

## **City of Galion Charter**

### **PREAMBLE**

We, the people of the City of Galion, in the County of Crawford, and State of Ohio, grateful to the almighty God for the freedoms we enjoy, working together for the common good of each other, and in order to secure for ourselves the benefits of municipal home rule and to exercise all the powers of local self-government, conferred by the constitution and the laws of the State of Ohio, do hereby frame and adopt this charter for the government of the City of Galion.

### **ARTICLE I**

#### **INCORPORATION, POWERS, SUCCESSION AND FORM OF GOVERNMENT SECTION 1.01: Incorporation**

The City of Galion, Crawford County, Ohio, within the corporate limits existing at the time of adoption of this charter, or within such limits as may be established thereafter in the manner prescribed by general law, shall be and continue to be a municipal corporation in perpetuity, under the name of the "City of Galion". This corporation will hereinafter be referred to as the "City".

#### **SECTION 1.02: Powers of the City**

The City shall have all the powers possible for a city to have under the constitution of the State of Ohio as fully and completely as though they were specifically enumerated in this charter.

#### **SECTION 1.03: Manner of Exercise of Powers**

All powers shall be exercised in the manner provided in this charter, or if not provided herein, in such manner as Council may determine.

#### **SECTION 1.04: Form of Government**

The form of government provided for by this charter shall be known as the "Council-Manager Plan".

## ARTICLE II

### THE CITY COUNCIL

#### **SECTION 2.01: Number, Selection, Terms**

The Council shall consist of seven (7) members, one (1) member of whom shall be elected from each of the four (4) wards, as those wards now exist, or as they may, from time to time, be altered by the Council, and three (3) elected from the City at large, all of whom shall be elected on a nonpartisan ballot.

The members of Council shall begin their terms on the first day of January following their elections and serve for a period of four (4) years.

At the first regular City election, to be held in November 1987, after this charter takes effect, the voters will elect one (1) Councilmember from each of the four (4) wards and three (3) Council members at large. The Council members elected from wards one and three and the Councilmember at large receiving the highest number of votes will serve for a term of four (4) years. The Council members elected from wards two and four and the two (2) Council members at large receiving the second and third highest number of votes shall serve for a term of two (2) years. Every two (2) years thereafter, an election shall be held to replace those Council members whose terms are due to expire.

A Councilmember shall hold no other elected public office or position of City employment.

Council may expel or remove any member for gross misconduct or persistent failure to abide by the rules of the Council, provided two-thirds (2/3) of Council members shall concur.

#### **SECTION 2.02: President of Council**

At the first yearly meeting of Council, Council members will elect from their ranks, for a term of one (1) year, a President of Council and a Vice President of Council by the concurrence of at least four (4) votes.

The duties of the President of Council will be to perform all ceremonial duties of the mayor, as the Council may direct, and to preside over Council meetings. The President of Council, as a member of Council, will retain \*his vote.

*\*Whenever the masculine "pronoun" or "possessive" is used in this document, the feminine "pronoun" or "possessive" is also intended.*

The Vice President of Council shall serve in the absence or disability of the President and shall succeed to his office in case of a vacancy therein. While acting in the place of the President of Council, the Vice President shall have the same powers and duties as the President.

The salary of the President of Council shall be established by ordinance, which salary shall not be increased or decreased during the President's term of office. This salary will be 20% more than that of a Councilmember.

### **SECTION 2.03: Qualification and Eligibility**

Council members shall be qualified electors of the City, and if elected by ward, of the ward from which elected.

All members of Council shall have been residents of the City continuously for at least one (1) year prior to their election, shall be qualified electors of the City, and shall continue to be residents and qualified electors thereof throughout their respective terms of office.

### **SECTION 2.04: Filling Vacancies**

If any member of Council shall die, resign, or be disqualified, the remaining members of Council shall, by the concurrence of at least four (4) votes, choose his successor who shall serve during the remainder of the unexpired term.

### **SECTION 2.05: Rules**

Council shall determine its own rules and procedures and shall keep a journal which shall be open to public inspection in the office of the clerk. Council members shall take and subscribe to the prescribed oath of office for the City of Galion by an officer of the court.

No member of Council shall sell any goods to nor render any remunerated service for the City.

### **SECTION 2.06: Powers of Council**

The legislative powers of the City and the determination of all matters of policy shall be

vested in the City Council subject to the terms of this charter and the constitutions of the United States of America and the State of Ohio.

### **SECTION 2.07: Organization and Meetings of Council**

Council shall determine the time and place for holding its regular meetings and shall meet at least twice each month. All meetings shall be open to the public unless otherwise prescribed by law.

A special meeting of the Council shall be called at the request of the City Manager or any three members. Except in case of emergency, notice of a special meeting shall be served on each member personally or left at his usual place of residence at least twenty-four (24) hours previous to the time of the meeting. The purpose of a special meeting shall be stated in the notice and no other business shall be transacted at such meeting. Four (4) members of Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

### **SECTION 2.08: Clerk of Council**

The Council shall appoint a Clerk for an indefinite term whose duty shall be to keep the journal and other records of the Council and to perform such other duties as the Council may require.

### **SECTION 2.09: Salary**

The salary of Council members and Clerk shall be established by ordinance. The salary of a member of Council shall not be increased during such member's term of office; such salary shall not be decreased during such term of office except with the consent of such members of Council.

### **SECTION 2.10: Elections and Nominations**

Nominations for all Council members of the City shall be made by petition only and no primary shall be held to nominate Council members of the City. Nominating petitions shall be in the form determined by the election authorities provided under the general laws of Ohio and signed by electors of the City. Ward Council members will require fifty (50) valid signatures from that particular ward. At large candidates will require seventy-five (75) valid signatures from throughout the City.

Both regular and special City elections shall be conducted by the Board of Elections of Crawford County, Ohio, under the provisions of this charter. Where the charter is silent, provisions of the State election laws shall be followed.

The regular City elections for all elected offices, and for issues to be presented to the voters, shall be held on the dates and at the times fixed by the election laws of Ohio for general statutory plan cities, except that all such officers shall be elected to terms of office as provided in this charter.

The Council may, at any time, order a special election by ordinance which shall set the date and purpose of the election. Special elections may be held on any day except a Sunday or a holiday.

### **SECTION 2.11: Recall, Initiative and Referendum**

The powers of recall of elected officials and of initiative and referendum are reserved to the people as provided by the Ohio revised code. The procedure to be followed shall be as provided by the Ohio revised code.

## **ARTICLE III**

### **THE CITY MANAGER**

#### **SECTION 3.01: Appointment of a City Manager**

The Council shall appoint by a vote of a five member majority of its members, a person who shall have the title of City Manager and who shall be the chief executive officer of the City. Said Council shall also fix the salary, benefits and other terms of the City Manager after a review of City Manager positions in cities comparable to Galion. His tenure shall be indefinite and he shall be chosen by the Council solely on the basis of his qualifications in the profession of City Management. No Councilmember or Mayor shall be appointed as City Manager during the term of office for which such Councilmember or Mayor has been elected or appointed or for one year thereafter.

#### **SECTION 3.02: Qualifications of the City Manager**

The City Manager shall be chosen on the basis of professional and executive qualifications which shall include:

- A. At least two (2) years experience as a City Manager or equivalent, or six (6) years experience as an assistant or deputy City Manager. In addition, the City Manager shall have a degree in a pertinent field from an accredited institution of higher learning.
- B. It is recommended that the City Manager have expertise in utility, personnel and budgetary management.

### **SECTION 3.03: Resident Requirements**

At the time of appointment, the City Manager need not be a resident of Galion, but within six (6) months from date of appointment and during the tenure of office will be expected to reside within the corporation limits.

### **SECTION 3.04: Powers and Duties - City Manager**

The City Manager shall be the Chief Executive and Administrative Officer of the City, shall be responsible to the Council for the proper administration of the affairs of the City and, to that end and subject to the provisions of this charter, shall have power and be required to:

- A. Appoint and remove all officers and employees except as otherwise provided in this charter.
- B. Prepare and submit to the Council, annual appropriations, budget estimates, and lawfully administer the budget adopted by the Council.
- C. Prepare and submit to the Council and to the public an annual report including, but not limited to, the financial and administrative affairs and activities of the City for the preceding year, and a plan for goals and accomplishments for the coming year.
- D. Continually advise Council on the financial condition and future needs of the City and make such recommendations as may seem desirable.
- E. Perform such other duties as may be prescribed by this charter or required of him by the Council that are consistent with the laws of Ohio.
- F. Attend all meetings of Council with the right to participate in discussion and bring matters to the attention of Council, but without the right to vote.
- G. Execute on behalf of the City all contracts, conveyances, evidence of indebtedness and all other instruments to which the City is party.
- H. Appoint, with approval of Council, such citizen advisory committees, commissions and boards, as seem to him desirable and discharge them when in his judgment their function has been completely served.
- I. Serve ex-officio (without vote) on all boards and commissions which are authorized under this charter or subsequently created by Council except the Civil Service Commission.
- J. Recommend any legislation for adoption by Council, or recommend the repeal of obsolete legislation.
- K. Make such other reports as the Council may require concerning the operation of City departments, offices, and agencies subject to his direction and supervision.
- L. Delegate to subordinate officers and employees of the City any duties conferred upon

him by this charter or by action of Council, and hold them responsible for the faithful discharge of such duties.

M. Supervise purchasing for all departments of the City.

N. Be the liaison, and responsible for the public relations, between the City and other political units (i.e. other cities, County Commissioners, etc.) and other organizations interested in the welfare and growth of the City.

### **SECTION 3.05: Removal of the City Manager**

The City Manager shall serve for an indefinite term, subject to removal by the Council at any time by a five member majority vote of all the members of Council. At least thirty (30) days before such removal shall become effective, the Council shall adopt a preliminary resolution stating the reasons for the removal. The City Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of the request, before the full Council. After such public hearing if one is requested, after full consideration, the Council may adopt a final resolution of removal. By the preliminary resolution, the Council may suspend the City Manager from duty and designate an acting City Manager, but shall cause to be paid to the City Manager forthwith any salary due him up to the date of his suspension. Upon removal, unless for misconduct of the City Manager involving moral turpitude, he shall be paid his salary for the period of suspension from duty and for the next thirty (30) days following the removal. In case of voluntary resignation of the City Manager, the Council and the City Manager shall agree upon the effective date of the resignation.

### **SECTION 3.06: Absence and Acting City Manager**

The City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform his powers, duties and functions during his temporary absence from the or during his disability. Such designation shall not be effective until the Council has approved it by a majority vote of the members of the Council, and the Council may revoke such designation by a majority vote of the members thereto. If such designation has not been made and the Manager is absent from the City or unable to perform his duties to make such designation, the Council may, by motion, appoint any qualified Administrative Officer of the City to perform the powers, duties and functions of the City Manager until he shall return to the City or the disability ceases. The acting City Manager so designated shall exercise all powers, duties and functions of the City Manager during the temporary absence from the City or disability of

the City Manager.

In the event of a vacancy in the office of City Manager, the Council may designate a person as acting City Manager, who shall exercise all powers, duties and functions of the City Manager until a City Manager is appointed.

### **SECTION 3.07: Council Relations with City Manager**

Except for the purpose of inquiry, the Council and its members shall deal solely and directly through the City Manager with respect to any matter related to the administrative affairs of the City which are within the scope of the power, duty, authority and responsibility of the City Manager. Except to confirm the City Manager's appointment of officers in exempt positions of the City, the Council and its members shall not otherwise interfere with the appointment of officers in exempt positions or employees in the administrative service.

## **ARTICLE IV**

### **ORDINANCES AND RESOLUTIONS**

#### **SECTION 4.01: Definition**

An ordinance of Council shall be required for every act of Council the purpose of which is to levy any tax which lawfully may be levied, to make an appropriation, to authorize the borrowing of money, to grant a franchise, to sell or lease real property, to create, abolish or reorganize any offices or departments, to fix compensation or to establish a fine or other penalty.

#### **SECTION 4.02: Majority Required**

The affirmative vote of four members of the Council shall be necessary for the passage of any ordinance, but a majority of a quorum may transact other business.

#### **SECTION 4.03: Introduction of Ordinances**

Every proposed ordinance shall be filed in writing with the Clerk of Council not later than twenty-four hours before the meeting at which it is introduced. At a regular or special meeting of Council, a proposed ordinance shall be read by title only and may thereupon be introduced by a member of Council.

#### **SECTION 4.04: Passage at Later Meeting**

No ordinance, except an emergency ordinance, shall be passed by the Council at the

meeting at which it is introduced, but shall be referred to a subsequent regular or special meeting for a vote thereon. Such final vote shall be taken not less than two weeks after the introduction of the ordinance.

#### **SECTION 4.05: Emergency Ordinance**

In an emergency, the Council, by an affirmative vote of five members, may adopt an emergency ordinance which shall take effect upon passage. Such emergency ordinance shall set forth the specific facts necessitating the emergency legislation.

#### **SECTION 4.06: Discussion**

Council shall have the opportunity to discuss generally a proposed ordinance at the time it is introduced. Changes in the proposed ordinance may be agreed upon by the Council at such meeting without prejudice to the valid introduction of the ordinance at that time.

#### **SECTION 4.07: Copies Available**

The Clerk of Council shall prepare at least three copies of a proposed ordinance to be available for public inspection together with the time set for final consideration of such ordinance. The Clerk of Council shall furnish the Council members a copy of each proposed ordinance at the time of its introduction.

#### **SECTION 4.08: Public Hearing**

At the time of final consideration of a proposed ordinance, it shall be read a second time by title only and, thereafter, all persons interested shall be given an opportunity to be heard.

#### **SECTION 4.09: Vote**

The vote upon any ordinance shall be by roll call and entered on the record of proceedings.

#### **SECTION 4.10: Certification**

The valid passage of ordinances shall be certified by the signatures of a presiding officer of the Council and the Clerk of Council. The failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

#### **SECTION 4.11: Publication**

Public notice of the passage of an ordinance shall be given by one of the following methods:

A. By publication at length, one time, in a newspaper of general circulation in the City;

B. By publication of a notice, one time, in a newspaper of general circulation in the City setting forth the title and effective date of the ordinance and a statement that the ordinance is on file in the office of the Clerk of Council;

C. In the case of the annual appropriations budget ordinance, a copy shall be on file in the Office of the Director of Finance and published as may otherwise be required by law.

Notice of the passage of an ordinance shall be made by method (A) above unless a provision of said ordinance provides another method.

#### **SECTION 4.12: Effective Date**

The Effective date of any ordinance, except an emergency ordinance, shall be thirty (30) days following its passage by the Council. A resolution shall take effect immediately upon its adoption.

### **ARTICLE V**

#### **ADMINISTRATIVE DEPARTMENTS**

##### **SECTION 5.01: Administrative Departments Created**

There shall be a Department of Finance, a Department of Law, a Department of Public Works, a Department of Police Protection and a Department of Fire Protection and any other departments as may be created by ordinance with the approval of the City Manager, unless otherwise stated in this charter.

##### **SECTION 5.02: Department Heads**

At the head of each department there shall be a full-time department head appointed by the City Manager with the approval of the City Council. Termination of a department head shall be made at the sole discretion of the City Manager unless otherwise stated in this charter. Each department head shall have supervision and control over the department(s) to which he is assigned, under the direction of the City Manager.

Any two (2) or more departments may be headed by the same person, except that the same person shall not serve at the same time as Department Head of Finance and Department Head of Law.

The City Manager may serve as department head of one (1) or more departments in addition to his duties as City Manager. However, he shall not serve as Department Head

of Law.

### **SECTION 5.03: Department of Law**

The Department Head of Law shall be the Chief Legal Officer of the City. The Department Head shall be appointed by the City Manager subject to the approval of the City Council by the majority of its members and shall perform, except as otherwise provided by ordinance, the functions generally assigned to City solicitors by general law and such other duties consistent with his office as may be assigned to him by ordinance or by the City Manager. The Department Head of Law shall serve for a term ending on the last day of December following appointment.

The Department Head of Law need not be an elector or resident of the City, but shall be an attorney-at-law duly authorized to practice law in the State of Ohio.

### **SECTION 5.04: Department of Finance**

The Department of Finance shall be under the supervision, direction and control of the Department Head of Finance, who shall be appointed by the City Manager, subject to approval by motion of the Council by a majority vote of its members.

The Department Head of Finance shall be qualified by training and experience to carry out the power, duties and functions of the office. The City Manager and the Council shall be the sole judge of the qualifications of the Department Head of Finance.

The Department Head of Finance shall be the Chief Fiscal Officer of the City and shall perform the powers, duties and functions now or hereafter given to City Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this charter.

The Department Head of Finance shall administer the fiscal affairs of the City, including the supervision and maintenance of records and accounting procedures which shall conform to the general laws of Ohio; the compilation of estimates for the budget of all departments of the City; the exercise of financial budgetary controls over appropriations made; the custody of funds, investments, and other property of the City; the collection of utility and other fees, assessments, and tax revenues for which the City is responsible; the payment of the public debt of the City; and such other duties as may be required by this charter and/or as the City Manager may impose upon him consistent with his office. The Department Head of Finance shall make reports in the form and at such intervals as

may be requested by the City Manager, showing the financial standing of the City or of any department or agency thereof. He shall submit annually an investment policy for Council approval.

The Department Head of Finance shall be a resident of the City of Galion or shall become a resident within six (6) months of the date of appointment.

### **SECTION 5.05: Department of Public Works**

The Department Head of Public Works shall be appointed by the City Manager, subject to confirmation by City Council, by a majority vote of its members.

The divisions established in this department shall consist of the following:

- A. Water
- B. Sewer
- C. Streets/parks/public properties
- D. Electric

He shall make all necessary rules and regulations for the government of the departments and the divisions thereof. He shall have charge of all engineering, construction, inspection, maintenance, repair and cleaning of all public improvements and properties. He shall have charge of all private building inspections and all Zoning Code inspections.

He shall have charge of making and preserving all surveys, maps, plans, drawings, estimates and contracts for all public improvements and properties under his jurisdiction. The Department Head of Public Works shall perform such other duties consistent with his office as may be required by this charter, by ordinance of the Council, or as directed by the City Manager.

The Department Head of Public Works shall be a resident of the City of Galion, Ohio, or become a resident within six (6) months from date of appointment.

### **SECTION 5.06: Department of Police Protection**

The Department of Police Protection shall be headed by the Chief of Police, who shall be a resident of the City of Galion, or become a resident within six (6) months from the date of appointment. The managerial experience and training requirements for candidates qualified to compete for the position of Chief of Police shall be established

by the Civil Service Commission and approved by Council. If there are not at least three (3) qualified candidates for the position of Chief of Police from within the department, the Civil Service Commission shall open the competitive examination to qualified candidates from outside the department. Following the examination, the Civil Service Commission shall certify the names of the three (3) persons having the highest passing scores to the City Manager. In the event that there are not three (3) qualified persons who have attained a passing score on the examination or met other requirements established by the Civil Service Commission, the Civil Service Commission may, with the agreement of the City Manager, certify only one or two names, as the case may be, to the City Manager. The City Manager shall appoint the Chief of Police from the names certified to him by the Civil Service Commission, with such appointment being subject to the approval of Council.

The name of the qualified person receiving the highest passing score on any other promotional examination shall be certified to the City Manager for appointment.

No person shall be qualified to take a promotional examination for any other promoted ranks in the Police Department unless he or she has served at least twenty-four (24) months in the next immediately lower rank within the Police Department. If no qualified person within the Police Department attains a passing score on the promotional examination, the Civil Service Commission may conduct further examinations open to qualified candidates from within or outside the Police Department. If no eligible candidate for promotion is available after exhausting the foregoing options, then the City Manager may make a provisional appointment.

Notwithstanding any provisions contained in the State Civil Service Law, the Civil Service Commission shall determine the nature and form of all promotional examinations and evaluations, including that for the Chief of Police, except as otherwise provided herein to be determined by the Civil Service Commission, the positions in the Police Department, including the Chief of Police, shall be classified positions conforming to the Civil Service Laws of the State of Ohio.

### **SECTION 5.07: Department of Fire Protection**

The Department of Fire Protection shall be headed by the Fire Chief, who shall be a resident of the City of Galion, or become a resident within six (6) months from the date of appointment. The managerial experience and training requirements for candidates qualified to compete for the position of Fire Chief shall be established by the Civil

Service Commission and approved by Council. If there are not at least (3) qualified candidates for the position of Fire Chief from within the department, the Civil Service Commission shall open the competitive examination to qualified candidates from outside the department. Following the examination, the Civil Service Commission shall certify the names of the three (3) persons having the highest passing scores to the City Manager. In the event that there are not three (3) qualified persons who have attained a passing score on the examination or met other requirements established by the Civil Service Commission, the Civil Service Commission may, with the agreement of the City Manager, certify only one or two names, as the case may be, to the City Manager. The City Manager shall appoint the Fire Chief from the names certified to him by the Civil Service Commission, with such appointment being subject to the approval of council.

The name of the qualified person receiving the highest passing score on any other promotional examination shall be certified to the City Manager for appointment. No person shall be qualified to take a promotional examination for any other promoted ranks in the Fire Department unless he or she has served at least twenty-four (24) months in the next immediately lower rank within the Fire Department. If no qualified person within the Fire Department attains a passing score on the promotional examination, the Civil Service Commission may conduct further examinations open to qualified candidates from within or outside the Fire Department. If no eligible candidate for promotion is available after exhausting the foregoing options, then the City Manager may make a provisional appointment.

Notwithstanding any provisions contained in the State Civil Service Law, the Civil Service Commission shall determine the nature and form of all promotional examinations and evaluations, including that for the Fire Chief. Except as otherwise provided herein to be determined by Civil Service Commission, the positions in the Fire Department, including the Fire Chief, shall be classified positions conforming to the Civil Service Laws of the State of Ohio.

## **ARTICLE VI**

### **BOARDS AND COMMISSIONS**

#### **SECTION 6.01: Airport Commission**

This commission will consist of five (5) members appointed by the City Manager of the City. Two (2) members will be from the public sector and two (2) from the private sector.

The fifth member will be from a business or industry having direct contact with the airport management or utilizing the airport facilities on a regular basis. No member shall have a financial interest in the airport operation.

### **SECTION 6.02: Civil Service Commission**

The City Manager of the City will appoint the Civil Service Commission in accordance with the applicable sections of the Ohio Civil Service laws and rules. The Commission will perform duties as defined by the applicable laws and rules of the State of Ohio.

### **SECTION 6.03: Planning and Zoning Commission**

There is hereby created a Planning and Zoning Commission consisting of five (5) members to be appointed by the City Manager. Said members shall serve for overlapping four (4) year terms of office. The first Planning and Zoning Commission under this charter shall have three (3) members for an initial two (2) year term and two (2) members for an initial four (4) year term.

The powers, duties and functions of the Planning and Zoning Commission shall be provided by this charter and the ordinances and resolutions of the City; but until such ordinances and resolutions shall be passed, it shall possess powers, duties and functions as are provided by the laws of Ohio, to the extent that such laws do not conflict with the provisions of this charter.

### **SECTION 6.04: Board of Zoning Appeals**

There is hereby created a Board of Zoning Appeals consisting of five (5) citizen members to be appointed by the City Manager. None of the above members shall be members of the Planning and Zoning Commission. Members of the Board shall serve for overlapping two (2) year terms of office, provided the first members of the Board under this charter shall be appointed for the following terms; three (3) members shall be appointed for one (1) year terms and two shall be appointed for two (2) year terms; thereafter each member of the Board shall be appointed for a term of two (2) years.

The Board of Zoning Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations and other legislative measures and orders of administrative officials or agencies governing zoning in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinances or resolution. The Board shall have such additional powers,

duties and functions, relative to appeals from actions of the City's administrative officers or employees concerning public buildings, streets or other public property or works, as provided by ordinance or resolution. The Board may make advisory recommendations to the Council and the Planning and Zoning Commission concerning matters as it believes to be in the best interest of the City. The Board shall have such other powers, duties and functions consistent with this charter, as provided by the City's ordinances and resolutions.

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

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. Capital improvements appropriation can be made only by ordinance authorization of City Council.

#### **SECTION 6.05: Charter Review Commission**

Three (3) years from the date of voter approval of this charter, the available members of the 1985 charter commission will convene to review the effectiveness of the charter government and to make recommendations to City Council for changes or amendments. If there are not ten (10) members available, the City Council shall appoint a sufficient number to bring the total membership to ten (10).

At least every five (5) years thereafter the City Council shall appoint a Charter Review Commission consisting of ten (10) members to consider further improvements to said charter.

#### **SECTION 6.06: Other Boards and Commissions**

Council may create or abolish such other advisory boards, commissions and committees as may be deemed necessary. Some suggestions are:

- A. Fair Housing Board

- B. Parks and Recreation
- C. Tree Commission
- D. Traffic Commission
- E. Board of Control
- F. Board of Health
- G. Disaster and Civil Defense
- H. Board of Pollution Control
- I. Streets and Sidewalks Commission
- J. Affirmative Action -Equal Opportunity

### **SECTION 6.07: Procedural Recommendations**

Each board and commission shall keep a journal of its proceedings. The voting shall be taken by name in the form of yeas and nays and entered in the journal, and the vote of a majority of all members in attendance shall be necessary to adopt any question, motion or order.

All official meetings of boards and commissions shall be open to the public.

Any board or commission may request the Director of Law to review decisions in accordance with section 5.03 of this charter.

## **ARTICLE VII**

### **FINANCES--TAXATION AND DEBT**

#### **7.01: Fiscal Responsibility**

The laws of Ohio relating generally to taxes, budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters shall be applicable to the City except as modified by the provisions of this charter.

#### **SECTION 7.02: Five Year Capital Improvement Plan**

The City Manager shall prepare and submit to the Council a five (5) year capital program before April 1st of each year. Such program shall be advisory only. The Capital Program shall include:

#### **SECTION 7.03: Illegal and Prohibited Transactions**

Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made, illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment, or incurred such obligation, and he shall be liable to the City for any amount so paid

## **ARTICLE VIII**

### **PERSONNEL**

#### **SECTION 8.01: Merit System Established**

Appointments and promotions in the civil service of the City shall be made according to merit, to be ascertained, so far as practicable, by open competitive examination.

#### **SECTION 8.02: Exempt Positions**

All positions in the service of the City shall be filled pursuant to open competitive examinations except:

- A. Members of the Council
- B. The Clerk of Council
- C. The President of Council
- D. The Vice-President of Council
- E. The City Manager
- F. The Assistant City Manager
- G. The Directors of Departments
- H. The Superintendents and/or Heads of Departments, except as provided for in Article V, Sections 5.06 and 5.07
- I. The Administrative Assistant
- J. The Secretary to the City Manager
- K. Members of Boards and Commissions
- L. Seasonal, Temporary, and Part- Time Employees
- M. The Chief Building Inspector

Designation of these positions as exempt from competitive examination shall not affect individuals found to be properly in a classified position on the effective date of this charter.

### **SECTION 8.03: Personnel Department**

There shall be established a Personnel Department and the City Manager shall serve as Director of Personnel or may appoint, with the approval of the Council, a suitably qualified person to serve part or full time as Director of Personnel who shall:

- A. Recruit qualified persons;
- B. Prepare, schedule and hold examination, other than civil service examinations;
- C. Establish job descriptions;
- D. Develop and coordinate training programs;
- E. Prepare and recommend to City Council, through the City Manager, for approval and publication, necessary rules to establish and maintain the merit system in the City;
- F. Conduct an investigation of prospective employees' previous work records and such other records as may be necessary;
- G. Perform such other duties relating to personnel matters as the City Manager may direct.

### **SECTION 8.04: Assessments and Contributions**

No person shall orally, by letter, or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated City position.

### **SECTION 8.05: Classification of Positions**

Within two years of the effective date of this charter, a comprehensive job evaluation and wage review shall be made of all full-time, permanent positions of employment within the City.

## **ARTICLE IX**

### **GENERAL PROVISIONS**

#### **SECTION 9.01: Oath of Office**

Every officer and employee of the City shall, before entering upon his duties, take and subscribe to the following oath or affirmation which shall be filed and kept in the office of the clerk of Council:

"I solemnly swear (or affirm) that I will support the constitutions of the United States and

of the state of Ohio and will obey the laws thereof, and that I will, in all respects, uphold and enforce the provisions of the charter and ordinances of the City of Galion, Ohio, and will faithfully discharge the duties of (the office) upon which I am about to enter."

### **SECTION 9.02: Ordinances Continued in Force**

All ordinances and resolutions in force at the time of the taking effect of this charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

### **SECTION 9.03: Personal Interest**

No member of the Council, or any officer or employee of the City, shall have any financial interest, direct or indirect, in any contract with or sale to the City of any materials, supplies, or services, or any land or interest in land. A person who knowingly and willfully violates this section shall be guilty of malfeasance in office and upon conviction thereof shall be removed from office. Any contract or agreement made in violation of this section shall be voidable at the election of the Council.

### **SECTION 9.04: Removal from Office - Disqualification**

Whenever, in this charter, certain acts on the part of City Officials are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed in the applicable sections of the Ohio Revised Code.

### **SECTION 9.05: Amendments to the Charter**

Any section of this charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of proposed amendments to the electors of the City. Such amendments may be initiated either by a two-thirds (2/3) vote of the Councilor by petition to the ten (10%) percent of the electors.

### **SECTION 9.06: Severability Clause**

If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part of a section of this charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

### **SECTION 9.07: Succession**

The City of Galion, under this charter, is hereby declared to be the legal successor of the City of Galion, under the laws of the State of Ohio, and as such it has title to all

property, real, personal and mixed, owned by its predecessor, including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The City is also liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable as such successor, by any court of competent jurisdiction.

## **ARTICLE X**

### **TRANSITION**

#### **SECTION 10.01: Effective Date of Charter**

This charter shall be submitted to the electors of the City at the election to be held November 5, 1985. When approved by the voting public, this charter will take effect on January 1, 1986.

#### **SECTION 10.02: Continuance of Present Employees**

Every non-elected employee of the City on the effective date of this charter shall continue in such employment subject in all respects to the provisions of this charter and ordinances, resolutions, rules or regulations enacted under this charter takes effect, if the office, body, commission, board, department or division is abolished by this charter, shall be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this charter or by any ordinance or resolution of Council thereafter enacted.

#### **SECTION 10.03: Continuation of Ordinances**

All ordinances of the City of Galion in effect at the time of the adoption of this charter shall remain in effect, except as superseded by the provisions of the charter, until they are amended or repealed.

#### **SECTION 10.04: Continuance of Contracts and Public Improvements**

All contracts entered into by the City or for its benefit, prior to the taking effect of the charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws.

### **SECTION 10.05: Pending Actions and Proceedings**

No action or proceeding, civil or criminal, pending at the time when this charter takes effect, brought by or against the City or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they were filed.

### **SECTION 10.06: Continuation of Council**

The Council members elected on November 5, 1985 shall take office and serve from January 1, 1986 until the end of the terms for which they were elected, at which time successors shall be chosen for full terms under the provisions of this charter.

### **SECTION 10.07: Effect of Charter Offices**

The person holding the office of Mayor under the statutory form of government for the City of Galion shall serve as ceremonial Mayor as outlined in this charter, except that he shall not preside over the City Council. At such time as the City Council appoints a permanent City Manager this position of Mayor shall be abolished. The City Council shall have until June 1, 1986 to make such appointment.

The person holding the office of Service Director under the statutory form of government for the City of Galion shall serve as acting City Manager until the City Council appoints a permanent City Manager, at which time the position of Service Director shall be abolished.

The persons holding the offices of Auditor and Treasurer shall serve in those positions until a permanent Department Head of Finance is appointed, at which time those positions of Auditor and Treasurer shall be abolished.

The person holding the office of Law Director shall serve in that position until a permanent Department Head of Law is appointed, at which time that elected position of Law Director shall be abolished.

The person elected to the position of President of Council on November 5, 1985 shall preside over the City Council until a permanent City Manager is appointed, at which time this elected position of president of Council shall be abolished and the City Council shall elect a President of Council as prescribed in this charter.

Except as otherwise provided by this charter, all persons holding office at the time this charter takes effect shall continue in office and in the performance of their duties until

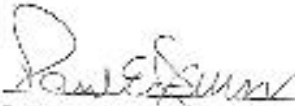
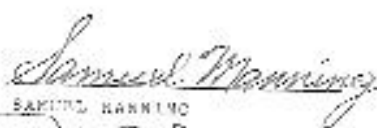
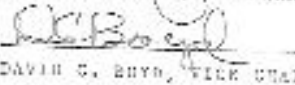
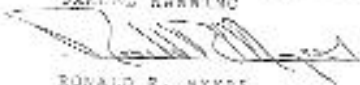

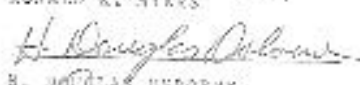

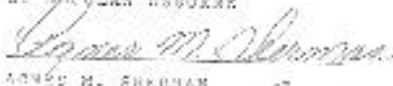



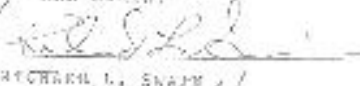


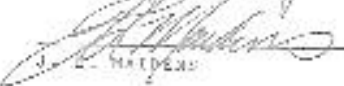
other provisions have been made in accordance with this charter for the performance or discontinuance of the duties of the office. When that provision shall have been made, the term of any officer shall expire and the office shall be abolished. The powers conferred and the duties imposed upon any officer, body, commission, board, department or division of the City under the laws of Ohio or under any City ordinance, resolution or contract in force at the time this charter


**SECTION 10.08: Transfer of Records and Property**

All public records and property in the custody of officers and employees of the City shall be transferred and delivered promptly to their successors upon termination of tenure of office or employment.

**CERTIFICATION**

We, the undersigned, duly elected and qualified members of the Charter Commission of the City of Galion, State of Ohio, have framed and approved the foregoing charter to be submitted to the electors of the City of Galion, Ohio on November 5, 1985. Signed this 9th day of July 1985.

 PAUL E. SKILNE, CHAIRMAN	 SAMUEL MANNING
 DAVID C. BRYN, VICE CHAIRMAN	 RONALD R. NYERS
 EUGENE P. MUXKEL, SECRETARY	 H. DOUGLAS HUBBARD
 M. T. KUDERN, JR.	 ARTHUR M. BRENNAN
 ROBERT D. WRIGHT	 JOHN ANN SWAIN
 ROBERT W. EAKIN	 RICHARD L. SNAV
 LARRY L. KELLY	 RUSSELL W. TUSH
 J. E. HAIDENS	

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