



**CHARTER  
OF THE CITY OF  
SOUTH LEBANON, OHIO**

**Effective July 1, 2023**

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## **SOUTH LEBANON CHARTER COMMISSION**

### **PREAMBLE**

We the people of the City of South Lebanon, to establish justice, ensure domestic tranquility, promote integrity and fiscal responsibility of the City, and secure the blessings of liberty to ourselves and our posterity, do hereby establish this Charter under the constitution and laws of the State of Ohio. By adopting this Charter, the City of South Lebanon looks to embrace our future while reclaiming its past and the lessons to be passed on to the generations to come.

[End of Preamble]

# **ARTICLE I**

## **NAMES, BOUNDARIES AND POWERS**

### **1.01 NAME**

The municipal corporation now existing in the County of Warren and State of Ohio under the general statutes of the State of Ohio and known as the “City of South Lebanon” shall continue to be a body politic and corporate in perpetuity under the same name. As used in this Charter, “Municipality” shall mean the City of South Lebanon.

### **1.02 BOUNDARIES**

The municipal corporation now existing in the County of Warren and State of Ohio and known as the City of South Lebanon shall have the same boundaries that exist on the effective date of this Charter, with power and authority to change its boundaries and annex other territory in the manner authorized by the laws of Ohio. Territory annexed to the Municipality shall immediately be subject to the provisions of this Charter.

### **1.03 FORM OF GOVERNMENT**

The form of government provided for by this Charter shall be known as the: “Mayor-Council-Administrator Plan.”

### **1.04 POWERS**

The Municipality shall have all powers possible for a municipal corporation to have under the constitution and laws of the State of Ohio together with all the implied powers necessary to carry into execution all the powers granted as fully and completely as though they were specifically enumerated in this Charter.

### **1.05 EXERCISE OF POWERS**

All powers of local self-government now or hereafter granted under the Constitution and laws of the State of Ohio to municipal corporations shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as Council may determine; and, when not prescribed by this Charter or determined by Council, in such a manner as may be provided by the general laws of Ohio. The enumeration of particular powers by this Charter shall not be deemed to be exclusive.

### **1.06 CONSTRUCTION OF POWERS**

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

## **1.07 COOPERATIVE AUTHORITY**

The Municipality 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, without limitation, the State of Ohio and any of its 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.

[End of Article I]

## **ARTICLE II**

### **THE MAYOR**

#### **2.01 ELECTION AND TERM**

The Mayor under the general statutory plan of government for the City of South Lebanon is hereby designated as the initial Mayor of the Municipality under this Charter. The Mayor shall be separately elected at large to a four-year term of office, commencing with the regular municipal election to be held in November, 2023. The Mayor's term shall commence on the first day of January of the year immediately following the election.

#### **2.02 QUALIFICATIONS**

The Mayor shall be a qualified elector of the Municipality and shall have been a qualified and registered elector of the Municipality or any area annexed to the Municipality for at least one year immediately prior to the time he or she files for or is appointed to office. During the term of office, the Mayor shall continuously and physically reside within the Municipality with his or her primary residence therein. Notwithstanding vacations, the Mayor is expected to be a visible presence in the Municipality. The Mayor shall not conduct any business with, nor be otherwise employed by, the Municipality, or hold any other public office, except as otherwise provided in this Charter. The Mayor shall not hold any other public office during a term, except the Mayor 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 may hold office permitted by this Charter or the laws of Ohio. If the Mayor shall cease to possess any of the qualifications for such office, the Mayor shall forfeit the office immediately.

#### **2.03 VICE MAYOR**

When the Mayor is temporarily absent from the Municipality or is unable for any reason to perform the duties, the Vice Mayor shall act as Mayor with all the duties, rights, and powers of the Mayor during the period of the Mayor's absence or inability to perform the duties, with the exception of judicial powers. If the Mayor and Vice Mayor are both temporarily absent from the Municipality or unable to perform his or her duties, the Council shall immediately nominate a new Vice Mayor who shall act as Mayor.

#### **2.04 REMOVAL**

A. The Council may remove the Mayor upon determination that he or she:

1. Does not possess, or has ceased to possess, the qualifications of office; or
2. Has failed to take the required oath or to give any bond required within forty-five (45) days of the commencement of his or her term or appointment to office; or
3. While in office, has been convicted of a felony or a crime involving moral turpitude; or
4. Has been adjudicated legally incompetent; or



5. Is found guilty by a court or other public body, by majority vote, of gross misconduct, gross neglect of duty, misfeasance, malfeasance, nonfeasance or other egregious conduct while in office; or
6. Has violated his or her oath of office.

In addition to the grounds for removal provided above, Council may remove the Mayor for absence without justifiable excuse from five (5) consecutive regular council meetings or ten (10) meetings of any type during each calendar year during the Mayor's term upon the affirmative vote of three-fourths (3/4) of the members of Council.

- B. A charge or charges for removal of the Mayor may be brought by a majority of the members of Council. The decision of Council to remove the Mayor shall be made only upon the affirmative vote of three-fourths (3/4) of the members of Council after a public hearing upon the charge or charges brought against the Mayor. The Clerk of Council shall notify the Mayor in writing of the charge or charges against him or her at least fifteen (15) days in advance of such public hearing. The Mayor shall be given an opportunity to be heard, present evidence and witnesses, and cross-examine witnesses appearing in support of such charge or charges. The decisions of Council after compliance with this section shall be final. Upon the removal of the Mayor, the vacancy thereby occurring in such office shall be filled in the manner provided by this Charter, and the Mayor shall not be eligible for appointment to fill such vacancy.

## **2.05 VACANCY**

- A. In the event of the death, resignation, recall, or removal of the Mayor, the Vice Mayor shall thereupon become the Mayor until a successor is elected. In the event the Vice Mayor shall decline the office of Mayor due to the vacancy, the Council shall appoint, by majority vote, a person to fill the vacancy who meets all the qualifications of Mayor.
- B. If a Mayoral vacancy occurs more than one hundred and twenty (120) days before a general election in any odd-numbered year during the unexpired term of the Mayor's vacant seat, the person appointed to fill such vacancy shall serve until a successor is chosen at the general election to fill the unexpired term or succeeding term. The person so elected in November shall take office at the first meeting after certification of the election and serve the remainder of the original Mayor's term or successive term.

## **2.06 JUDICIAL POWERS**

The Mayor shall have all the judicial powers now or hereafter granted by the general laws of the State of Ohio to mayors of municipalities of the class of this Municipality. The Mayor may delegate the judicial powers to a Magistrate as prescribed by State law.

## **2.07 EXECUTIVE AND ADMINISTRATIVE POWERS**

The Mayor shall:

- A. Keep the Council advised of the condition and needs of the Municipality and shall recommend to the Council such measures as he or she may deem necessary or expedient for the welfare of the Municipality;
- B. Set the agenda for, attend, and be the ministerial head of all Council meetings and shall have the right to take part in discussions and may only vote to break a tie;
- C. Perform all ceremonial duties and functions as necessary for non-administrative purposes and act as the chief spokesperson for the Municipality in dealing with other governments;
- D. Affix the Mayor's seal to official documents and instruments of the Municipality, which shall be the seal of the Municipality, but the absence of such seal shall not affect the validity of any such document or instrument;
- E. Be the chief executive officer of the Municipality. The Mayor shall supervise the administration of all the affairs of the Municipality and the conduct and administration of all departments and divisions thereof, except the Council, and as otherwise provided in this Charter;
- F. Be the chief conservator of the peace within the Municipality and shall see that all laws, resolutions, and ordinances are enforced therein, except as otherwise provided in this Charter;
- G. Unless otherwise provided by ordinance, execute on behalf of the Municipality all authorized contracts, conveyances, evidences of indebtedness, and all other instruments to which the Municipality is a party, and shall, where required, attach thereto the official seal of the Mayor's office;
- H. Perform such other powers, duties and functions as provided under this Charter, the Municipality's ordinances and resolutions, and the laws of Ohio, to the extent that such laws are consistent with this Charter and the Municipality's ordinances and resolutions.

[End of Article II]

## **ARTICLE III**

### **COUNCIL**

#### **3.01 LEGISLATIVE AUTHORITY**

Except as otherwise provided in this Charter, all legislative power of the Municipality shall be vested in Council.

#### **3.02 COMPOSITION, TERM AND QUALIFICATIONS**

- A. The Council shall be composed of six members. All members of Council shall be elected at large, and all terms shall begin on January 1 immediately following the November municipal election.
- B. Members of Council shall serve a term of four (4) years. Three members shall be elected at one municipal election and three members shall be elected at the next municipal election.
- C. Candidates for Council shall have been qualified and registered electors of the Municipality or any area annexed to the Municipality for at least one year immediately prior to the time they file for or are appointed to office.
- D. Members of Council must reside within the Municipal limits, have his or her primary residence within the Municipality and be qualified and registered electors of the Municipality continuously throughout his or her term.
- E. Members of the Council may not be an employee of the Municipality and may hold other employment as permitted by the laws of the State of Ohio, including all ethics laws. Members of Council shall not have a financial interest in any contracts before the Municipality.
- F. Members of the Council shall not hold any other public office during a term, except a member 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 may hold office permitted by this Charter or the laws of Ohio. Members of Council shall not hold an incompatible office.

#### **3.03 VICE-MAYOR**

- A. Council shall, by a majority of the members elected and appointed to Council, elect from its membership a Vice-Mayor, to serve for a term of one year at its organizational meeting provided in Section 3.11 of this Charter. No member of Council may serve for two consecutive terms as Vice-Mayor. The Vice-Mayor shall have all the powers, duties, obligations and rights of any other member of Council, including the right to vote.

- B. The Vice-Mayor shall become the Acting Mayor and shall perform the duties of the Mayor in the event of the absence or disability of the Mayor and during the period of any unfilled vacancy in the office of the Mayor. The Vice-Mayor, when serving as the Acting Mayor, shall have and exercise the same powers and duties as the Mayor and shall continue to hold office as a member of the Council but shall only have one vote on any matter before the Council, unless otherwise provided in this Charter.
- C. The Vice-Mayor may be removed by three-fourths (3/4) of the members of Council eligible to vote thereon. The Vice-Mayor may not vote upon his or her removal. Any removal of a Vice-Mayor shall not be effective until a successor Vice-Mayor has been elected following the procedures provided in this Section.

### **3.04 REMOVAL**

- A. The Council may remove a Councilperson upon determination that he or she:
  - 1. Does not possess, or has ceased to possess, the qualifications of office; or
  - 2. Has failed to take the required oath or to give any bond required within forty-five (45) days of the commencement of his or her term or appointment to office; or
  - 3. While in office, has been convicted of a felony or a crime involving moral turpitude; or
  - 4. Has been adjudicated legally incompetent; or
  - 5. Is found guilty by a court or other public body, by majority vote, of gross misconduct, gross neglect of duty, misfeasance, malfeasance, nonfeasance or other egregious conduct while in office; or
  - 6. Has violated his or her oath of office.

In addition to the grounds for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from five (5) consecutive regular meetings during the member's term or ten (10) meetings of any type during each calendar year of the member's term upon the affirmative vote of three-fourths (3/4) of the members of Council entitled to vote on such question, which shall not include the Councilperson subject to such removal.

- B. A charge or charges for removal of any member of Council may be brought by a majority of the members of Council. The decision of Council to remove a Councilperson shall be made only upon the affirmative vote of three-fourths (3/4) of the members of Council entitled to vote on such question after a public hearing upon the charge or charges brought against a member by Council. The Clerk of Council shall notify the Councilperson sought to be removed in writing of the charge or charges against him or her at least fifteen (15) days in advance of such public hearing. The accused Councilperson shall be given an opportunity to be heard, present evidence and witnesses, and cross-examine witnesses appearing in support of such charge or charges. An accused Councilperson shall not vote on the question of his or her removal. The decisions of Council after compliance with this section shall be final. Upon the removal of such Councilperson, the vacancy thereby occurring in such office shall be filled in the manner provided by this Charter, and the Councilperson so removed shall not be eligible for appointment to fill such vacancy.

### **3.05 DISQUALIFICATION OF SERVICE**

Neither the Mayor nor any member of Council voted out of office at any election, or being removed by petition, shall hold an appointed position within the Municipality or serve on any board or commission, including Advisory Boards, for a period of one (1) year from the date of that termination.

### **3.06 VACANCIES**

- A. A vacancy in the membership of the Council, or the unexpired term of the member, shall be filled by a majority vote of the members of the Council within thirty (30) days after the vacancy occurs. In the event that Council fails to fill a vacancy within thirty (30) days, the Mayor shall fill the vacancy by appointment of an individual meeting the qualifications provided in Section 3.02 of this Charter within thirty (30) days. In the event that the office of Vice Mayor is vacated, at the time the vacancy occurs, Council shall immediately elect a Vice Mayor following the procedures provided in Section 3.03 of this Charter.
- B. If a vacancy in the seat of a member of the Council occurs more than one hundred and twenty (120) days before a general election in any odd-numbered year during the unexpired term of the member's vacant seat, the person appointed to fill such vacancy shall serve until a successor is chosen at the general election to fill the unexpired term or succeeding term. The person so elected in November shall take office at the first meeting after certification of the election and serve the remainder of the original Council member's term or the successive term.

### **3.07 RESIGNATIONS**

No person holding an elective office of the Municipality who resigns from his or her office shall be eligible for appointment to any elective or appointive position with the Municipality during the term for which the person was elected.

### **3.08 SALARIES OF ELECTED OFFICIALS**

The salary of elected officials, including the members of Council and the Mayor shall be set by ordinance. No increase in salary shall become effective as to any elected official in office when such ordinance is adopted nor as to newly elected officials unless the ordinance is adopted prior to the election of the new elected officials. Elected officials in office when such ordinance is adopted may be paid the increased salary only if and when they are elected to a successive term after the salary increase is effective as provided herein. No increase in salary may be passed as emergency legislation. The initial salary and benefits of elected officials under this Charter shall be the salaries and benefits established for each office and in effect on the effective date of this Charter.

### **3.09 CLERK OF COUNCIL**

- A. There shall be a Clerk of Council appointed by Council from outside its membership by majority vote of its members who shall serve at the pleasure of the Council. The Clerk may be appointed to serve full-time or part-time and Council may assign the duties of Clerk of Council to any employee of the Municipality as an additional duty with the consent and

approval of the Mayor. The Clerk of Council shall receive a salary, as established by the Council. The Clerk need not be a resident of the Municipality.

- B. The Clerk of Council shall give notice of and shall attend the meetings of Council, keep the journal of its proceedings, advertise public hearings, authenticate by his or her signature and record all ordinances and resolutions in full in a book kept for that purpose and shall perform such other duties as shall be required by this Charter, by the Rules of Council, or by ordinance or resolution of Council.
- C. The Clerk of Council may hold other private or public employment or office or position of employment in the Municipality. The Clerk of Council shall have those powers, duties, and functions as are provided in this Charter, by the Rules of Council, or by ordinance or resolution of Council.
- D. Unless otherwise established by resolution, the Clerk shall be the Council's designee and representative for compliance with Ohio's Sunshine Laws including but not limited to the Open Meetings Act (R.C. 122.22, and as amended), and Ohio's Public Records Act (R.C. 143.43, and as amended).

### **3.10 RULES AND JOURNAL OF COUNCIL**

The Council shall determine its own rules and order of business in conformity with the provisions of this Charter. It shall cause to be kept a journal of its proceedings and the journal shall be a public record and open to public inspection.

### **3.11 COUNCIL MEETINGS & EXECUTIVE SESSION**

- A. Council shall hold its organizational meeting each year prior to its regularly scheduled meeting in January. At this meeting, the newly elected members shall take the oath of office and the Council shall elect a Vice Mayor from among its own members as provided in Section 3.03 of this Charter, and may transact such further business as may come before it.
- B. Council shall meet at such times as may be prescribed by its rules or by resolution or ordinance, except that it shall hold regular meetings at least once during each calendar month. All regular meetings of Council shall be open to the public in compliance with Section 121.22 of the Revised Code, as now exists or as hereafter amended and notice of regular meetings shall be as prescribed by Council rules, by resolution or ordinance and if none, as provided by such Section of the Revised Code.
- C. The members of Council may hold an executive session in accordance with the provisions of Section 121.22 of the Revised Code, as now exists or as hereafter amended, for the purpose of the consideration of any matters permitted by law.

### **3.12 SPECIAL MEETINGS**

Special meetings of Council may be called by the Mayor or a minimum of three members of Council, upon no less than twenty-four (24) hours written notice by the Clerk of Council to each member, except in the event of an emergency requiring immediate official action. Public notice of Special Meetings, including emergency meetings, shall be required in compliance with this Charter or by rule, resolution or ordinance adopted by Council and if none, as provided by Section 121.22 of the Revised Code, as now exists or as hereafter amended.

### **3.13 VIRTUAL MEETINGS**

Under emergency conditions as declared by the President of the United States, Governor of the State of Ohio, or other appropriate official or as determined by the Mayor or by Council under a vote of three-fourths (3/4) of its members, the Mayor or Council may authorize any Municipal meeting to be held virtually. Council shall adopt rules and procedures for Municipal virtual meetings.

### **3.14 QUORUM**

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

### **3.15 RIGHTS OF EXECUTIVE OFFICERS BEFORE COUNCIL**

Except as otherwise provided in this Charter, neither the Mayor, the City Administrator, nor the directors of any department shall have a vote before Council. The Mayor shall have the right to introduce legislation and take part in the discussion of all matters coming before the Council. The directors of departments shall be entitled to take part only in those discussions before Council that relate to their respective departments.

[End of Article III]

## **ARTICLE IV**

### **LEGISLATION**

#### **4.01 FORM OF ACTION BY COUNCIL**

Action by Council shall be by ordinance, resolution, or motion. Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among and appointments solely made by Council members, to provide directions to and to make requests of administrative officers and employees and members of boards and commissions, and as otherwise provided in this Charter. All other action shall be by ordinance or resolution. No action of the Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section.

#### **4.02 INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

Any Council member or the Mayor may introduce any ordinance or resolution in writing at a regular or special meeting of the Council. Whenever possible, copies of proposed ordinance and resolution should be provided to members of the Council in advance of the meeting at which the measure is to be introduced. No action of Council shall be invalidated merely because the prior availability of an ordinance or resolution fails to comply with the provisions of this Section.

#### **4.03 FORM OF ORDINANCES AND RESOLUTIONS**

- A. Each ordinance and resolution shall contain a title, a preamble, an opening clause and a body in which there shall be set forth at length the action to be taken by Council. The opening clause for an ordinance shall state "Be it ordained by the Council of the City of South Lebanon, Ohio," and the opening clause for a resolution shall state "Be it resolved by the Council of the City of South Lebanon, Ohio."
- B. Each ordinance or resolution shall contain only one subject, which shall be expressed in its title except that appropriation ordinances may contain various subjects, accounts and amounts for which monies are appropriated. Ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject.
- C. Each proposed ordinance shall be submitted to the Law Director for approval as to form prior to its introduction to Council.

#### **4.04 READING OF ORDINANCES AND RESOLUTIONS**

- A. **FIRST READING.** Each ordinance and resolution shall be read on two separate days unless this requirement is dispensed with by an affirmative vote of at least three-fourths (3/4) of the Council members present at the meeting. Readings shall be by title only unless the Council requires a reading to be in full by an affirmative vote of a majority of the Council members present at the meeting. Following its introduction, a resolution or ordinance shall be given a first reading by the Mayor or Clerk of Council and persons present who desire to be heard for or against its passage shall be heard, as the Council or



the Mayor may provide. Written statements for or against legislative matters may also be filed at or prior to the hearing for consideration and discussion by Council.

- B. **SECOND READING.** The ordinance or resolution shall then lie over to the next regular or special meeting of Council for second reading except as may otherwise be provided in this Charter or the ordinances of the Municipality. At least forty-eight (48) hours before the second reading of the ordinance, the Clerk of Council shall cause to be posted on the City's website notice to be provided to the general public of the time and place of the Council meeting at which it shall be considered, a copy of the legislation, including all exhibits and attachments that will be considered and shall invite interested persons to attend and express their opinions thereon to the Council unless longer notice is required by this Charter or the ordinances of the Municipality. The ordinance or resolution shall be given a second reading by the Mayor or Clerk of Council and persons present who desire to be heard for or against its passage shall be heard, as the Council or the Mayor may provide. Written statements for or against legislative matters may also be filed at or prior to the hearing for consideration and discussion by Council. After the second reading the Council shall vote on passage or rejection of the proposed ordinance or resolution or move for the legislation to be tabled, continued, or referred to a committee upon an affirmative vote of the majority of the members of Council present unless otherwise provided in this Charter.
- C. **PUBLICATION.** Copies of each ordinance and resolution, including all exhibits and attachments, that have been adopted or are being considered by Council shall be available for public inspection at City Hall during normal business hours, on the City's website, and at the meetings of the Council at which the ordinance or resolution is considered.

#### **4.05 VOTE REQUIRED FOR PASSAGE**

After the hearing, or if the waiting period and hearing are waived by a declaration of emergency, the Council may vote by roll call on whether the ordinance or resolution shall be passed or rejected. Unless otherwise provided in this Charter, all action taken by the Council shall be by an affirmative vote of at least four Council members; provided, however, that if there are one or more vacancies of the Council, all references in Article IV to a "majority vote" of the members of the Council shall mean a majority of the remaining members of the Council. The vote on legislation shall be by roll call vote of each Council member and shall be entered on the ordinance and journal of the City and in the minutes or record of Council proceedings. The Mayor may only vote to break a tie.

#### **4.06 LEGISLATIVE PROCEDURE**

- A. The Clerk of Council shall, no later than forty-eight (48) hours before the time of a regular Council meeting, post notice of the time and place of such regular meeting on the Municipality's website and the agenda for the meeting. In the event of a special Council meeting, the Clerk of Council shall, no later than twenty-four (24) hours before the time of a special meeting, post notice of the time, place and purposes of such special meeting on the Municipality's website and the agenda for the meeting. Upon the adjournment of any regular or special meeting to another day, the Clerk of Council shall promptly post notice of the time and place of such adjourned meeting to the Municipality's website. In case of an emergency requiring immediate official action, the Clerk of Council shall immediately

post notice of the time, place and purposes of such special meeting and the general nature of the emergency requiring immediate official action.

- B. Final passage of an ordinance or resolution shall be authenticated by the signatures of the Mayor and the Clerk of Council. Any failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.
- C. Ordinances or resolutions providing for the appropriation of the current expenses of the Municipality or directing an election or question to the electorate and emergency ordinances or resolutions necessary for the immediate preservation of the public peace, or health or safety in the Municipality, shall take effect, unless a later time be specified therein, immediately upon passage by Council and shall not be subject to referendum.
- D. Any ordinance which must be passed at once in order to meet a real and present emergency in the operation of the Municipal government, or which is necessary for the immediate preservation of the public peace, health, safety, or general welfare as determined by Council in their sole discretion, may be passed without delay and without public notice and hearing by the affirmative vote of not less than two-thirds (2/3) of the members of Council provided that Council shall state the reason for such emergency be set forth in one section or a preamble of the ordinance or resolution. Such an ordinance shall take effect immediately upon its passage.
- E. All other ordinances and resolutions shall take effect and be operative thirty (30) days after the passage by Council in order to afford an opportunity for filing referendum petitions as provided by this Charter and the Ohio Revised Code.
- F. No action of the Council authorizing the surrender of any of its powers or in granting any franchise, or contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally or privately-owned, shall be taken as an emergency measure.
- G. Except as otherwise provided in this Charter, the adoption, rejection, amendment, authentication and recording, time of taking effect and the signing of every ordinance, resolution, by-law or measure shall be in the same manner provided by the laws of the State of Ohio as the same apply to municipalities.

#### **4.07 AMENDMENTS**

- A. A pending ordinance or resolution may be amended in writing and heard at any time prior to its passage by the Council, and such amendment shall not require additional readings of the ordinance or resolution.
- B. Any enacted ordinance or resolution, including the codified ordinances or resolutions of the Municipality, may be amended by the passage of subsequent ordinances or resolutions that revise existing sections or parts thereof, enact new or supplemental sections or parts thereto, or repeal existing sections or parts thereof. This subsection does not prevent, prohibit, or preclude repeals by implication.

#### **4.08 ADOPTION OF TECHNICAL CODES**

- A. The Council may, by ordinance, adopt technical codes for the purpose of drawing on the latest scientific and technological advances, including, without limitation, construction standards and such other matters as the Council may determine to be appropriate for adoption by reference, so long as such technical codes do not conflict with the general laws of the State of Ohio.
- B. 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, and such ordinance may provide for the automatic adoption of future amendments to such technical code without subsequent legislative action by the Council. In such areas, 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. If the technical code is amended after its adoption by reference and Council did not provide for the automatic adoption of such amendments, the Council may adopt the amendment by incorporation by reference under the same procedure established for the adoption of the original technical code.

#### **4.09 PUBLICATION OF ORDINANCES AND RESOLUTIONS**

Except as otherwise provided by law, all ordinances and resolutions, including all exhibits and attachments, shall be published within one week after final passage by posting it at the City Building and making it available to the public during normal business hours and by publishing it on the Municipality's website. Failure to publish an ordinance or resolution as required by the Section shall not invalidate such legislation, and in such event, the Clerk of Council may authorize the ordinance or resolution to be published at a later date.

[End of Article IV]

**ARTICLE V**  
**CITY ADMINISTRATOR**

**5.01 APPOINTMENT**

- A. The Mayor shall appoint a City Administrator who must be confirmed by a majority of the members of Council.
- B. The City Administrator under the general statutory plan of government for the City of South Lebanon is hereby designated as the initial City Administrator of the Municipality under this Charter.

**5.02 QUALIFICATIONS**

- A. The City Administrator shall be chosen solely on the basis of executive, administrative and professional qualifications with special reference to actual experience in, or knowledge of, accepted practice with respect to the duties of the office as herein set forth.
- B. The City Administrator need not be a resident of the Municipality.
- C. The City Administrator shall not conduct any business with, nor be otherwise employed by, the Municipality, or hold any other public office, except as otherwise provided in this Charter. The City Administrator 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 may hold office permitted by this Charter or the laws of Ohio or by majority vote of Council. If the City Administrator shall cease to possess any of the qualifications for such office, the City Administrator shall forfeit the office immediately.

**5.03 POWERS AND DUTIES**

The City Administrator shall be responsible to the Mayor for the proper administration of all areas of government assigned to him or her by this Charter or by ordinance of Council adopted pursuant to the Charter. The City Administrator shall:

- A. Report to, consult with, and keep the Mayor informed on all matters pertaining to the general welfare of the Municipality.
- B. Recommend appropriate action to the Mayor to provide for the welfare of the Municipality.
- C. Hire, appoint, promote, suspend, discipline or recommend to the Mayor to remove any employee of the Municipality, except those within the Departments of the Director of Law, and Director of Finance, or as otherwise provided by or under this Charter, the ordinances of Council or by law, provided such positions are first authorized by the Council.

- D. Supervise the improvement and repair of public rights of way and appurtenances thereto, municipal drainage systems and water courses as well as the lighting, and public buildings and places and any other such locations as directed by the Mayor or by ordinance adopted by Council.
- E. Perform such other powers, duties, and functions as are conferred or required by this Charter, as assigned by the Mayor if not inconsistent with this Charter or by the laws of the State of Ohio.

#### **5.04 REMOVAL**

- A. The Administrator may only be removed by the Mayor with two-thirds (2/3) vote of the members of Council or three fourths vote of the members of Council without approval of the Mayor upon determination that he or she:
  - 1. Does not possess, or has ceased to possess, the qualifications of office; or
  - 2. Has failed to take any required oath or to give any bond required within forty-five (45) days after appointment, or an obligation to give a new or additional bond; or
  - 3. While in office, has been convicted of a felony or a crime involving moral turpitude; or
  - 4. Has been adjudicated legally incompetent; or
  - 5. Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance or nonfeasance in office; or
  - 6. Has violated his or her oath of office, if any.
- B. The City Administrator has the right to be heard on the question of removal at a public hearing of Council, which shall be held not earlier than twenty (20) days, nor later than thirty (30) days, of the written request for a hearing. This request shall be made within ten (10) days after the Mayor's or Council's decision to remove. Pending confirmation of removal by Council, and for that reason only, and for that period only, the Mayor may suspend the City Administrator from office. The removal decision of Council shall be final.
- C. The City Administrator shall be entitled to his or her normal compensation and benefits during the pendency of the removal proceedings.

#### **5.05 REPLACEMENT**

In the event of death, resignation or removal of the City Administrator, the Mayor shall appoint a new City Administrator in accordance with Sections 5.01 and 5.02. During the period of such vacancy in the office of the City Administrator, the Acting Administrator shall assume all powers and duties of that office.

#### **5.06 COMPENSATION**

The Council shall determine the compensation of the Administrator.

## **5.07 ACTING ADMINISTRATOR**

The City Administrator shall designate by letter, filed with the Clerk of Council, an employee of the Municipality to exercise the powers and perform the duties of the City Administrator during a temporary absence or disability of the City Administrator. If such designation has not been made and the City Administrator is unable to perform his or her duties or to make such a designation, the Mayor may appoint, subject to the consent and approval of the Council, a qualified candidate to serve as the Acting Administrator until the City Administrator resumes his or her duties. The Mayor may, at any time, revoke any designation of Acting Administrator previously approved by the Council or made by the Administrator. If the designation of the Acting Administrator is revoked, the Mayor shall appoint another qualified candidate, subject to the consent and approval of the Council, to serve as the Acting Administrator.

[End of Article IV]

## **ARTICLE VI**

### **ADMINISTRATIVE DEPARTMENTS**

#### **6.01 GENERAL PROVISIONS**

A Department of Finance, Department of Law, and Department of Public Service and Public Safety are hereby established by this Charter as administrative departments, and the Council shall provide by ordinance for the organization thereof. The Council may by ordinance provide for the establishment and organization of other departments or divisions thereof and may provide for the abolishment or combination of any department or division not established by this Charter. Council may authorize the Mayor to be the head of any one or more departments, except the Departments of Law and Finance, and may authorize one person to the head of two or more such departments.

#### **6.02 DIRECTOR OF FINANCE**

- A. The Director of Finance shall be the head of the Department of Finance and shall have knowledge of and experience in accounting, taxation, budgets and financial control as demonstrated by experience and education. The Director of Finance shall be appointed by the Mayor and must be confirmed by a majority of the members of Council.
- B. The Director of Finance need not be a resident of the Municipality.
- C. The Director of Finance shall not conduct any business with, nor be otherwise employed by the Municipality, or hold any other public office, except as otherwise provided in this Charter. The Director of Finance 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 may hold office permitted by this Charter or the laws of Ohio or by majority vote of Council. If the Director of Finance shall cease to possess any of the qualifications for such office, the Director of Finance shall forfeit the office immediately.

#### **6.03 POWERS AND DUTIES OF DIRECTOR OF FINANCE**

- A. The Director of Finance shall perform all duties and functions, now or hereafter, imposed upon municipal auditors and treasurers by the laws of the State of Ohio to the extent those laws are not in conflict with or otherwise provided for in this Charter or by ordinance or resolution of the Council.
- B. The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for the collection, disbursement, custody and accounting of all funds. The Director of Finance shall examine all payrolls, bills, and other claims against the Municipality, but shall issue no warrant unless the Director of Finance finds that the claim is in proper form, correctly computed, duly approved, that it is due and payable, and that appropriation has been made by Council.

- C. The Director of Finance shall keep the financial records of the Municipality including accurate statements of all moneys received and expended, of all property owned by the Municipality, and of all taxes and assessments. The Director of Finance shall advise the Mayor and Council concerning the financial condition of the Municipality.
- D. The Director of Finance shall hire, promote, suspend, discipline or recommend the Mayor to remove any employee within the Department of Finance provided such positions are first authorized by the Council.

#### **6.04 LAW DIRECTOR**

- A. The Law Director shall be the head of the Department of Law and shall be an attorney-at-law admitted to the practice of law in the State of Ohio and in good standing. The Law Director shall be appointed by the Mayor and must be confirmed by a majority of the members of Council. The Law Director shall be the legal advisor of and attorney and counsel for the Municipality and for its Council and all officers and divisions thereof in all matters relating to his or her official duties, and shall, when requested by the Mayor or a majority of the members of Council, give legal opinions in writing.
- B. The Law Director need not be a resident of the Municipality.
- C. The Law Director shall not conduct any business with, nor be otherwise employed by the Municipality, or hold any other public office, except as otherwise provided in this Charter. The Law 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 may hold office permitted by this Charter or the laws of Ohio or by majority vote of Council. If the Law Director shall cease to possess any of the qualifications for such office, the Law Director shall forfeit the office immediately.

#### **6.05 POWERS AND DUTIES OF THE LAW DIRECTOR**

- A. The Law Director shall represent the Municipality in all suits or cases in which it may be a party and shall prosecute all offenses against the ordinances of the Municipality and such offenses against the laws of Ohio as may be required. The Law Director or his or her designee shall act as the Prosecutor in Mayor's Court.
- B. The Law Director shall on request of the Mayor or Council prepare contracts, legislation, bonds and other instruments in writing in which the Municipality is concerned and shall endorse on each approval of the form and corrections thereof. No contract with the Municipality shall take effect until the Law Director's approval of the form and correctness thereof is endorsed thereon.
- C. The Law Director may hire, appoint, promote, suspend, remove, or otherwise discipline any employee within the Law Department provided such positions are first authorized by Council.



- D. The Law Director may hire, appoint and remove special counsel provided such positions are first authorized by Council.
- E. The Law Director shall perform such other duties as the Mayor or Council may impose consistent with the office and shall perform duties which are imposed upon Law Directors by the general laws of Ohio.

#### **6.06 DIRECTOR OF PUBLIC SERVICE AND SAFETY**

- A. The Director of Public Service and Safety shall be the head of a combined department of public service and department of public safety of the Municipality. The City Administrator shall serve as the Director of Public Service and Safety until such time as Council shall by ordinance, remove such responsibility from the City Administrator and either authorize the appointment of a new Director of Public Service and Safety of a combined public service and safety department or separate the public service and public safety functions of the Municipality into two departments and authorize the appointment of both a Director of Public Service and a Director of Public Safety, in its sole discretion. Thereafter, the Mayor shall appoint a Director of Public Service and Safety, singularly or a Director of Public Service and a Director of Public Safety separately, each of whom shall serve at the pleasure of the Mayor except as otherwise provided by law. As used in this Charter “Director(s) of Public Service and Safety” refers to the appointed Director of public service and of public safety whether the respective services and departments are separate or combined.
- B. The Director(s) of Public Service and Safety shall be chosen solely on the basis of executive, administrative and professional qualifications with special reference to actual experience in, or knowledge of, accepted practice with respect to the duties of a city director of public service and a city director of public safety as herein set forth.
- C. The Director(s) of Public Service and Safety need not be a resident of the Municipality.
- D. The Director(s) of Public Service and Safety shall not conduct any business with, nor be otherwise employed by the Municipality, or hold any other public office, except as otherwise provided in this Charter. The Director(s) of Public Service and Safety 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 may hold office permitted by this Charter or the laws of Ohio or by majority vote of Council. If the Director(s) of Public Service and Safety shall cease to possess any of the qualifications for such office, the Director(s) of Public Service and Safety shall forfeit the office immediately.

#### **6.07 POWERS AND DUTIES OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY**

- A. The Director(s) of Public Service and Safety shall perform all duties and functions, now or hereafter, imposed upon municipal directors of public service and directors of public safety by the laws of the State of Ohio to the extent those laws are not in conflict with or otherwise provided for in this Charter or by ordinance or resolution of the Council. The Director(s) of Public Service and Safety shall perform such other duties that may be required by the legislation of Council or as the Mayor may impose upon the Director(s) consistent with the office of a director of public service, office of a director of public safety and the provisions of this Charter.
- B. The Director of Public Service and Safety shall have all the powers and duties connected with and incident to the appointment, regulation and government of a department of public service and a department of public safety and the ability to hire, promote, suspend, discipline or recommend to the Mayor to remove the officers and employees thereof, as are now or may hereafter be conferred upon a director of public service and a director of public safety of a city by the general laws of the State of Ohio to the extent those laws are not in conflict with or otherwise provided for in or inconsistent with this Charter or by ordinance or resolution of Council.
- C. The duties of the Director(s) of Public Service and Safety for public service shall be to manage and supervise all public works and undertakings of the city, the building department and building services, if any, except as otherwise provided by law, this Charter and the legislation of the Municipality or as the Mayor may impose upon the Director consistent with the office of public service.
- D. The duties of the Director(s) of Public Service and Safety for public safety shall be to manage and supervise the police and fire services provided in the Municipality except as otherwise provided by law, this Charter and the legislation of the Municipality or as the Mayor may impose upon the Director consistent with the office of public safety.

#### **6.08 ADMINISTRATIVE DEPARTMENTS VACANCY, REMOVALS, AND REPLACEMENT**

- A. The Finance Director and Law Director of the Municipality may be removed by the Mayor with the consent and approval of a majority of the members of Council. All other directors provided in this Charter or by legislation of Council shall be appointed by and serve at the pleasure of the Mayor except as otherwise provided by law.
- B. Any Director of the Municipality shall be disqualified from the appointment as a Director and removed from their appointment upon determination that he or she:
  - 1. Does not possess, or has ceased to possess, the qualifications of office; or
  - 2. While in office, has been convicted of a felony or a crime involving moral turpitude; or
  - 3. Has been adjudicated legally incompetent; or

4. Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance or nonfeasance in office; or
  5. Has violated his or her oath of office, if any.
- C. In the event of death, resignation or removal of any Director of the Municipality, the Mayor shall appoint a replacement Director in accordance with this Charter. During the period of such vacancy in the office of a Director of the Municipality, any Acting Director of the Municipality shall assume all powers and duties of that office if so authorized and appointed by the Mayor of the Municipality.

#### **6.09 COMPENSATION**

The Council shall determine the compensation of the Directors of the Municipality.

#### **6.10 SALE AND DISPOSITION OF MUNICIPAL PROPERTY**

- A. When determined by Council that personal property of the Municipality is no longer needed for municipal purposes, such personal property may be sold and disposed of in a manner determined by Council to be in the best interest and financial advantage of the Municipality.
- B. When determined by Council that real property of the Municipality is no longer needed for municipal purposes, such real property may be sold and disposed of as provided for by ordinance or resolution of the Council or by the laws of the State of Ohio to the extent those laws are not in conflict with or otherwise provided by the legislation of Council.

[End of Article VI]

## **ARTICLE VII**

### **BOARDS AND COMMISSIONS**

#### **7.01 CREATION OF BOARDS AND COMMISSIONS**

The Municipality shall have a Planning Commission, a Board of Control and a Civil Service Commission as set forth herein and as provided in the ordinances of the Municipality and such other boards and commissions as may be created by the Council.

#### **7.02 GENERAL RULES FOR BOARDS AND COMMISSIONS**

The following general rules shall govern all boards and commissions unless otherwise provided by this Charter:

- A. Each board or commission created by the Council shall consist of at least three members;
- B. Appointments, and removals shall be recommended by the Mayor and approved by Council unless otherwise provided in this Charter;
- C. Members of boards and commissions shall serve without compensation unless otherwise provided by the Council;
- D. Each member of a board or commission shall be and shall remain an elector of the Municipality during the term of appointment unless otherwise provided by the Council;
- E. Each vacancy shall be recommended by the Mayor and approved by Council unless otherwise provided in this Charter and filled as soon as practicable;
- F. 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 the original appointment; and
- G. All meetings of boards and commissions shall be open to the public, except as allowed by the laws of the State of Ohio.

#### **7.03 PLANNING COMMISSION**

- A. **COMPOSITION AND TERM.** The Planning Commission shall consist of the following five members: Mayor, a member of the Council appointed by the Council, and 3 qualified electors not holding other Municipal office who shall be recommended by the Mayor and approved by Council each for a staggered term of six years.
- B. **POWERS AND DUTIES.** The Planning Commission shall have the authorities and perform all the duties and functions, now or hereafter, imposed upon city planning commissions by the ordinances of the Municipality and the laws of the State of Ohio to the extent those laws are not in conflict with or otherwise provided for in this Charter or legislation of the Council.

- C. **ACTION BY COUNCIL ON MATTERS PROPOSED BY THE PLANNING COMMISSION.** An affirmative vote of at least five Council members shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning Commission, but in no event shall a zoning ordinance be considered as having passed unless it receives an affirmative vote of at least four members of Council.

#### **7.04 BOARD OF CONTROL**

The Board of Control shall consist of three (3) members: the Mayor, the Finance Director and a Council member appointed by the Council. The Mayor shall act as Chairperson of this Board. The Board of Control shall perform all duties and functions, now or hereafter, imposed upon municipal boards of control by the ordinances of the Municipality and the laws of the State of Ohio to the extent those laws are not in conflict with or otherwise provided for in this Charter or legislation of the Council. The Board shall keep a record of its proceedings.

#### **7.05 CIVIL SERVICE COMMISSION**

- A. The Civil Service Commission shall consist of three (3) members who shall be qualified electors of the Municipality. All members of the Civil Service Commission shall be recommended by the Mayor and approved by Council. The Mayor shall recommend three persons, one for a term of two years, one for a term of four years, and one for a term of six years, who shall constitute the municipal civil service commission upon approval of Council. Each alternate year thereafter the Mayor shall recommend one person, as successor of the member whose term expires, to serve six years upon approval of Council. A vacancy shall be filled by recommendation by the Mayor and approval of Council for the unexpired term. At the time of any appointment, not more than two commissioners shall be adherents of the same political party. One of the members shall be chosen by the Civil Service Commission as chairperson, and a secretary may be appointed by the Civil Service Commission members.
- B. The Civil Service Commission shall perform all duties and functions, now or hereafter, imposed upon civil service commissions in municipalities by the ordinances of the Municipality and the laws of the State of Ohio to the extent those laws are not in conflict with or otherwise provided for in this Charter or legislation of the Council. The Board shall keep a record of its proceedings.

#### **7.06 DISQUALIFICATION OF MEMBERS OF BOARDS AND COMMISSIONS**

- A. Members of the Boards and Commissions of the Municipality shall forfeit their appointment if the member:
1. Does not possess, or has ceased to possess, the qualifications of office; or
  2. While in office, has been convicted of a felony or a crime involving moral turpitude; or
  3. Has been adjudicated legally incompetent; or

4. Is found guilty by a court or other public body by majority vote of gross misconduct, gross neglect of duty, misfeasance, malfeasance, nonfeasance or other egregious conduct while in office; or
5. Has violated his or her oath of office.

[End of Article VII]

## **ARTICLE VIII**

### **NOMINATIONS AND ELECTIONS**

#### **8.01 NOMINATIONS**

Nominations for all elected offices of the Municipality shall be made by petition only and no primary shall be held to nominate officers of the Municipality. Petitions shall be in the form determined by the election officials of the State of Ohio for the nomination of non-partisan candidates and signed by electors of the Municipality as provided under the general laws of Ohio. Petitions shall be filed with the election officials of the State of Ohio as provided by the laws of the State of Ohio.

#### **8.02 ELECTIONS**

- A. Regular Municipal elections shall be held on the dates and times set forth by the election laws of the State of Ohio.
- B. Such other elections shall be held as may be required by law or provided for in this Charter or legislation of the Council. The Council may, by resolution or ordinance, order a special election at any time including at the time of a primary or regular election, and the purpose of the special election shall be set forth in the legislation. Where the Charter and ordinances are silent on election procedure, the provisions of the election laws of the State of Ohio shall be followed.
- C. All regular and special elections shall be conducted by the election officials of Warren County, Ohio, and the State of Ohio. Elections shall be held in a manner as provided under this Charter or as otherwise provided by the Council.
- D. The Council shall have the power to appropriate and expend public funds to pay the costs of providing information to the public in connection with tax, bond, and other non-partisan public issues, but not in connection with the election of any candidate for public office.

#### **8.03 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 the Council shall be subject to referendum, as provided by the Constitution and laws of the State of Ohio, except that legislation by the Council calling for election shall not be subject to referendum and any Rules of Council shall not be subject to initiative or referendum.

#### **8.04 GENERAL PROVISIONS**

Except as otherwise provided in this Charter or by ordinance of Council, the laws of the State of Ohio applicable to elections shall govern the procedure for the nomination and election of the elected officers of the Municipality and the method of holding and conducting elections.

[End of Article VIII]

## **ARTICLE IX**

### **CHARTER**

#### **9.01 AMENDMENTS TO CHARTER**

- A. **SUBMISSION TO ELECTORS.** Except as otherwise provided in Section 9.05, Council may, by affirmative vote of two-thirds (2/3) of its members, submit to the electors any proposed amendment to this Charter, or, upon petition signed by the number of electors of the Municipality as set forth in the Constitution and laws of the State of Ohio setting forth any proposed amendment to this Charter, Council shall submit such proposed amendment to the electors in accordance with the provisions of the Constitution and laws of the State of Ohio.
- B. **ADOPTION.** If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

#### **9.02 EFFECT OF CHARTER UPON EXISTING LAWS AND RIGHTS**

The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of this Municipality shall continue in effect until lawfully amended or repealed.

#### **9.03 SAVING CLAUSE**

The determination that any part of this Charter is invalid or unconstitutional shall not invalidate or impair the validity or force or effect of any other provision hereof, except to the extent that such other provision is wholly or necessarily dependent for its operation upon that provision declared invalid.

#### **9.04 CHARTER REVIEW**

- A. The Municipal Charter shall be reviewed at least every ten (10) years by a Charter Review Commission as provided herein.
- B. The appointment of a Charter Review Commission within the prescribed periods shall not limit or preclude Council or the electors of the Municipality from submitting recommended Charter amendments to the voters from time to time as permitted by the Constitution and laws of the State of Ohio.



## **9.05 CHARTER REVIEW COMMISSION**

- A. A Charter Review Commission shall consist of nine (9) members.
- B. Five (5) members shall be appointed by Council and four (4) members shall be appointed by the Mayor.
- C. All appointments shall be made in January 2033 and each ten (10) years thereafter to study, appraise and evaluate the provisions of this Charter and the operations of the Municipality. Members of the Charter Review Commission shall hold no other elected office or employment with the Municipality and shall serve until their duties as provided herein are completed.
- D. The Council shall appropriate funds to the Charter Review Commission as determined to be necessary to carry out its powers, duties, and functions, including amounts required to pay consultants or special legal counsel to the Commission.
- E. The Charter Review Commission shall recommend to Council amendments, if any, to said Charter, which they deem desirable or necessary no later than the first day of July following the appointment of the Charter Review Commission.
- F. The Council shall promptly submit all recommendations of the Charter Review Commission to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and fifty (150) days after the recommendations are made to Council, otherwise Council shall provide for the submission of the question at a special election to be called and held not less than sixty nor more than one hundred and twenty (120) days after its recommendation to Council.

[End of Article IX]

## **ARTICLE X**

### **FINANCE, TAXATION, DEBT, AND CONTRACTING**

#### **10.01 GENERAL**

The laws of the State of Ohio relating to budgets, appropriations, taxation, debts, borrowing, assessments, deposits and investment of funds, and other fiscal matters of the Municipality shall be applicable to the Municipality, except as otherwise provided by this Charter or by the Ordinance of Council.

#### **10.02 CONTRACTING POWERS AND PROCEDURES**

- A. Except as otherwise provided in this Charter, the Mayor or the Mayor's designee shall be the contracting officer of the Municipality and shall award and execute all contracts on behalf of the Municipality.
- B. Council, by ordinance, shall establish a threshold amount, notice provisions, and other procedures for competitive bidding as it deems appropriate. 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 unless exempted as provided in this Charter or competitive bidding is not required under the statutory or common law of the State of Ohio, or when bids have been received and awarded for the item sought by another political subdivision and such purchase can be made upon the same terms, conditions and specifications and/or by participation contract with the political subdivision. 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. The Mayor may make contracts, purchase equipment, supplies, or materials and provide labor for any work under the Mayor's supervision below the threshold amount if the current operating budget provides sufficient funding or the Council has otherwise appropriated money for such contracts, supplies and services.
- C. By an affirmative vote of at least five (5) members, the Council may waive the competitive bidding requirements if the Council determines that an emergency threatens public safety or property, or an item or service is only available from a single source or provider, or when funding could be lost due to time constraints, or if the Council determines that a waiver of the competitive bidding requirement is in the best interest of the Municipality.
- D. The Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding unless otherwise provided by Council. Such procedures may include a requirement that Council approve cumulative contract modifications that exceed a specified percentage of the original contract.

- E. Contracts or other agreements for professional services, including, without limitation, architectural, engineering, surveying, testing, inspection, technology/computer, and legal services, shall not be subject to competitive bidding requirements set forth in this Section and shall not require authorization by the Council if the current operating budget provides sufficient funding for the services to be provided or if the Council has otherwise appropriated money for such services except as otherwise required by ordinance of the Council.
- F. Contracts for professional design services as defined in Section 153.65 of the Ohio Revised Code (as amended or revised) shall not be subject to the requirements of Sections 153.65 through 153.73 of the Ohio Revised Code (as amended or revised), but instead shall be procured through procedures established by the Council.
- G. Notwithstanding any provision of the laws of the State of Ohio, contractors and vendors shall not be entitled to receive interest on funds temporarily retained on a contract pending final acceptance of work performed or goods supplied, nor shall the Municipality be required to maintain a separate escrow amount to hold such retained funds.

### **10.03 PURCHASING**

No City official or employee shall have authority to create an obligation against the City by oral agreement. No purchase order or contract shall be valid as an obligation of the City unless it bears a certificate signed by the Director of Finance and that the estimated amount thereof has been entered as an encumbrance in the City accounts against an allotment based on a valid appropriation.

### **10.04 CONTRACT SERVICES**

The Council may substitute or supplement services to be provided by municipal personnel through contracts with other political subdivisions or other government agencies or by contracts with private persons, firms, corporations, or other entities.

[End of Article X]

## **ARTICLE XI**

### **TRANSITIONAL PROVISIONS**

#### **11.01 EFFECTIVE DATE OF CHARTER**

Upon approval by a majority of the electors of the Municipality voting thereon at the election on May 2, 2023, this Charter shall take effect on July 1, 2023. If approved by a majority of the electors voting thereon, any subsequent amendments shall take effect from the date the final results of such election are certified by the relevant election authorities unless such amendments specify a later effective date; provided, however, that such certification date shall be the effective date for the purpose of designating, nominating, and electing officers of the Municipality and conducting municipal elections.

#### **11.02 SUCCESSION**

The Municipality under this Charter is hereby declared to be the legal successor of the statutory municipality of South Lebanon under the laws of Ohio, and shall have title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The Municipality shall be liable for all outstanding orders, claims, contracts, and debts of its predecessor as well as any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

#### **11.03 CONTINUATION OF ORDINANCES, RESOLUTIONS, CODES, RULES, AND REGULATIONS**

All ordinances, resolutions, codes, rules, and regulations of the Municipality in effect at the time of adoption of this Charter or any amendment thereto shall remain in effect until amended or repealed, except as superseded by the provisions of this Charter.

#### **11.04 CONTINUATION OF EMPLOYEES**

Every employee of the Municipality on the effective date of this Charter and any subsequent amendments shall continue in such employment, subject in all respects to the provisions of this Charter and ordinances, resolutions, rules, or regulations existing on such effective date or subsequently enacted or promulgated under this Charter.

#### **11.05 CONTINUATION OF APPOINTMENTS**

Any appointed member serving on a board or commission of the Municipality at the time of adoption of this Charter or any amendment thereto shall continue their appointment for the remainder of their term, subject in all respects to the provisions of this Charter and ordinances, resolutions, rules, or regulations existing on such effective date or subsequently enacted or promulgated under this Charter except as superseded by the terms of this Charter.

## **11.06 TRANSFER OF POWERS**

If a department is abolished as provided under of this Charter, the powers and duties given to it by law shall be transferred to the department designated in this Charter or, if the Charter makes no provision, as designated by Council.

## **11.07 CONTINUATION OF MAYOR**

The person who holds the office of mayor under the general statutory city plan of government at the time this Charter becomes effective will continue as Mayor under this Charter until the end of his or her term of office, and as provided in Section 2.01 of this Charter.

## **11.08 CONTINUATION OF MEMBERS OF COUNCIL**

- A. The members of the Council at the time the Charter becomes effective are hereby designated as members of the Council under this Charter and each shall continue to serve on Council until the expiration of the term the member is serving when the Charter becomes effective.
- B. At the next regular municipal election to be held in November of 2023, two council terms expire, and two persons shall be elected from the Municipality at large and shall serve terms of four years each that expire on December 31, 2027.
- C. At the regular municipal election to be held in November of 2025, four council terms expire, and four persons shall be elected from the Municipality at large. The candidates receiving the three highest number of votes shall each serve a four-year term that expires on December 31, 2029. The candidate receiving the fourth highest number of votes shall serve a two-year term that expires on December 31, 2027.
- D. At the regular municipal election to be held in November of 2027 and every four years thereafter, three persons shall be elected from the Municipality at large to serve terms of four years each.
- E. At the regular municipal election to be held in November of 2029 and every four years thereafter, three persons shall be elected from the Municipality at large to serve terms of four years each.

## **11.09 SALARIES OF ELECTED OFFICIALS**

All salaries established prior to the effective date of this Charter shall remain in effect until changed by Council and the salary of any officer, employee or member of a board or commission whose position shall have been newly created by this Charter shall be the same as the salary for such officer, employee or member of the board or commission upon which are imposed corresponding functions, powers and duties prior to the effective date of this Charter.

[End of Article XI]

**ARTICLE XII**  
**MISCELLANEOUS PROVISIONS**

**12.01 HEADINGS**

The article and section headings in this Charter are for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

**12.02 DETERMINATION OF NUMBER OF VOTES**

- A. Whenever the Charter requires the affirmative vote of a stated fraction of the Council, the multiplicand shall be the total number of authorized members of Council reduced by the number of vacancies then existing in Council.
- B. Any abstention from voting shall count as an affirmative vote.
- C. Any reference to the Majority of the members of Council in this Charter shall include the Mayor should the Mayor's vote be required to break a tie.

**12.03 REARRANGEMENT AND REPRINTING OF CHARTER**

Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of Council and the Law Director, may, prior to any reprinting of this Charter, make such changes therein, including the numbers, titles and arrangement of articles, sections hereof, and typographical corrections as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall, in any way, affect the substance or meaning of this Charter or any part thereof or amendment thereto.

**12.04 DEFINITIONS**

All references to "days" in this Charter shall mean calendar days unless otherwise stated. References to "business days" shall mean Monday through Friday except for federal or state holidays or as provided under Ohio Revised Code Section 1.14 as amended.

[End of Article XII]