

CHARTER

OF THE

CITY OF FRANKLIN, OHIO

EFFECTIVE – JANUARY 1, 1984

1 BENJAMIN FRANKLIN WAY
FRANKLIN, OHIO 45005

Updated November 2012

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EDITOR'S NOTE: The Charter for Franklin, Ohio, was adopted at an election on June 7, 1983. The Charter becomes effective on January 1, 1984.

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EDITOR'S NOTE: Paragraph headings provided herein are for convenience only and are not intended to have substantive significance in interpreting any provision of this Charter.

PREAMBLE

WE, THE PEOPLE OF FRANKLIN, OHIO, desirous of securing for our Municipality and for ourselves and our children the advantages of self-government conferred by the Ohio Constitution, do hereby ordain and establish the following Charter:

ARTICLE I NAME AND BOUNDARIES; FORM OF GOVERNMENT

§1.01 NAME AND BOUNDARIES.

The City of Franklin, Ohio, within the corporate limits as established at the time of the adoption of this Charter or as thereafter established in the manner provided by law, shall be and continue to be a municipal corporation under the name of "Franklin." The corporation will hereinafter be referred to as "the City."

§1.02 FORM OF GOVERNMENT.

The form of government provided in this Charter shall be known as the "Council-Manager Plan." The powers and functions of the municipal government shall be distributed among the City, its citizens and the various officers, bodies, boards and commissions as provided in this Charter.

ARTICLE II CORPORATE POWERS

§2.01 POWERS GRANTED.

The City shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of the State of Ohio.

§2.02 MANNER OF EXERCISE OF POWERS.

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council, and when not prescribed in this Charter or provided by ordinance or resolution of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until the Council shall provide a different manner of exercising such powers.

§2.03 CONSTRUCTION.

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

§2.04 INTERGOVERNMENTAL RELATIONS.

The City may exercise any of its powers or perform any of its functions jointly and in cooperation, by contract or in any other manner, with any one or more states, or civil divisions, subdivision or agencies thereof, or the United States or any agency thereof. The Council shall have full power to provide for the participation of the City in any method of financing any joint undertaking with any such state or states or civil divisions, subdivisions or agencies of such state or states or the United States Government or any agency thereof. In implementing this section of the Charter, the Council shall act by ordinance or resolution and shall not be limited in the manner of exercising this power by any other provisions of this Charter.

ARTICLE III COUNCIL

§3.01 COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

(a) Composition. There shall be a City Council of seven members, elected by the electors of the City-at-large.

(b) Eligibility. Only electors of the City shall be eligible to hold the office of Councilperson.

(c) Election and Terms.

- (1) The four (4) persons elected from the City-at-large at the November 1983 election to serve as members of the Council of the City are hereby designated as members of the Council under this Charter, with all powers, duties and functions of members of Council under this Charter effective January 1, 1984.
- (2) The three (3) persons who are serving a term of office expiring December 31, 1985 as members of the Council of the City under the special statutory plan of government known as the "City Manager Plan," pursuant to Chapter 705 of the Ohio Revised Code, on December 31, 1983, are hereby designated as members of the Council under this Charter, with all powers, duties and functions of members of Council under this Charter effective January 1, 1984, for the remainder of the terms to which they were previously elected or appointed.
- (3) At the regular municipal election to be held in 1983 and every four (4) years thereafter, four (4) members of the Council shall be elected from the City-at-large for terms of office of four (4) years, commencing on the first day of January following their election.
- (4) At the regular municipal election to be held in 1985 and every four (4) years thereafter, three (3) members of the Council shall be elected from the City-at-large for terms of office of four (4) years, commencing on the first day of January following their election.

§3.02 COMPENSATION AND EXPENSES.

Members of Council initially serving under this Charter shall be paid two thousand dollars (\$2,000) annually and thereafter the Council may determine the salary of members of Council by ordinance, but no ordinance changing such salaries shall become effective until the date of the commencement of the terms of Councilmembers elected at the next regular election, provided

that such election is held at least one hundred eighty (180) days after the adoption of such ordinance, and such revised compensation shall be paid to all members of the Council, regardless of whether such members are in mid-term. Members of Council shall receive their actual and necessary expenses incurred in the performance of their duties of office, as approved by Council. After five (5) absences from regular Council meetings in any calendar year, two percent (2%) of the Councilmember's annual salary shall be deducted from his or her pay for each meeting missed. In addition to compensation received as a Councilmember, the Chairperson serving under this Charter shall receive an additional five hundred dollars (\$500) annually as compensation.

§3.03 POWERS OF COUNCIL.

All legislative powers of the City shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:

(a) Taxes and Debts. The power to levy taxes and incur debts, subject to the limitations imposed thereon by this Charter.

(b) Local Regulations. The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with general laws.

(c) Home Rule Powers. The power to provide for the exercise of all powers of local self-government granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.

(d) Personnel. The power to fix the number of employees in the various offices, departments, divisions, bureaus, boards and commissions of the City and to fix the rate of their compensation, hours of work and to provide such other fringe benefits as deemed proper by the Council.

(e) Bonds. The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the City. The premium for said bonds shall be paid by the City.

(f) Departments, Divisions and Boards. The power to create other offices, departments, divisions, bureaus, boards and commissions; and the power to combine, change and abolish any office, department, division, bureau, board or commission established by Council. The power herein above expressed in this subsection shall be exercised by ordinance or resolution and upon the concurrence of a majority of the members of Council.

(g) Municipal Utilities. The Council shall have the power to establish, by ordinance or resolution, the rates of charges made of consumers of all municipal utilities and services.

(h) Franchises. The Council, in addition to all other rights and powers granted to it under the general laws, may, by ordinance or resolution, grant permission to any person, firm or corporation to construct and operate a public utility on, across, under or above any public street

or ground within the City. It may prescribe in the ordinance or resolution the kind and quality of service or product to be furnished, the rate or rates to be charged therefor and any other terms conducive to the public interest; provided that such grant of permission shall not extend beyond twenty-five (25) years; however, such grant may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants, and except that a grant of a franchise for the operation of a utility granted with respect to the issuance of bonds by the City may be for a term in excess of twenty-five (25) years and for such time as any bonds or notes are outstanding. No consent of the owners of property abutting on any public street or ground shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments or renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for adequacy of service and maintenance and the operation of such utilities with reference to such streets and public grounds, including the right to require such reconstruction, relocation or discontinuance of appliances, plant or equipment used in such street or public grounds as shall, in the opinion of Council, be necessary in the public interest.

(i) Real Property. The power to acquire title to or interests in real property shall be vested in the Council, whether such property is acquired by the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust or otherwise. The power to sell or otherwise convey, lease or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant shall be in the manner as provided by the ordinance authorizing the sale, conveyance, lease or grant; provided that real estate shall not be sold or leased except to the highest and best bidder after competitive bids have been received pursuant to a notice of the proposed sale or lease published once a week for four (4) consecutive weeks in a newspaper of general circulation in the City. The requirement that real estate be sold or leased only after competitive bidding may be waived upon the vote of at least five (5) members of the Council; provided, however, that the Council shall give notice of its intent to dispense with the competitive bidding by publication of such intent in the manner prescribed herein and by the reading of such intent at two (2) consecutive regular Council meetings. Written notice of intent to sell or lease real property shall be posted on the real estate to be sold or leased in two (2) conspicuous locations on such property and shall remain posted for four (4) consecutive weeks.

(j) All Other Powers. To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

(k) Chairperson and Vice-Chairperson. Members of Council, at its first meeting annually, shall select from its membership a Chairperson and a Vice-Chairperson. Council may designate titles for such offices as President and Vice-President, Chairperson and Vice-Chairperson, or Mayor and Vice-Mayor.

§3.04 CHAIRPERSON; POWERS AND DUTIES.

The Chairperson shall be a Councilmember and have the right to vote on all matters and issues before the Council, but shall have no veto power. In addition to the powers, rights and duties as a Councilmember, as herein provided, the Chairperson, when present, shall preside at meetings of the Council and shall be recognized as head of the municipal government for all ceremonial and non-administrative purposes, by the Governor for the purposes of military law, and by the Court for civil processes involving the City. The Chairperson shall perform all other

duties prescribed for the office by this Charter and by ordinance or resolution of the Council, to the extent they are consistent with the provisions of this Charter. The Vice-Chairperson, during absences or disabilities of the Chairperson, shall serve as Chairperson.

§3.05 PROHIBITIONS.

(a) Holding Other Office. Except where authorized by law or by this Charter, no Councilmember shall hold any other elected office or City employment during the terms for which he or she was elected to the Council.

(b) Appointments and Removals. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees who the Manager or any of his or her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees. This section shall not prevent the removal of the Manager because of Council's disapproval of the Manager's personnel management policies or his or her appointment or removal of administrative officers or employees.

(c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 3.09, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately; provided that the Council may request and require City officers and employees to provide information pertaining to the conduct of City affairs and to attend the meetings of the Council or its committees to present testimony or other evidence.

§3.06 VACANCIES.

(a) Vacancies. The office of a member of Council shall become vacant upon the death, resignation, judicially-determined mental incompetence existing for more than sixty (60) days or removal from office in the manner authorized by this Charter of the person holding such office.

(b) Filling a Vacancy.

- (1) When the office of a Councilmember becomes vacant and thirty (30) months or less of the term remains, the vacancy shall be filled for the unexpired term by a majority of the remaining members of the Council by the appointment of a qualified person as a member of the Council.
- (2) When the office of a Councilmember becomes vacant and more than thirty (30) months of the term remain to be served, the Council shall appoint a qualified person, in the manner provided in paragraph (a) (1) of this section, to serve until the first day of January following the next regular municipal election, and at the next regular municipal election a qualified person shall be elected to serve the remainder of the unexpired term, commencing on the first day of January following his or her election.
- (3) In the event Council fails to fill a vacancy as provided in paragraphs (a) (1) through (2) of this section within sixty (60) days after said vacancy occurs, then said

vacancy shall immediately be filled by the appointment of a qualified person by the presiding judge of the municipal court having territorial jurisdiction within the City.

(c) Quorum. Notwithstanding the requirements in Section 3.11, if at any time the membership of the Council is reduced to less than four (4), the remaining members shall, by a majority vote, appoint additional members to raise the membership to four (4).

(d) Qualifications. The appointment of all Councilmembers shall be subject to other requirements of this Charter.

§3.07 REMOVAL FROM OFFICE.

(a) Grounds for Removal. The Council shall be the judge of the qualifications of its members and of the grounds for removal from office of its members. Any member of the Council may be removed from office and his or her office forfeited if he or she is found to have committed any of the grounds for removal, hereinafter set forth, by an affirmative vote of five (5) members of the Council. Grounds for removal from office shall be:

- (1) That the accused member does not possess or has violated the qualifications for the office of Councilmember under this Charter.
- (2) That the accused member has knowingly and intentionally violated any express prohibition contained in this Charter during his or her term of office.
- (3) That such accused member has been convicted of any felony, or a misdemeanor involving moral turpitude.
- (4) That such accused member has failed to attend three (3) consecutive regular meetings of the Council, and that such absences have not been excused by the Council by a majority vote of its members.

(b) Public Hearing. A member accused of conduct constituting grounds for removal from office shall be entitled to a public hearing prior to his or her removal, and may be represented thereat by counsel. Notice of the time, date and place of such hearing shall be published in one or more newspapers of general circulation in the City at least seven (7) days prior to the hearing. At such hearing the Law Director or other special counsel, as designated by the Council, shall present evidence and testimony in support of the grounds charged for removal. Such hearing may be adjourned from time-to-time without the necessity of further publication of notice.

(c) Subpoenas. Upon request of the Law Director or other special counsel presenting the charges for removal, or upon the request of the accused member or his or her counsel, the Chairperson, or the Vice-Chairperson if the Chairperson is the accused, shall have the power to and shall issue subpoenas for witnesses and for the production of other evidence. The Chairperson or Vice-Chairperson, as the case may be, shall have the power to administer oaths to witnesses at such hearings and shall preside at the hearings. Any person who refuses to obey a lawful order issued in the exercise of these powers may be found in contempt by the issuing officer. Such officer shall refer the matter to the municipal court for the determination of punishment. The judge of the municipal court may fine such person found to be in contempt a sum not to exceed five hundred dollars (\$500) for each day such person refused to obey the order, but such fine shall not be imposed for more than thirty (30) days for each refusal.

(d) Restriction on Voting. A member of Council who is accused of grounds for removal shall not vote on any matter pertaining to his or her removal.

(e) Appeals. Decisions rendered and orders issued under this section shall be subject to review by the courts.

§3.08 CITY CLERK.

The Council shall appoint, by a majority vote of its members, an officer of the City who shall have the title of City Clerk. The City Clerk shall serve at the pleasure of the Council and may be removed from office, without cause, notice or hearing, by a majority vote of the members of the Council. The Council may appoint an Acting City Clerk to serve during the temporary absence or disability or a vacancy in the office of City Clerk. The Acting City Clerk shall have all the powers, duties and functions of the City Clerk. The City Clerk shall give notice of Council meetings to its members and the public; keep the journal of its proceedings and a record of ordinances and resolutions adopted by the Council; and perform such other duties as are assigned to the Clerk by this Charter, ordinances and resolutions of the City, the rules of Council, and as directed by the Council. The City Clerk and Acting City Clerk may hold other office or position of employment with the City.

§3.09 INVESTIGATIONS.

The Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose the Chairperson of Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than ten (10) days, or both, and if employed by the City, may be immediately dismissed from the City's service upon a majority vote of the Council.

§3.10 INDEPENDENT AUDIT.

The Council shall provide for an independent biannual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City's government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years. If an agency of the State of Ohio makes such an audit, the Council may accept it as satisfying the requirements of this section.

§3.11 MEETINGS.

(a) Meetings. Regular meetings of the Council shall be held at least once a month at such times and places as the Council may determine. Special meetings of the Council may be called by a vote of Council, taken at any regular or special meeting thereof, or may be called by the Chairperson of Council or any three (3) or more members of the Council. Emergency meetings may be called by the Chairperson or any three (3) members of Council. The City Clerk, or in his or her absence, incapacity or refusal to act, the City Manager shall cause notice, in writing, of each special meeting to be served personally or to be left at the usual place of residence of each member of the Council not less than twenty-four (24) hours preceding the time for such special

meeting; except in the event of an emergency meeting, in which case notice shall be given by attempted personal contact of each Councilmember. In the event that a special meeting is called by a vote of Council taken at a regular or special meeting from which any member of Council is absent, written notice of such special meeting shall be given only to each absentee member in the manner hereinbefore described. Service of notice of any special or emergency meeting shall be deemed conclusively to have been waived by any member of Council who shall be present at such special meeting. The notice of a special or emergency meeting shall state the purpose of the meeting, and no other business or action shall be conducted at such meeting.

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

(c) Sunshine Law. All meetings of the Council and of other Boards, Commissions and Committees of the City shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies, including public notice requirements. (Ord. 2008-31. Passed on 10/06/08; Passed by the electorate 11/04/08, Effective 01/01/09).

§3.12 COUNCIL RULES AND JOURNAL.

The Council shall be a continuing body. The Council shall determine its own rules and order of business, but such rules shall not be in conflict with the provision of this Charter. The Council shall provide for the keeping of a Clerk's Journal and other records of its proceedings. The Clerk's Journal and other records of the Council shall be available for public inspection at all reasonable times.

(Ord. 2012-24. Passed 07/02/12; Passed by the electorate 11/06/12; Effective 01/01/13).

ARTICLE IV COUNCIL PROCEDURES

§4.01 ORDINANCES AND RESOLUTIONS.

Council action shall be by ordinance or resolution. Ordinances shall be the enactments of the Council and shall have the full force and effect of law. Ordinances shall prescribe permanent rules of conduct of government. Resolutions shall be orders of the Council of a special or temporary nature.

§4.02 INTRODUCTION OF ORDINANCES.

Every proposed ordinance shall be introduced in written or printed form, after review by the Department of Law on the question of correct legal form, or possible contradiction with existing ordinances or conflict with the Charter or Constitutional provisions. It shall be in the form required by Council for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title; provided, however, that appropriation ordinances may contain the various subjects, accounts and amounts for which moneys are appropriated. The enacting clause shall be "The City of Franklin hereby ordains...". Any ordinance which repeals

or amends an existing ordinance or part of the Municipal Code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.

§4.03 PASSAGE OF ORDINANCES.

(a) Introduction. A proposed ordinance may be introduced by any Councilmember at any meeting of Council. Upon introduction of any proposed ordinance, the Clerk of Council shall distribute a copy to each Councilmember and the Manager; shall file one copy in the office of the Clerk of Council; shall make copies available to interested parties; and shall publish the proposed ordinance together with notice setting out the time and place for a public hearing thereon and for its consideration by Council. (As used in this section, the term "publish" means to print in summary form in one or more newspapers of general circulation in the City and/or to post in full in not less than five (5) of the most public places in the City, as determined by Council).

(b) Public Hearing and Vote. A public hearing shall be held not earlier than seven (7) days following the publication and may be held separately or in connection with a regular or special Council meeting, and may be adjourned from time-to-time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance, with or without amendment, or reject it. The vote on the question of passage of each ordinance shall be taken by roll call and entered on the Clerk's Journal, and no ordinance shall be passed without concurrence of a majority of the members of Council who are present. If the amendment to an ordinance is a matter of substance, as determined by Council, in its sole discretion and upon a majority vote of the members of Council who are present, the ordinance may not be voted upon until the ordinance has been subjected to all the procedures herein before required in the case of a newly introduced ordinance. Within ten (10) days after adoption of any ordinance, the Clerk shall have it published again, together with a notice of its adoption.

(Ord. 2007-27. Passed 08/20/07; Passed by the electorate 11/06/07, Effective 01/01/08).

§4.04 EFFECTIVE DATE.

Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

§4.05 EMERGENCY ORDINANCES.

(a) Emergency Ordinances. To meet a public emergency affecting public health, safety, morals or welfare, or an emergency in the operation of a City department or agency, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, except when incidental to incurring debt; grant, renew or extend a franchise, except one effecting health or one incidental to incurring debt; regulate the rate charged by any public utility for its services, except where the rate regulation is connected with the City's incurrence of debt; or grant any special privileges. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. A proposed emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced and without prior publication and public hearing, but the affirmative vote of at least five (5) members

of Council shall be required for adoption, except as otherwise provided in Section 4.14. After its adoption, the ordinance shall be published as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

(b) Automatic Repeal. Every emergency ordinance, except one made pursuant to Section 4.14 of this Charter or one authorizing or otherwise passed in connection with the borrowing of money and/or the levying of taxes with respect to such borrowing, shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists in the judgment of Council. Contract rights that vest pursuant to an emergency ordinance shall not be impaired or abridged by the repeal of such ordinances. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in the section for adoption of emergency ordinances. No emergency ordinance shall be subject to referendum.

(Ord. 2007-28. Passed 08/20/07; passed by the electorate 11/06/07, Effective 01/01/08).

§4.06 INITIATIVE AND REFERENDUM.

Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedure set forth in the Ohio Revised Code. If the Council is required to pass more than one ordinance or resolution to complete and pay for any public improvement, the referendum shall apply only to the first ordinance or resolution to be passed and not to any subsequent ordinance or resolution in the series relating thereto. Council shall not repeal any ordinance approved by the electors. Repeal of such ordinance shall be subject only to the referendum.

§4.07 RESOLUTIONS.

Action by Council that is not required by this Charter to be taken by ordinance may be taken by resolution. Such a resolution shall be in written or printed form, shall be introduced by a member of Council, and may be adopted by a voice vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption.

§4.08 AUTHENTICATION OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be authenticated by the signature of the Chairperson of Council and the City Clerk; however, the failure or refusal of such officers to sign such ordinance or resolution shall not invalidate an otherwise properly enacted ordinance or resolution.

§4.09 RECORDING OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be recorded as a part of the Clerk's Journal or other record prescribed by the Council, established and maintained for that purpose. The City Clerk or a duly authorized deputy to said Clerk shall, upon the request of any person and upon the payment of a fee as established by the Council, certify true copies of any ordinance or resolution, which certified copies shall be admissible as evidence in any court.

(Ord.2012-24. Passed 07/02/12; Passed by the electorate 11/06/12; Effective 01/01/13).

§4.10 ADOPTION OF TECHNICAL CODES BY REFERENCE.

Council may, by ordinance or resolution, adopt standard ordinances and codes prepared by the State, or any department, board or other agency or political subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization including, but not limited to, codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, heating code, air conditioning code, housing code, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference. The ordinance or resolution adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance or resolution. In such cases, publication of the standard ordinance or code shall not be required, but at least three (3) copies of such code or ordinance shall be kept at all times in the office of the City Clerk and available for reference by interested persons, and copies of such standard ordinance and code shall be available for sale by said Clerk. If the standard ordinance or code, after its adoption by reference by the Council, is amended, the Council may adopt the amendment or change by incorporation by reference in an ordinance or resolution under the same procedure as is established herein for the adoption of the original standard ordinance or code without the necessity of setting forth in full in the ordinance or resolution, the provisions of the amendment or change to the standard ordinance or code.

§4.11 CODIFICATION OF ORDINANCES AND RESOLUTIONS.

(a) Codification. By a majority vote of the members elected to Council, the Council may cause the ordinances and resolutions of the City to be revised, codified, recodified, rearranged, and published in book form. Such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be immediately effective upon approval of a majority vote of the members elected to Council, and may contain new matter therein. The City Clerk shall cause a notice of such proposed revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form to be published one (1) time in a newspaper, determined by the Council to be of general circulation within the City, at least seven (7) days prior to the final approval thereof by the Council and no further publication shall be necessary. A current service supplementing such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be maintained in the manner prescribed by the Council.

(b) Franklin City Code. Within two (2) years after the adoption of this Charter, and at least every five (5) years thereafter, the Council shall cause the ordinances and resolutions to be codified and published in a book or loose-leaf form, together with this Charter and any amendments thereto and any provisions of the Constitution and general laws of the State of Ohio, as the Council may determine, which compilation shall be known as the Franklin City Code. Copies of such Code may be placed in such libraries and public offices as the Council shall direct, without charge for free public reference, and copies shall be for sale at a reasonable price determined by the Council.

§4.12 REFERRAL OF ZONING ORDINANCES TO COUNCIL.

(a) Planning Commission Recommendation. No ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be presented to Council for a public hearing without a recommendation from the Planning Commission to approve, to approve with modifications, or to deny. Planning Commission shall make its recommendation to Council within the time limits set by ordinance.

(b) Super Majority. No such ordinance or resolution which conforms to or violates, differs or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than four (4) members of Council.

(Res. 1997-85. Passed 08/04/97; Passed by the electorate 11/04/97; Effective 01/01/98).

(Ord. 2007-30. Passed 08/20/07; Passed by the electorate 11/06/07, Effective 01/01/08).

§4.13 PUBLIC HEARING ON ZONING ORDINANCE OR RESOLUTION.

The presiding officer of the Council shall set a date for a public hearing before Council on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations, which hearing shall be after Planning Commission has forwarded its recommendation to Council and the first reading of the ordinance and before final action by Council on said ordinance or resolution. Council shall hold the public hearing within the time limits set by ordinance.

(Ord. 2007-30. Passed 08/20/07; Passed by the electorate 11/06/07, Effective 01/01/08).

§4.14 EMERGENCY APPROPRIATIONS.

To meet a public emergency affecting life, health, safety, property or the public welfare, or to meet an emergency in the operation of a City department or agency, the Council may make emergency appropriations. Such appropriations may be made pursuant to an emergency ordinance in accordance with the provisions of Section 4.05. Emergency appropriations made by emergency ordinance shall be adopted upon the affirmative vote of at least four (4) members of the Council.

(Ord. 2007-28. Passed 08/20/07; Passed by the electorate 11/06/07, Effective 01/01/08).

ARTICLE V CITY MANAGER

§5.01 APPOINTMENT, QUALIFICATIONS AND COMPENSATION.

The Council shall appoint a City Manager for an indefinite term and fix his or her compensation. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the City or State at the time of his or her appointment, but may reside outside the City while in office only with the approval of the Council.

§5.02 REMOVAL.

The City Manager may be removed by Council by the affirmative vote of four (4) members placing on the agenda of the next regularly scheduled meeting, a motion for removal of the City Manager. At the next regularly scheduled meeting, upon the affirmative vote of four (4)

members of Council, the City Manager may be removed. The City Manager shall be given at least ten (10) days notice prior to such meeting that the question of his or her removal will be on the agenda. In the intervening period, the City Manager may be suspended with or without pay. The action of the Council in suspending or removing the Manager shall not be subject to review by any Court or agency.

§5.03 INTERIM CITY MANAGER

Should a vacancy in the office of City Manager occur, or during periods of temporary absence or disability of the City Manager lasting thirty (30) days or more, a majority of Council shall appoint an Interim City Manager to fill the vacancy. In cases where the City Manager is vacant from his or her office for a period of less than thirty (30) days due to vacation, illness or other leave, the City Manager shall appoint an Interim City Manager in his or her absence by administrative directive, with the approval of Council.

(Ord. 2007-31 Passed 08/20/07; Passed by the electorate 11/06/07, Effective 01/01/08).

§5.04 POWERS AND DUTIES OF THE CITY MANAGER.

The City Manager shall be the chief administrative, operating and executive officer of the City. He or she shall be responsible to the Council for the administration of all City affairs placed in his or her charge by or under this Charter. He or she shall have the following powers, duties and functions:

(a) Personnel. To appoint and, when he or she deems it necessary for the good of the service, suspend, remove or otherwise discipline all City employees and appointive administrative officers provided for, by or under this Charter, except as otherwise provided by this Charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) Administration. To direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter.

(c) Council Meetings. To attend all Council meetings with the right to take part in discussion, but not to vote.

(d) Enforcement. To see that all laws, provisions of this Charter and acts of the Council subject to enforcement by the City Manager or by officers subject to his or her direction and supervision are faithfully executed.

(e) Annual Budget. To prepare and submit the annual budget and capital programs to the Council.

(f) Comprehensive Annual Financial Report. To submit to the Council and make available to the public a complete report on the finances, administrative activities and an inventory of the real properties and equipment of the City as of the end of each fiscal year.

(g) Other Reports. To make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.

(h) Advisor to Council. To keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City, as he or she deems necessary.

(i) Other Powers and Duties. To perform such other powers, duties and functions as specified in this Charter, ordinances or resolutions, or as may be required by the Council.

(j) Contracting Authority. The City Manager shall execute, on behalf of the City, all contracts, agreements, bonds, notes, conveyances, evidences of indebtedness and any other instruments to which the City is a party, except as otherwise required or provided by this Charter or Ohio Law.

(Ord. 2008-32. Passed 10/06/08; Passed by the electorate 11/04/08; Effective 01/01/09).

§5.05 CONTRACTING POWERS.

The City Manager shall be the contracting officer of the City and shall award and execute contracts and agreements on behalf of the City in the manner and under the procedures required by this Charter, provided that:

(a) Competitive Bidding. When the expenditure of funds for the purchase of equipment, supplies or materials, or to provide labor for any work to be performed under a contract, exceeds Twenty-Five Thousand Dollars (\$25,000), such expenditure shall first be authorized and directed by an ordinance or resolution passed by the Council. In such event, the City Council shall award a written contract to the lowest and best bidder after advertisement for not less than two (2) nor more than four (4) consecutive weeks in a newspaper determined by the Council to be of general circulation within the City, unless competitive bidding is not required pursuant to State law. Council may, in its discretion, reject all bids.

(Res. 2002-54. Passed 08/19/02; Passed by the electorate 11/05/02, Effective 01/01/03).

(Ord. 2007-32. Passed 08/20/07, Passed by the electorate 11/06/07, Effective 01/08/08).

(b) Contract Amendments. Modifications and changes to contracts awarded under competitive bidding, where such modification and change are in excess of fifty percent (50%) of the amount specified in Section 5.05(a), shall first be authorized by ordinance or resolution.

(c) Purchasing Agent. The City Manager may designate an administrative officer or employee of the City to act as purchasing agent to award and execute contracts, orders or agreements on behalf of the City when such contracts, orders or agreements do not authorize an expenditure of money in excess of the amount specified by the laws of the State of Ohio.

(d) Restrictions. The City Manager or any other person designated by him or her as purchasing agent, shall not willfully cause or allow any contract or order to be split or divided into separate orders or contracts in order to avoid the requirements of subsection (c) above, or the requirements of competitive bidding as provided by this Charter.

ARTICLE VI ADMINISTRATIVE DEPARTMENTS

§6.01 GENERAL PROVISIONS.

(a) Established Departments. There shall be a Department of Safety, a Department of Service, a Department of Finance and a Department of Law.

(b) Other Departments. The Council may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

§6.02 DEPARTMENT HEADS.

At the head of each department there shall be a full-time or part-time director. The City Manager shall appoint, with approval of Council, and may suspend or remove without showing cause, notice or hearing, the directors of all departments, other than the Director of the Department of Law and the Director of the Department of Finance, who shall be appointed and removed by Council. Each director shall be an administrative officer of the City. He or she shall have supervision and control of the department he heads, subject to the direction of the City Manager, except the Director of the Department of Law, who shall be subject to the direction of Council. With the approval of Council, the City Manager may serve as the head of one (1) or more such departments, except that he or she may not serve as Director of Finance or Law Director, or the City Manager may appoint one (1) person as the head of two (2) or more departments.

§6.03 ADMINISTRATIVE CODE.

Subject to the provisions of this Charter and after consultation with the City Manager, the Council shall adopt ordinances or resolutions which may be referred to as the administrative code, which shall provide in detail the organization of the City government, define the powers and duties of each organizational unit, and determine the administrative procedures to be followed. The Council may delegate to the City Manager, and he or she to the heads of departments other than the Director of the Department of Law, power to make rules and regulations to govern management practices, consistent with the administrative code. Amendments to and revisions of the administrative code shall be made by the Council only after consultation with the City Manager. Where the Charter, administrative code or ordinances and resolutions of the City are silent, the officers and employees of the City shall have and may exercise all powers, duties and functions provided for similar officers and employees by State law; however, provisions of the Charter, administrative code and ordinances and resolutions of the City shall supersede those of the State law in case of conflict.

§6.04 LAW DIRECTOR.

(a) Appointment; Qualifications. The Law Director shall be the head of the Department of Law and shall be the chief law enforcement officer of the City. He or she shall be appointed by a majority vote of the Council, and shall serve at the pleasure of the Council. The Law Director shall be admitted to the practice of law in the State of Ohio.
(Ord. 2008-32. Passed 10/06/08; Passed by electorate 11/04/08; Effective 01/01/09).

(b) Powers and Duties. The Law Director shall be the legal advisor, attorney and counsel for the City and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the City in connection with municipal affairs and, subject to the direction of the Council, shall represent the City in all proceedings in court or before an administrative board or body. He or she shall perform such other duties consistent with his or her office as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio.

(c) Assistants; Special Counsel. The Council may provide for assistants and special counsel to the Law Director and for a Prosecuting Attorney, as shall be deemed advisable. All assistants and the Prosecuting Attorney shall be responsible to the Law Director, and when authorized by him or her, may exercise all or any part of the powers, duties and functions granted to the Law Director under this Section. Special counsel may be selected by the Council or the Law Director, as determined by the Council, and such special counsel may perform those powers, duties and functions as authorized by and in the manner provided by the Council.

§6.05 DIRECTOR OF FINANCE.

(a) Appointment. The Director of Finance shall be the head of the Department of Finance, and he or she shall be the fiscal officer of the City. He or she shall be appointed by a majority vote of the Council, and shall serve at the pleasure of the Council.

(b) Powers and Duties. He or she shall keep the financial records of the City exhibiting accurate statements of all moneys received and expended; of all property owned by the City; and of all taxes and assessments. He or she shall advise the City Manager and the Council concerning the financial condition of the City, and shall examine all payrolls, bills and other claims against the City and shall issue no warrants unless he or she finds that the claim is in proper form, correctly computed, fully approved and that an appropriation has been made therefore. He or she shall collect all money due and payable to the City and shall be the custodian of all public money of the City and shall disburse the same as may be required by law, ordinance or resolution. He or she shall examine and audit the accounts of all other officers, employees, departments, boards and commissions, and shall assist the City Manager in the preparation and submission of appropriation measures, estimates, budgets and other financial matters. He or she shall perform and/or supervise all other duties now or hereafter imposed on City Auditors and Treasurers under the laws of the State of Ohio, and shall perform and/or supervise such other duties, consistent with his or her office as may be required by this Charter or ordinance or resolution and as directed by the City Manager.

§6.06 DIRECTOR OF SAFETY.

The Director of Safety shall be the head of the Department of Safety. He or she shall have and perform such powers, duties and functions relative to police and fire protection as may be assigned by ordinance or resolution or by order of the City Manager. Notwithstanding any provisions of State law, the Council may establish a unified police and fire service in which both types of service are rendered by the same personnel.

§6.07 DIRECTOR OF SERVICE.

The Director of Service shall be the head of the Department of Service. He or she shall have custody, care and maintenance of the public buildings, grounds, streets, sewers, municipal utilities and cemeteries owned by the City and parks and recreation facilities of the City. He or she shall perform such other duties consistent with his or her office as may be required by this Charter, by ordinance or resolution of the Council or as directed by the City Manager.

**ARTICLE VII
BOARDS AND COMMISSIONS**

§7.01 PLANNING COMMISSION.

(a) Membership. There is hereby created and established a Planning Commission, which shall consist of the Chairperson of the Council, another Councilmember as appointed by a majority vote of Council, and five (5) members-at-large to be appointed by a majority vote of Council, as hereinafter provided. The members shall serve for terms of four (4) years; however, the first appointment of members of the Commission by the Council under this Charter shall be as follows: two (2) members shall be appointed for two (2) year terms; and three (3) members shall be appointed for four (4) year terms. Thereafter each member shall be appointed for a four (4) year term and shall continue in office until his or her successor is appointed.
(Ord. 2008-33. Passed 10/06/08; Passed by the electorate 11/04/08; Effective 01/01/09).

(b) Powers and Duties. The Planning Commission shall conduct studies and surveys and prepare plans, reports and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation and renewal of the City, and may make such recommendations relative thereto to the Council as it feels are in the best interest of the City. The Planning Commission shall continuously review and report to the Council its recommendations concerning the City's capital improvement programs, subdivision, platting and zoning ordinances and regulations. The Planning Commission shall cooperate with other governmental or private planning agencies to secure the maximum benefit to the City of the work, studies, surveys and reports of such other planning agencies. Other powers and duties of the Planning Commission shall include those established by this Charter and by the Council by ordinance or resolution, but until such ordinances or resolutions shall be passed, it shall possess such other powers and duties as are provided by the general laws of Ohio, to the extent that such general laws do not conflict with the provisions of this Charter.

§7.02 BOARD OF ZONING, BUILDING AND HOUSING APPEALS.

(a) Membership. There is hereby created and established the Board of Zoning, Building and Housing Appeals, which Board shall consist of five (5) members to be appointed by a majority vote of the Council for terms of four (4) years, provided that the members of the Board first appointed under this Charter shall be as follows: two (2) members shall be appointed for two (2) year terms, and three (3) members shall be appointed for four (4) year terms. Thereafter, each member shall be appointed for a four (4) year term and shall continue in office until his or her successor is appointed.

(b) Powers and Duties. The Board of Zoning, Building and Housing Appeals shall have the power to hear and decide appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations and measures passed by the Council and orders of administrative officials or agencies governing zoning, building and housing 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; and such Board shall have such other powers as may be granted to it by Council, by ordinance or resolution.

§7.03 PARKS AND RECREATION COMMISSION.

(a) Membership. There is hereby created and established a Parks and Recreation Commission which shall consist of seven (7) members as hereinafter provided. One (1) member shall be appointed by the Board of Education of the Franklin City School District; one (1) member shall be appointed by the Franklin Township Trustees; and five (5) members shall be appointed by a majority vote of the Council. Members of the Parks and Recreation Commission shall be appointed for a term of four (4) years each, provided, however, that the first persons appointed pursuant to this Section shall be appointed as follows: one (1) member to be appointed by said Board of Education shall be appointed for a four (4) year term; one (1) member to be appointed by the Franklin Township Trustees shall be appointed for a four (4) year term; two (2) members to be appointed by the Council shall be appointed for a four (4) year term; and three (3) members to be appointed by Council shall be appointed for a two (2) year term. Thereafter, each member shall be appointed for a four (4) year term and shall continue in his or her office until his or her successor is appointed. If said Board of Education and/or Franklin Township Trustees shall fail to appoint the members as hereinabove provided within sixty (60) days after the effective date of this Section, or within sixty (60) days after any vacancy occurs for which said Board of Education and/or Franklin Township Trustees is to make the appointment, then and in that event, the Council shall make the appointment of such members.

(b) Powers and Duties. The Parks and Recreation Commission shall exercise the power to equip, operate and maintain playgrounds, play fields, gymnasiums, public baths and swimming pools, and shall possess all the powers and be subject to all the responsibilities of the respective local authorities as set forth under Sections 755.12 to 755.181 of the Ohio Revised Code or successor statutes later enacted by the Ohio General Assembly; and such Commission shall have such other powers as may be granted to it by Council, by ordinance or resolution.

§7.04 CHARTER REVIEW COMMISSION.

The Council shall appoint, by a majority vote of its members, at least every five (5) years, a Charter Review Commission consisting of five (5) members. Such Commission shall review the Charter of the City and, within the time designated by the Council at the time the members are appointed, recommend to Council such alterations, revisions and amendments, if any, to this Charter, as in its judgment are desirable. After consideration of the recommendations of the Charter Review Commission, the Council may submit to the electorate all or any of such proposed alterations, revisions or amendments to this Charter, in the manner provided by the Constitution of the State of Ohio. The terms of the members of the Commission shall terminate at the end of the period designated by the Council, by which time the Commission shall report its recommendations to the Council.

§7.05 BOARD AND COMMISSIONS.

(a) Organization. At the first meeting in each year of each of the Planning Commission, Board of Zoning, Building and Housing Appeals, Parks and Recreation Commission and Charter Review Commission, the members of such Boards and Commissions shall elect a Chairman and a Secretary by a majority vote of the members appointed to such Board or Commission. The Chairman and Secretary of each Board or Commission hereinabove referred to shall serve at the pleasure of such Board or Commission. The Chairman of each such Board or Commission shall be a member of such Board or Commission, but in no event shall the Chairman of any such Board or Commission, in his or her dual capacity as a member and presiding officer, cast more than one (1) vote on any action. The Secretary of each such Board or Commission may be elected from within or without the membership of such Board or Commission, and may hold other office or employment with the City. The Secretary of each such Board or Commission shall keep an accurate record of the proceedings of such Board or Commission.

(b) Qualifications. Members of the Boards and Commissions hereinabove referred to shall be electors of the City at the time of their appointment and during respective terms of office, and shall not hold other elected office or employment with the City, except as authorized by this Charter. Council may authorize the City Manager to provide funds, as appropriate, for the use of the Boards and Commissions.

(c) Quorum; Meetings. A majority of the members of each of the Boards and Commissions hereinabove referred to shall constitute a quorum for meetings of such Boards or Commissions; and a majority vote of the members present shall be necessary to take any action and for the passage of motions by such Board or Commission. Rules providing for the number and manner of calling regular and special meetings, and to provide for the conduct and government of meetings of each such Board or Commission may be adopted by a majority vote of the members of each such Board or Commission; however, such rules shall not conflict with the provisions of this Charter or any ordinance or resolution passed by the Council.

(d) Vacancy in Board or Commission. Unless otherwise provided by this Charter, a vacancy during the term of any member of a Board or Commission created by this Charter or by ordinance or resolution of the Council shall be filled for the unexpired term in the manner authorized for an original appointment.

ARTICLE VIII CIVIL SERVICE SYSTEM

§8.01 CIVIL SERVICE.

All appointments and promotions of City officers and employees who are in the classified service shall be made solely on the basis of merit and fitness, demonstrated by examination, where practicable, or other evidence of competence.

§8.02 UNCLASSIFIED SERVICE.

All positions in the service of the City shall be filled pursuant to open competitive examinations except the following, which shall constitute the unclassified service:

- (1) Members of the Council;
- (2) The City Clerk, Deputies, Assistant City Clerks and other officers and employees of the Council;
- (3) The City Manager, Assistant City Managers, and assistants to the City Manager;
- (4) The Directors of Departments;
- (5) One Secretary to the City Manager and one secretary to each Department Head;
- (6) Members of boards and commissions appointed by the Council, and advisory committees appointed by the City Manager and the Council;
- (7) Temporary employees of exceptional, professional or scientific qualifications engaged as consultants;
- (8) Seasonal and part-time employees;
- (9) Professional engineers employed by the City;
- (10) Assistant Law Directors, the City Prosecutor and special legal counsel;
- (11) The secretary of each Board or Commission established by this Charter or by ordinance or resolution (provided that if such secretary holds other employment with the City that is not an exempted position, this section shall not exempt such person from the requirement of competitive examination to hold such other employment);
- (12) Personnel Director;
- (13) Division heads within the Department of Service;
- (14) Water and Sewer Operators;
- (15) Head of the Division of Building and Zoning within the Department of Safety;
- (16) Income Tax Administrator; and
- (17) Clerk of Courts and Deputy Clerks of Court;

§8.03 CLASSIFIED SERVICE.

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service as exempt positions in Section 8.02 of this Charter.

§8.04 THE CIVIL SERVICE COMMISSION.

(a) Organization. There shall be a Civil Service Commission consisting of five (5) members, not more than three (3) of whom shall belong to the same political party, who shall be appointed by the City Council. Of the members first appointed, two (2) shall hold office for a term of two (2) years; two (2) for a term of four (4) years; and the other for a term of six (6) years. Their successors shall be appointed for terms of six (6) years. Each member shall be a qualified elector of the City and shall neither hold City office nor City employment. The Council shall fill all

vacancies by appointment for the unexpired term. All officers shall be appointed member of said Commission. Each member shall continue in office until his or her successor is appointed.

(b) Powers and Duties. The Civil Service Commission shall have the power to hear such appeals from administrative determinations made pursuant to the rules adopted by the Council pertaining to the merit system and personnel management policies of the City, as may be authorized by such rules, and may have such other powers as may from time-to-time be given to it by ordinance of Council.

§8.05 RULES AND REGULATIONS.

No officer or employee in the classified service shall be demoted or removed except for cause and after hearing. The Council shall provide general rules, by ordinance or resolution, for the enforcement of these provisions and also for appeals to the Civil Service Commission from suspensions, demotions and removal by the City Manager. Rules for the determination of merit and fitness as the basis for appointment and promotion of classified personnel covered by civil service shall be adopted pursuant to paragraphs (b) and (c) of Section 8.08 of this Charter.

§8.06 PROMOTION.

The Commission shall provide for promotion to all positions in the classified service based on competitive examination and on records of merit, efficiency, character, conduct and seniority. Promotional examinations shall be restricted to present employees unless, by an ordinance or resolution adopted by an affirmative vote of five (5) members of Council, such examinations are opened to qualified candidates from outside the City's service. No individual shall be eligible for a promotional examination within the Police or Fire Department unless such individual has a minimum of three (3) years experience as a member of a police or fire service, as appropriate.

§8.07 PROBATION PERIOD.

An original appointment of a new employee shall not be deemed complete until a period of probation of twelve (12) months has elapsed. Such probationary employee may be discharged by the City Manager at any time within the said period of twelve (12) months, upon the recommendation of the head of the department in which said probationer is employed.

§8.08 PERSONNEL DIRECTOR.

(a) Appointment. The City Manager shall appoint a Personnel Director, subject to the approval of City Council by a majority vote of its members, who shall serve at the pleasure of the City Manager. The Personnel Director may hold other employment or office with the City. The City Manager may serve as Personnel Director, upon approval by a majority vote of the Council, which approval may be withdrawn by a majority vote of the Council. The Personnel Director shall have full authority to administer the personnel and merit system of the City, subject to the direction of the City Manager and in accordance with the rules adopted by the Council.

(b) Personnel Manual. The Personnel Director shall submit proposed rules and amendments thereto pertaining to the merit system and personnel management policies of the City to the City Manager, who shall refer them to the Civil Service Commission for its recommendations. The City Manager may make recommendations to such proposed rules, after receiving the

recommendations of the Civil Service Commission, and shall submit such rules, and his or her suggested changes to the rules, to the Council. The Council shall adopt such rules, with or without amendment, by ordinance or resolution and may amend, alter or repeal such rules from to time by ordinance or resolution.

(c) Classification System. The rules described in subparagraph (b) of this section shall provide for a system of classification of all nonexempt City positions in the classified service, considering the duties, authority and responsibility of each position, with adequate provision for the reclassification of such positions; methods for conducting the examinations of and the determination of merit and fitness of candidates for appointment or promotion in the classified service of the City; the policies and procedures, including causes, for the regulation of reductions in force, removal, suspension or other disciplining of employees in the classified service of the City; the policies and procedures governing persons holding provisional appointments in the classified service of the City; the policies regarding training programs; and other practices and procedures necessary to the administration of the merit and personnel system of the City.

(d) Powers and Duties. The Personnel Director shall be responsible for the administration of policies and procedures governing relationships with employee organizations and the administration of grievance procedures that have been established with the approval of the Council.

§8.09 COMPENSATION, FRINGE BENEFITS & CONDITIONS OF EMPLOYMENT.

The City Manager shall recommend a pay plan, the hours of work and provisions for vacation, sick leave and other fringe benefits for all compensated employee positions in the City's service to the Council, which recommendations may be approved, with or without modification, by the Council, by ordinance or resolution.

§8.10 CANDIDACY FOR CITY OFFICE.

No employee of the City shall continue therein after becoming a candidate for nomination or election to any City office. Except for elective officials, no officials or employees of the Municipal government may engage in political campaigns in which candidates of this City are involved.

ARTICLE IX FINANCE, TAXATION AND DEBT

§9.01 GENERAL.

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds, notes, assessments and other fiscal matters of the City shall be applicable to the City, except as modified by, or necessarily inconsistent with, the provisions of this Charter or when provisions therefor is made in the Constitution of the State of Ohio.

**ARTICLE X
NOMINATIONS, ELECTIONS**

§10.01 TIME OF ELECTIONS.

Regular Municipal elections shall be held on the first Tuesday after the first Monday of November in odd numbered years, commencing with the year 1983. All candidates for Council shall be nominated by petition, and all petitions, ballots and ballot labels shall be without party mark or designation. The names of all candidates shall be rotated, insofar as possible, in the manner provided by the election laws of the State of Ohio. Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the laws of the State of Ohio.

§10.02 NOMINATION FOR COUNCIL.

Nominations for members of Council shall be made only by petition, signed by qualified electors not less in number than twenty-five (25) nor more than one hundred (100). A qualified elector shall be a legally registered voter of the City. Such petition shall be accompanied by a declaration of candidacy and shall be filed with the election authorities not later than seventy-five (75) days before the date of the regular municipal election. No primary election shall be held for Council candidates.

(Res. 1997-84. Passed 08/04/97; Passed by the electorate 11/04/97; Effective 01/01/98).

§10.03 SPECIAL ELECTIONS.

The Council may, at any time, by ordinance or resolution, order a special election, the purpose of which shall be set forth in the ordinance or resolution.

**ARTICLE XI
INITIATIVE, REFERENDUM AND RECALL**

§11.01 GENERAL AUTHORITY; INITIATIVE AND REFERENDUM.

(a) Initiative. The qualified voters of the City shall have the power to propose ordinances and resolutions to the Council and, if the Council fails to adopt an ordinance or resolution so proposed without any change in substance, to adopt or reject it at an election.

(b) Referendum. The qualified electors of the City shall have power to require reconsideration by the Council of any adopted ordinance or resolution and, if the Council fails to repeal an ordinance or resolution so reconsidered, to approve or reject it at an election.

§11.02 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.

(a) Commencement of Proceedings; Petitioners' Committee. Any five (5) electors may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance,

resolution or issue, or citing the ordinance or resolution sought to be reconsidered by referendum.

(b) Petition Forms. Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall specify the appropriate petition forms that are to be used to the petitioners committee.

(c) Affidavit. The petitioners' committee affidavit hereinabove described shall be filed within ten (10) days of publication of the ordinance or resolution upon which reconsideration by referendum is sought. Failure to file said affidavit within said ten (10) day period shall render invalid any further steps taken with respect to a referendum.

§11.03 PETITIONS; INITIATIVE AND REFERENDUM.

(a) Number of Signatures. Initiative and referendum petitions must be signed by qualified electors of the City equal in number to at least fifteen percent (15%) of the total number of qualified electors voting for the office of Governor within the City at the last general election at which a Governor was elected.

(b) Form and Content. All papers of a petition shall be uniform in size and style and each petition shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing and the date of the signing. Petitions shall contain or have attached thereto, throughout their circulation, the full text of the ordinance, resolution or issue proposed by initiative or sought to be reconsidered by referendum.

(c) Affidavit of Circulator. Each petition shall be filed with the City Clerk and shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he or she personally circulated the paper; the number of signatures thereon; that all the signatures were affixed in his or her presence; that he or she believes them to be the genuine signatures of the persons whose names they purport to be; and that each signer had an opportunity before signing to read the full text of the ordinance, resolution or issue proposed by initiative or sought to be reconsidered by referendum.

(d) Time for Filing Referendum Petitions. Referendum petitions must be filed with the City Clerk within thirty (30) days after adoption by the Council of the ordinance or resolution sought to be reconsidered.

§11.04 PROCEDURE AFTER FILING; INITIATIVE AND REFERENDUM.

Within ten (10) days after the petition is filed, the City Clerk shall determine its sufficiency, as required in this Charter, and shall complete a certificate as to its sufficiency specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified or registered mail and shall so notify the Council. The petitioners' committee shall have ten (10) days after mailing of a certificate of insufficiency in which to file additional petitions to remove any insufficiency. The City Clerk shall certify said petition to the Board of Elections immediately upon his or her determination of its sufficiency.

§11.05 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE OR RESOLUTION.

When an affidavit by persons constituting the petitioners' committee is filed pursuant to Section 11.02 of this Charter and a proper referendum petition is filed with the City Clerk, the ordinance or resolution sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency on the affidavit or petition;
- (2) The Council repeals the ordinance or resolution;
- (3) The petitioners' committee withdraws the petition; or
- (4) Five (5) days have elapsed after the Board of Elections certifies the official vote on the question.

§11.06 ACTION ON PETITIONS; INITIATIVE AND REFERENDUM.

(a) Initiative Petition. At any time after an initiative petition has been filed with the City Clerk, the Council may adopt the ordinance or resolution proposed in said petition, or a substitute for said ordinance or resolution, approved by a majority of the members of the petitioners' committee. In such event, the City Clerk shall so notify the Board of Elections and the proposed ordinance or resolution shall not be submitted to a vote of the electors.

(b) Referendum Petition. At any time after referendum petition has been filed with the City Clerk, the Council may repeal the ordinance or resolution for which the reconsideration is sought. In such event, or in the event the affidavit of the petitioners' committee or the referendum petition is found to be insufficient by the City Clerk, the City Clerk shall so notify the Board of Elections and the proposed ordinance or resolution shall not be submitted to a vote of the electors.

(c) Submission to Electors. The vote of the electors on a proposed or referred ordinance, resolution or issue shall be held not less than seventy-five (75) days and not later than one (1) year from the date of the certification of the initiative or referendum petition to the Board of Elections. If no regular election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election.

(d) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time, by filing with the City Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect, all proceedings thereon shall be terminated and the City Clerk shall certify such withdrawal of petitions and the termination of the proceedings under such petitions to the appropriate Board of Elections.

§11.07 RESULTS OF ELECTION; INITIATIVE AND REFERENDUM.

(a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance, resolution or issue vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances, resolutions or issues of the same kind adopted by the Council. If conflicting ordinances or resolutions are

approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the qualified electors voting on a referred ordinance or resolution vote against it, it shall not take effect. If a majority of the qualified electors voting on a referred ordinance or resolution vote for it, it shall become effective five (5) days after the Board of Elections certifies the official vote on the question, and no publication of such ordinance or resolution shall be required.

§11.08 CONDUCT OF ELECTIONS; INITIATIVE AND REFERENDUM.

Elections on ordinances, resolutions or issues referred to the electors under the initiative and referendum procedures set forth in this Charter shall be conducted by the Board of Elections of the County of Warren under the provisions of this Charter as far as they are applicable. Where the Charter is silent concerning the conduct of the election, the provisions of the Ohio Election Laws shall be followed.

§11.09 REFERRAL OF ORDINANCE OR RESOLUTION TO THE ELECTORS BY COUNCIL.

(a) Referral to Electorate. By a vote of five (5) members of Council, any pending ordinance or resolution may be referred to the electors of the City at a general, primary or special election. The action of referral provided for in this section shall be taken by ordinance or resolution and shall go into immediate effect. Such ordinance or resolution shall be passed not less than seventy-five (75) days prior to the date of the primary or general election at which such referred ordinance or resolution is to be submitted. In the event that such ordinance or resolution is to be referred for approval or rejection at a special election, the Council shall, by ordinance or resolution, fix a date for such special election at a date not less than seventy-five (75) days after the date of passage of the ordinance or resolution to refer, and the City Clerk shall cause notice of the special election to be published once a week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation in the City.

(b) Certification to Board of Elections. The City Clerk shall certify to the appropriate Board of Elections that an election is to be held referring such ordinance or resolution to a vote of the electors at the date fixed by Council as hereinbefore provided. The City Clerk shall also certify a copy of the ordinance or resolution to be voted upon to the appropriate Board of Elections.

(c) Form of Ballot. At such primary, general or special election, this question shall be placed upon the ballot: "Shall an [ordinance or resolution] providing [a brief summary of the proposed ordinance or resolution shall be inserted here] be adopted?" and with the provision on the ballot for voting affirmatively or negatively. In the event a majority of those voting on the issue shall be in the affirmative, the ordinance or resolution shall go into immediate effect, without the need for further publication.

§11.10 RECALL.

The electors shall have the power to remove from office, by a recall election, any elected or appointed member of Council of the City in the manner herein provided. If such officer has served six (6) months of his or her term, a petition demanding his or her removal may be filed

with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefore and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement not to exceed five hundred (500) words of the grounds for the removal. Such petition shall be signed by at least that number of electors from the City which equals twenty-five percent (25%) of the number of the electors voting at the last preceding regular municipal election for Councilmembers within the City. Within twenty (20) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk finds the petition insufficient, he or she shall promptly certify the particulars in which the petition is defective, deliver a copy of his or her certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of ten (10) days after the day on which each delivery was made in which to make the petition sufficient. If the petition is sufficient or is subsequently made sufficient within such ten (10) day period, the City Clerk shall promptly so certify it to Council, deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer does not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery, and shall cause notice of such recall election to be published on the same day of each week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation in the City. At such recall election, this question shall be placed on the Ballot: "Shall [naming the officer] be allowed to continue as [naming the office]?" and with the provision on the ballot for voting affirmatively or negatively. In the event a majority of the vote is negative, such officer shall be considered as removed and his or her office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed at such recall election shall not be eligible for appointment to the vacancy created thereby. If the officer is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one (1) year.

ARTICLE XII GENERAL PROVISIONS

§12.01 CONFLICTS OF INTEREST, ETHICS AND CAMPAIGN FINANCING.

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior and ethics by City officials and employees, and campaign financing and other election practices of candidates for City office, shall apply under this Charter. Financial disclosures shall be required of candidates.

§12.02 SUCCESSION.

The City of Franklin under this Charter is hereby declared to be the legal successor of the City of Franklin under the laws of Ohio, and shall have title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The City shall be liable for all outstanding orders, contracts and debts of its predecessor and any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts,

including labor contracts or collection bargaining agreements, entered into by the City or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

§12.03 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

(a) Effect of Adoption. The adoption of this Charter shall not affect any preexisting rights of the City; nor any right, liability, pending suit or prosecution, either on behalf of or against the City or any officer thereof; nor any franchise granted by the City; nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears in this Charter, all acts of Council of the City, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until amended or repealed.

(b) Pending Actions or Proceedings. No action or proceeding pending against the City or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

§12.04 RETIREMENT SYSTEM; HEALTH DISTRICT.

The laws of Ohio governing the retirement of officers and employees of the City and the organization of health districts shall be applicable under this Charter.

§12.05 AMENDMENT OF CHARTER.

This Charter may be amended by the voters, as provided by the Constitution of Ohio or as otherwise stated in this Charter.

§12.06 EFFECT OF PARTIAL INVALIDITY.

A determination that all or any part of any article, section, division or paragraph of this Charter is invalid shall not invalidate or impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

§12.07 OFFICIAL BONDS.

The City shall furnish all surety bonds for its officers, employees, appropriate board and commission members and any other persons required by Council to be bonded. The amount of such bonds shall, in each case, be fixed by the Council for all persons whose duties require that they handle or be concerned with the management of the City's money or other property. These surety bonds shall be issued by a company authorized to do business in the State of Ohio and the premium on such bonds shall be paid from the funds of the City.

§12.08 FEES.

All fees received by officers or employees of the City in connection with their employment with the City shall be accounted for and paid into the City treasury, except as otherwise provided by ordinance. No officer or employee of the City may use the City's facilities or, during his or her hours of employment, collect any fees or funds for private groups, agencies or individuals, other than through duly authorized payroll deductions or by resolution of Council.

ARTICLE XIII TRANSITIONAL PROVISIONS

§13.01 EFFECTIVE DATA OF CHARTER.

This Charter shall be submitted to the electors of the City at an election to be held June 7, 1983. If approved by a majority of those voting, the Charter shall take effect from the date the final result of the election is certified by the election authorities for the purpose of nominating and electing officers of the City and conducting municipal elections. For all other purposes, this Charter shall take effect January 1, 1984.

§13.02 EFFECT OF CHARTER ON EXISTING OFFICES.

(a) Elected Officers. 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 the 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 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.

(b) Administration. The persons holding the offices of City Manager, Auditor and Law Director under the provisions of Chapter 705 of the Ohio Revised Code, with respect to the special statutory plan of government known as the "City Manager Plan," on December 31, 1983, are hereby designated as the City Manager, Director of Finance and Law Director, respectively, under this Charter effective January 1, 1984, without a requirement that they be reappointed, and their tenure, removal from office, and powers, duties and functions shall be governed by the provisions of this Charter.

§13.03 CONTINUANCE OF PRESENT EMPLOYEES.

Every 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 or promulgated under the Charter.

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