RE-DIVISION.*

Re-division of the City into wards shall not terminate or otherwise affect the unexpired terms of ward Council members; however, at succeeding elections, ward Council members shall be elected from the wards as reapportioned or re-established under this Section.

(d) *CENSUS.*

Council shall have the power to cause a census of the City to be taken if it determines a census is necessary for the proper apportionment of the City's wards. Council may authorize officials and employees of the City, independent contractors or state or federal government agencies to conduct the census under the control and direction of Council.

9.05. INITIATIVE AND REFERENDUM.

Legislation, issues and other measures may be proposed by initiative petition and adopted by election as provided by the Constitution and laws of the State of Ohio. Legislation adopted by Council shall be subject to referendum, as provided by the Constitution and laws of the State of Ohio, except that legislation calling for elections under this Revised Charter shall not be subject to referendum.

9.06. RECALL.

(a) *POWER TO RECALL.*

The electors shall have the power to remove from office by a recall election any Council member of the City in the manner provided in this Section.

(b) *RECALL PETITION.*

As to any Council member who has served at least six months of a Council term, an elector or electors of the City may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of the Council member. No petitions for the recall of a Council member may be circulated until the written notice of intent is served upon the Clerk of Council. The petition shall contain a verified statement of not more than one hundred words setting forth the specific grounds upon which the removal of the Council member is sought. The petition 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 of the Council member whose removal is sought. The petition shall be signed by at least that number of electors equal to fifteen percent of the electors voting at the last preceding regular municipal election. If the petition is filed demanding the removal of a ward Council member, the petition shall be signed by at least that number of electors equal to fifteen percent of the electors voting in the ward at the last preceding regular municipal election.

(c) *FILING OF PETITION.*

No later than thirty days after service of the notice of intent on the Clerk of Council, the petition demanding the removal of a Council member shall be filed with the Clerk of Council. Separate petitions shall be filed for each Council member sought to be removed by recall. The Clerk of Council shall note upon each petition the name and address of the person filing the petition and the date of such filing, deliver to such person a receipt for the filing of the petition and attach a copy of the receipt to the petition. Within ten days after the day on which the petition is filed, the Clerk of Council shall determine whether or not it meets the requirements of this Section. If the Clerk of Council finds the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition and make a record of the delivery. The person who filed the petition shall be allowed a period of ten days after the day on which delivery of the certificate was made in which to make the petition sufficient. If the Clerk of Council finds the petition sufficient, the Clerk shall promptly certify the petition to Council and shall deliver a copy of the certificate to the person whose removal is sought within five days and make a record of the delivery.

(d) *RECALL ELECTION.*

Unless the Council member whose removal is sought resigns within five days after delivery of the Clerk's certificate, Council shall fix a day for holding a recall election, not less than thirty days nor more than forty-five days after the date of the Clerk's certification of sufficiency to Council, and shall cause notice of the recall election to be published on the same day of each week for two consecutive weeks in a newspaper of general circulation in the City. At the recall election, this question shall be placed upon the ballot: "Shall (name of Council member whose removal is sought) be allowed to continue as a Council member?", with the provisions on the ballot for voting affirmatively or negatively. If a majority of the vote is negative, the Council member shall be removed, the office shall be vacant, and the vacancy shall be filled as provided in Section 3.09. If the Council member is not removed at such recall election, no further recall petitions shall be filed against the Council member for a period of one year following the recall election. If a recall election is ordered for a ward Council member, only the electors of the ward which the Council member represents shall be entitled to vote upon the issue of recall.

Article X.

GENERAL PROVISIONS

10.01. CONFLICTS OF INTEREST; ETHICS; CAMPAIGN FINANCING.

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 Revised Charter.

10.02. SUCCESSION.

The City, as governed by this Revised Charter adopted at an election held on March 19, 1996, is declared to be the legal successor to the Village of Dublin and the City of Dublin as governed by the original Charter adopted at an election held on July 24, 1979. The City, under this Revised Charter, shall have title to all real and personal property owned by the Village of Dublin and the City of Dublin under the original Charter, including all funds on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The City, under this Revised Charter, shall be liable for all outstanding orders, contracts and debts of the Village of Dublin and the City of Dublin under the original Charter and any other obligations for which they may be held liable by any court of competent jurisdiction. All contracts entered into by the Village of Dublin and the City of Dublin or for their benefit prior to the effective date of this Revised Charter shall continue in full force and effect. All members of Council, members of all boards and commissions, the City Manager and all appointed officials and employees holding office or position of employment on the effective date of this Revised Charter shall continue in such office or position of employment subject in all respects to the provisions of this Revised Charter and legislation, rules or regulations enacted or promulgated under this Revised Charter.

10.03. AMENDMENT OF CHARTER.

This Revised Charter may be amended or revised by the electors as provided by the Constitution of the State of Ohio.

10.04. EFFECT OF PARTIAL INVALIDITY.

A determination that any provision of this Revised Charter is invalid shall not invalidate or impair the force and effect of any other provision, except to the extent that the other provision is wholly dependent for its operation upon the provision declared invalid.

10.05. EFFECTIVE DATE OF ORIGINAL CHARTER.

The original Charter, as adopted on July 24, 1979, became effective on January 1, 1980.

10.06. EFFECTIVE DATE OF REVISED CHARTER.

This Revised Charter, as adopted on March 19, 1996, became effective on July 4, 1996.