

PREAMBLE

We, the people of the City of University Heights, Ohio, grateful to Almighty God for our freedom, to secure its blessings, to provide a municipal government that shall be efficient and beneficial, to **ensure** the full measure of self-government granted to us by the Constitution and Laws of the State of Ohio, and to promote our common peace, safety and welfare, do ordain and establish this Charter.

ARTICLE 1. POWERS

The City of University Heights, as its limits are now or may hereafter be, shall continue to be a municipal corporation of the State of Ohio under the same name.

There are hereby reserved to the City of University Heights all powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or exercised by any municipal corporation of Ohio. No enumeration herein of specific powers shall be held to be exclusive.

The powers of this City may be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such manner as the Council may prescribe. The powers of this City may also be exercised, except as a contrary intent appears in this Charter or in the enactments of the Council conformably hereto in such manner as may now or hereafter be provided by the general law of Ohio.

None of the powers herein reserved shall be withdrawn from the exclusive control of this City, nor shall the corporate existence of this City be terminated or merged, nor shall any territory be detached from or annexed to this City without the assent of at least a majority of the electors of this City voting upon such proposition.

ARTICLE 2. NOMINATION, ELECTIONS, QUALIFICATIONS AND REMOVAL OF OFFICERS

SECTION 1. Nominations and Elections. Nominations for elective officers of this City shall be made only by petition, signed by registered electors of the City not less in number than three percent (3%) of the number voting at the last regular municipal election and accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by separate petition and filed with the Board of Elections not later than 4:00 o'clock p.m. on the sixtieth (60th) day prior to the date of election. No primary election shall be held for the selection of candidates for any elective office of the City. No nomination to any elective office of this City shall be of any effect unless made as required by this section. The ballot used in the election of officers of this City shall be without party mark or designation. The names of all candidates for City office shall be placed upon the same ballot, and shall be rotated in the manner provided by the general law of Ohio. Except as provided in this Charter, the general laws of Ohio shall govern the nomination and election of the elective officers of the City.

(11-5-1957)

SECTION 2. Qualifications of Officers. Each elective officer of the City shall be a qualified elector of the City, shall have resided continuously therein not less than one year next preceding his election, and shall continue to reside therein during his term of office. He shall hold no other elective public office during his term, neither shall he hold any other public employment incompatible with his elective office in this City during such term, except as otherwise provided in this Charter, and further excepting the office of notary public and membership in the militia or reserve corps. The Council shall determine whether any public employment is incompatible with his elective office in this City.

No officer of this City, elective or otherwise, shall have any financial interest in any contract with or expenditure of money by this City other than his fixed compensation and for expenses of travel as provided in Section 3 of Article 8. Such interest shall disqualify him from holding office, in addition to the other penalties provided by law.

Every officer of this City shall, before assuming the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United States and the Constitution of Ohio and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of him conformably to this Charter.

Commencing January 1, 1996, without counting terms held prior to that date in such office, no person shall be eligible to hold the same elective office in the City for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days.

(11-7-1995.)

SECTION 3. Removal of Officers. Any officer of this City shall be subject to removal in such manner as is now or may hereafter be provided by the general laws of Ohio, or by this Charter.

In addition, the Council may remove any officer of the City, including Councilman, for violation of any of the provisions of the next preceding section, or for failing or ceasing to possess any other qualification established by this Charter for his office, or for the conviction while in office of any crime involving moral turpitude, but no such removal shall be made without the concurrence of at least five members of the Council nor until the accused officer shall have been given a written copy of the charges against him and an opportunity to be heard, with at least ten days notice of the time and place of hearing.

Absence of a Councilman from five consecutive regular meetings of the Council, without such absence being authorized by an affirmative vote of four of the remaining members of the Council, shall operate to vacate such office of Councilman forthwith.

ARTICLE 3. COUNCIL

SECTION 1. Powers, Number and Term. The legislative power of the City, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of seven members elected at large. The terms of the members of the Council shall begin the first day of January next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified except that of the seven members elected in 1941 the three receiving the highest number of votes shall serve for four years and the remaining four shall serve for two years.

SECTION 2. Organization. At the first Council meeting in January, but not later than the 7th day of January in the year 1958, and by **January 31st of each year** thereafter the Council shall meet in the Council Chamber and organize. At such organization meeting the Council shall elect by a majority vote **one of its Council members to be** Vice-Mayor, and **organize itself into such standing committees as it deems necessary and appropriate for the proper conduct of its legislative oversight. The committees shall include, but shall not be limited to a Finance Committee and Public Safety Committee. The Vice Mayor shall determine the membership composition and chairman of each committee. Each committee shall remain in force and each chairman shall serve until the next organization meeting unless he shall cease in the meantime to be a Councilman.**

(11-5-1957)

SECTION 3. Vacancy. Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified.

A successor shall be elected at the next general municipal election if:

1. More than two (2) years remain in the unexpired term when the vacancy occurs; and if
2. The vacancy occurs more than seventy-five (75) days prior to such election.

At such election each candidate for Council, in his declaration of candidacy and nominating petition, shall designate the term of office to which he seeks election by stating therein, if a full term, the date of commencement of said term as follows: "Full term commencing (DATE) " or by stating therein, if an unexpired term, the date on which it will end, as follows: "Unexpired term ending (DATE)". The term of no Councilman shall be lengthened by his resignation and subsequent appointment, but an appointee may be a candidate for subsequent election.

SECTION 4. Clerk of Council. The Council shall appoint a Clerk who shall be the Clerk of the Council and Secretary of the City Planning Commission, the Civil Service Commission, the Board of Zoning Appeals, and such other boards and commissions as the Council may establish by ordinance. He shall give all notices of meetings, keep the records and minutes of the Council and of the boards and commissions of which he is secretary,

authenticate all records, documents and instruments of the City on which authentication is proper, and for that purpose shall have and use a seal.

The Clerk shall examine warrants and disbursement checks approved by the Director of Finance and shall countersign checks in the manner provided by ordinance. He shall perform all such other duties as the Council may require.

(11-6-1979)

SECTION 5. Procedure. A majority of the members elected to the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members. The Council shall keep a journal of its proceedings.

All regular and special meetings of Council and Council committees shall be publicly announced and shall be open to the public in accordance with the provisions of the Ohio "Sunshine Law" as it may be amended from time to time, presently codified at Section 121.22 of the Ohio Revised Code. Council may hold an executive session at any regular or special meeting of Council, upon the majority roll call vote of a quorum of Council, for the sole purpose of the consideration of any matter specified in Ohio Revised Code Section 121.22, as it may be amended from time to time.

The Council shall, by ordinance, make provision for the following:

- a. The time and place of regular meetings, providing for at least two regular meetings in each calendar month excepting the months of July and August;
- b. The manner of calling special meetings;
- c. The enforcement of attendance at its meetings and punishment of disorderly conduct thereat;
- d. The form and method of enacting ordinances and resolutions, but no ordinance or resolution except general appropriation ordinances shall contain more than one subject which shall be clearly stated in the title; and general appropriation ordinances shall be confined to the subject of appropriations;
- e. The manner of giving public notice of the enactment of ordinances and of any other of its acts or proceedings which it deems proper to publish;
- f. The reduction of unpaid installments and the return of paid installments of assessments levied in larger amounts than necessary to pay for public improvements, to the extent that such reductions and returns are authorized by the general law of Ohio;
- g. The procedure for making public improvements and for levying assessments, provided that two or more public improvements, including the levying of assessments therefore, may be combined in one proceeding if the Council finds that it will be economical and practical to undertake said improvements jointly;

- h. The advertising and awarding of contracts;
- i. The employment of expert consultants to advise and assist the city officials and employees with respect to municipal problems and such other general regulations as the Council may deem necessary;
- j. The printing, publishing and distribution of financial reports and such other reports of general interest as the Council shall determine, at City expense, providing that such reports shall be factual only and do not express an opinion or promote any person, position, group of persons, or any idea, theory or viewpoint of a political or controversial nature.

(11-5-1957), (11-6-1979)

SECTION 6. When Ordinances and Resolutions Take Effect.

- a. A resolution which is approved by not less than two-thirds (2/3) of the members of Council shall take effect upon the signature of the Mayor, if it so provides, and no second reading thereof shall be required. No ordinance shall be passed without the concurrence of a majority of all the members of Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of at least five (5) members of Council for passage.
- b. An emergency ordinance necessary for the immediate preservation of public peace, health or safety, which sets forth the reasons for emergency action and which has the approval of not less than two-thirds of the members of Council shall take effect at the time provided therein upon the signature of the Mayor, or at the expiration of the time within which it may be disapproved by the Mayor, or upon the Council's override of the Mayor's disapproval.
- c. No action of the Council in authorizing any change of the boundaries of the City, or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the City or its inhabitants of the product or service of any utility, whether municipally owned or not, shall be taken as an emergency measure.
- d. Ordinances for the appropriation of money and those providing for an annual tax levy, or for improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be specially assessed therefor, shall take effect at the time stated therein upon signature by the Mayor, or at the expiration of the time within which it may be disapproved by the Mayor, or upon the Council's override of the Mayor's disapproval
- e. All other resolutions and ordinances shall be read on two (2) separate days before they may be approved by the Council, and no such ordinance or resolution shall go into effect until thirty (30) days after passage by the Council.

(11-6-1979)

SECTION 7. Mayor's Veto. Every ordinance or resolution of the Council shall be signed by the Clerk or two members of the Council and presented to the Mayor forthwith for consideration before it goes into effect. The Mayor, if he approves it, shall sign it and file it with the Clerk. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If he disapproves it or any item of it, he shall file it with written notice of the disapproval with the Clerk. Unless an ordinance or resolution is filed with the Clerk with written notice of disapproval, within seven days after its passage by the Council, it shall take effect as though the Mayor had signed it. When the Mayor has disapproved an ordinance or resolution or item of it, as herein provided, the Council may, at its next regular meeting thereafter, reconsider it and if upon such reconsideration the ordinance, resolution or item is approved by the votes of five or more of the members of the Council, it shall take effect notwithstanding the disapproval of the Mayor.

ARTICLE 4. INITIATIVE, REFERENDUM AND RECALL

SECTION 1. Initiative. The electors of the City shall have power to propose any ordinance or resolution, except an ordinance for the appropriation of money or an ordinance making a tax levy, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution may be submitted to the Clerk of the Council by petition signed by at least five percent (5%) of the registered electors of the City, When so submitted, the Clerk shall forthwith determine the sufficiency of the petition and if found sufficient, the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole. Provision shall be made for public hearings on the proposed ordinance or resolution not later than thirty (30) days after the date on which such ordinance or resolution was submitted to the Clerk. The Council shall within forty (40) days after such ordinance or resolution is submitted, take final action thereon, either enacting or rejecting the proposed ordinance or resolution. If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the committee of the petitioners may require that it be submitted to a vote of the electors either in its original form or in the amended form by filing with the Clerk a supplemental petition signed by that number of additional registered electors which, when taken together with those who signed the original petition, will total at least ten percent (10%) of the registered electors of the City, and if said supplemental petition is signed by that number of additional registered electors which, when taken together with those who signed the original petition, will total at least twenty percent (20%) of the registered electors the date of the election may be fixed therein, not less than sixty (60) days from the time of filing such supplemental petition. Such supplemental petition shall be filed within ten (10) days after the final action on such ordinance or resolution by the Council. The Council shall thereupon provide, for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election in any year occurring more than sixty (60) days from the filing of such supplemental petition, if no date be so fixed therein.

SECTION 2. Referendum. The electors shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council, except as hereinafter provided. Within thirty (30) days after the final passage by the Council of an ordinance or resolution, a petition signed by at least ten percent (10%) of the registered electors of the City **casting**

ballots in the previous election for Governor of the State of Ohio, may be filed with the Clerk of the Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by twenty percent (20%) or more of such registered electors, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing thereof. When such petition is filed, the Clerk shall first ascertain the sufficiency of the petition, and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration the ordinance or resolution is not repealed, the Council shall provide for submitting it to a vote of the electors on the date so fixed, or at the first general election in any year occurring more than ninety (90) days from the filing of such petition, if no date be so fixed. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon. When the Council by law or under provisions of general ordinances, is required to pass more than one ordinance or resolution necessary to make and pay for any public improvement, the referendum provisions shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinances or resolutions relating thereto. Ordinances providing for the annual tax levy or for improvements petitioned by the owners of a majority of the feet front of the property benefitted and to be specially assessed therefor, and appropriation ordinances limited to the subject of appropriations shall not be subject to referendum, but all other ordinances, including emergency ordinances, shall be subject to referendum., except that emergency ordinances shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon. Ordinances submitted to the Council by initiative petition and passed by the Council either with or without change, but not required to be submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances.

SECTION 3. Recall. The electors shall have the power to remove from office by recall election any elective officer of the City. At any time after an elective officer has held office for six months of the term for which he was chosen, a petition demanding his removal and the election of a successor in his office may be filed with the Clerk of the Council. Such petition shall comply with the provisions of Section 4 of this Article, and shall be signed by registered electors equal in number to at least twenty-five (25%) percent of the total number of voters casting ballots at the last preceding general municipal election. Within ten (10) days from the date of filing such petition, the Clerk shall determine the sufficiency thereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective and deliver a copy of his certificate to the person who filed the petition with him, and such person shall be allowed twenty (20) days from the delivery of such copy of certificate in which to make the petition sufficient. If the Clerk shall find the petition sufficient he shall promptly so certify to the Council and to the officer whose removal is sought, and, if the officer does not resign within five (5) days thereafter, the Council shall thereupon order and fix a day for holding a recall election, not less than thirty (30) nor more than forty (40) days from the date of the Clerk's certificate of sufficiency. At such recall election the name of the officer whose removal is sought shall be placed on the ballot as a candidate to succeed himself, unless he otherwise requests in writing at least twenty (20) days prior thereto, and the names of such other candidates for the same office shall be placed on the ballot as shall

have been nominated in accordance with Article 2 Section 1 of this Charter at least twenty (20) days prior to such recall election. The recall election, except as it shall be limited to the offices from which a removal is sought, shall in other respects conform to the provisions of Article 2 Section 1 of this Charter. If at the recall election the incumbent does not receive a plurality of the votes cast, the candidate who does receive such a plurality shall be declared elected to succeed the incumbent for the remainder of his term, and the incumbent shall be deemed removed from his office when such elected successor qualifies for the office or within ten (10) days after the recall election.

(11-6-1979)

SECTION 4. Petitions. An initiative, referendum or recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain in the case of the initiative or referendum, a full and correct copy of the title and the text of the proposed or referred ordinance or resolution, and in the case of the recall, the name and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal.

ARTICLE 5. THE MAYOR

SECTION 1. Executive and Administrative Powers. The Mayor shall have executive and administrative powers to the extent provided for by this Charter or by ordinance.

SECTION 2. Term. The Mayor shall be elected at the regular municipal election in 1941 and every fourth year thereafter for a term of four years, commencing on the first day of January next after such election, and shall serve until his successor is elected and qualified.

SECTION 3. Vacancy. When the Mayor is absent and inaccessible, or is unable for any cause to perform his duties, the Vice Mayor shall be acting Mayor, but shall not thereby cease to be a Councilman. In case of death, resignation or removal, other than by recall election, of the Mayor or his ceasing to qualify for the office, the Vice-Mayor shall vacate his office of Councilman and shall become Mayor to serve the unexpired term or until a successor for the unexpired term is elected and qualified.

A successor shall be elected at the next regular municipal election provided that:

1. Such election occurs more than two (2) years prior to the expiration of the unexpired term; and
2. The vacancy occurs more than seventy-five (75) days prior to such election. A Vice-Mayor, who has become Mayor, may be a candidate to succeed himself.

(11-6-1979)

SECTION 4. General Powers and Duties.

- a. Judicial. The Mayor shall have all the judicial powers granted by the general laws of Ohio to Mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers.
- b. Legislative. The Mayor shall preside at all meetings of the Council and shall have the right to introduce ordinances and resolutions, and to take part in the discussion of all matters coming before the Council, but shall have no vote at meetings of Council.
- c. Executive. The Mayor shall be the chief conservator of the peace within the City and shall see that the Charter, and all laws, ordinances, and resolutions of the City are faithfully observed and enforced. The Mayor shall jointly or apart from the City Administrator recommend to Council such measures as deemed necessary or expedient to ensure the betterment and advancement of the City. The Mayor shall have the power to approve or disapprove ordinances as provided within Article 3 Section 7 of this Charter.
- d. Customary. The Mayor's office shall be separate and distinct from City Council, and shall be afforded only such privileges, resources, and budget as provided for by this Charter or ordinances including the following.
 1. The Mayor shall be the recognized head of the City government for all ceremonial and dignitary purposes, and by the state and federal governments for purposes of military law and by the courts for the purpose of serving civil processes.
 2. The Mayor shall be responsible for matters related to communications and public relations expressly to provide and encourage cooperation and collaboration with other governments, elected officials, agencies, and authorities, which aim is intended to advance the interest of the City and its citizens. The Mayor shall be empowered to respond to and work to resolve matters of inquiry and complaint from citizens and the public at-large.
 3. The Mayor shall recommend the appointment and/or removal of the City Administrator to Council for its consent and approval in the manner provided in this Charter.
 4. The Mayor shall supervise the City Administrator's day-to-day administration of the City's affairs but shall have no direct authority over administering the day-to-day affairs of the City, nor any direct oversight responsibility or authority over any city employee including chiefs, directors, and commissioners who shall be responsible to the City Administrator.
 5. The Mayor shall convene the City Administrator and Law Director, on a quarterly basis to review and assess the City's plans, finances, and performance outcomes. The review meeting may include the chiefs, directors, and other staff, as the Mayor shall deem appropriate.

6. The Mayor shall nominate the members of citizen advisory boards, commissions, except as otherwise provided in this Charter, and taskforces including the Council liaisons whose appointment shall be subject to Council's consent and approval in accordance with this Charter and ordinances.
7. The Mayor shall execute on behalf of the City upon formal action of Council all contracts, conveyances, evidences of indebtedness, and all other instruments to which the City is a party.
8. The Mayor shall have such other powers and responsibilities including such emergency powers as provided by ordinance not in conflict with this Charter or the laws of the State of Ohio.

(11-6-1979)

ARTICLE 5.1. THE CITY ADMINISTRATOR

SECTION 1. Appointment of City Administrator. The Mayor shall recommend, and the Council shall, by a majority vote, appoint and fix the salary of the City Administrator. The City Administrator shall be chosen on the basis of executive and administrative qualifications measured by educational background and training, and successful prior experience in public administration, city management, or other relevant and related fields. Neither the Mayor nor any member of Council shall be eligible for appointment as City Administrator during the term for which they have been elected or for one (1) year after leaving office.

The Mayor and Council shall make periodic reviews and evaluations of the City Administrator's performance, not less than annually.

SECTION 2. Duties of the City Administrator. The City Administrator shall oversee and/or perform all such duties that are central to the overall management, administration, and functioning of the City, and shall exercise control over all departments and divisions except those reserved to Council or other employees by this Charter. The City Administrator shall be responsible to Council through the Mayor for the proper administration of all affairs of the City.

- a. Administrative role. The City Administrator shall direct all aspects of planning, administration, and day-to-day operations, and shall develop plans, set goals and priorities, and take steps necessary to ensure such plans, goals, and priorities are accomplished.
- b. Accountability. The City Administrator shall ensure proper, faithful, and harmonious execution, administration, and performance of all matters concerning the City, and shall report on a current basis all appropriate impending matters to the Mayor and Council.
- c. Ex officio duties. The City Administrator shall serve as an ex officio member of Council and all boards and commissions appointed by the Mayor or Council, and

shall have the right to participate in all such deliberations by voice, but without vote, and shall attend all meetings of Council unless excused.

- d. Representation of the City. The City Administrator may serve on committees and task forces, and represent the City at meetings, other such functions and agencies, commissions, and official bodies; and take such action deemed necessary to effectively promote the City's interests.
- e. Directors and Division Heads. For open director level or division head positions, except those otherwise specified by this Charter, the City Administrator shall recommend candidates to hire and/or nominate for approval by the Mayor. In the event that the City Administrator cannot find a candidate acceptable to the Mayor, the City Administrator may refer any candidate rejected by the Mayor to Council and that candidate will be hired if approved by a majority vote of Council. All directors or division heads hired or appointed by the City Administrator except those whose terms of office are fixed by this Charter or by law, may be removed by the City Administrator subject however, to the Civil Service provisions of this Charter, if any.
- f. Evaluation. The City Administrator shall establish performance objectives and evaluate all City employees on an annual basis including division heads, commissioners, directors, and chiefs either directly or by delegation; implement discipline procedures; and hear and rule upon appeals to disciplinary actions.
- g. Budget. The City Administrator shall direct, oversee, and collaborate with appropriate staff to develop the annual estimate of revenues and expenditures and proposed budget for the City along with all appropriation ordinances in order to provide a complete annual financial plan to the Mayor and Council for adoption.
- h. Quarterly report. The City Administrator shall be accountable to make a comprehensive report and recommendations to the Mayor and Council on at least a quarterly basis concerning the state of fiscal, operational, administrative, and general health and affairs of the city.

SECTION 3. Absence or Disability of the City Administrator. During the absence, disability or vacancy of the City Administrator, the Mayor shall designate a properly qualified person as Acting City Administrator. No Acting City Administrator shall serve more than one hundred twenty (120) days without Council approval.

SECTION 4. Removal from Office. The removal of the City Administrator shall be upon a vote of the Council at any Council Meeting. Such vote shall be effective to initiate the removal process (as described herein) if it meets either of the following criteria: (a) a vote with four members of Council voting in favor of such action if the action is first recommended and presented to Council by the Mayor; or (b) if the action is not recommended and presented to Council by the Mayor, upon the vote of at least five members of Council. Once the removal of the City Administrator has been affirmatively voted upon as set forth above, the removal process shall be as follows.

- a. The City Administrator shall be furnished a written notice of at least thirty-days before a proposed vote on the matter, delivered through the Clerk of Council,

stating Council's intention to consider his removal, which notice shall contain a hearing date fixing the time and date for a hearing where the City Administrator may appear and be heard with or without counsel.

- b. The City Administrator may, in the City Administrator's sole discretion, within seven days after receipt of the notice of Council's intent to remove him, by written notification to the Clerk of Council, accept a hearing before Council to take place on the date and at the location specified in Council's written notice.
- c. The City Administrator may, in Council's sole discretion, be suspended from duty after having received written notice of consideration of intended removal, but his compensation shall continue until removal is effective by resolution of the Council.
- d. The Council shall use its sole discretion in removing the City Administrator, and its action shall be final and shall not depend upon any particular showing or degree of proof presented at the hearing, the sole purpose of which is to allow the City Administrator to present his grounds of opposition to removal prior to such action.

ARTICLE 6. ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 1. General Provisions. A Department of Law, a Department of Finance, a Department of Public Safety, and a Department of Public Service and Properties are hereby established by this Charter, and the Council shall provide by ordinance for the organization thereof. The Council may establish by ordinance new departments or divisions thereof. With the exception of the Law and Finance Departments, the Council may combine or abolish existing departments and divisions as it may deem necessary and may authorize one person to be the head of two or more departments or divisions.

SECTION 2. Department of Law. The Director of Law shall be in charge of the Department of Law, to be appointed by the Council to serve at the pleasure thereof. The Director of Law shall be duly admitted to the practice of law in Ohio. He shall be the city solicitor and shall perform all duties required by ordinance and the duties which are imposed upon city solicitors by the general law of Ohio.

SECTION 3. Department of Finance. The Director of Finance shall be in charge of the Department of Finance, and shall be the fiscal officer and Treasurer of the City. He shall keep all the financial records and accounts of the City and an accurate account of all taxes and assessments, all assets and liabilities, all appropriations made by the Council, and all receipts and disbursements by the City. All payrolls, bills and other claims are subject to his examination and approval. He shall issue warrants and/or checks for expenditures for which appropriations have been duly made and shall sign checks as Council shall require. He shall assist the Mayor, City Administrator and Council in the preparation of estimates, budgets and appropriations, and shall perform all the duties required by this Charter or by ordinance of Council.

The Director of Finance, as the Treasurer of the City, shall be the collector and custodian of all monies of the City. He shall keep and preserve them in such manner and in such places as the Council shall determine. He shall receive and disburse all other public money coming into his hands in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

SECTION 4. Department of Public Safety. The Director of Public Safety shall be in charge of the Department of Public Safety, and shall direct the following divisions thereof:

- a. Division of Police
- b. Division of Fire
- c. Division of Building and Inspections
- d. Division of Engineering

SECTION 5. Department of Public Service and Properties. The Director of Public Service shall be in charge of the Department of Service and Properties. He shall perform such duties as are imposed upon him by ordinance.

ARTICLE 6.1. MAYOR AND MEMBERS OF COUNCIL: RELATIONSHIP TO CITY EMPLOYEES

SECTION 1. Non-interference. Except as provided in Section 4 of this Article, the Mayor and each member of the Council shall deal with City employees through the City Administrator.

SECTION 2. Neither the Mayor nor any member of Council shall dictate or interfere with the appointment, direction, duties or supervision of any employee subordinate to the City Administrator, including the Police and Fire Chiefs.

SECTION 3. Neither the Mayor nor any member of Council shall in any manner give orders or directions, or otherwise prevent or interfere with the exercise of judgment in the performance of an employee's responsibilities which the City Administrator oversees.

SECTION 4. In the event that the Mayor is designated by the City Administrator to serve as a director of any department, the foregoing provisions shall be inapplicable to the extent that they limit the Mayor's performance of the duties of such director.

ARTICLE 7. COMMISSIONS AND BOARDS

SECTION 1. General Provisions. A City Planning Commission, Civil Service Commission, Board of Zoning Appeals, and Charter Review Commission are hereby established by this Charter. The Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public fund, or for any proper municipal purpose. A member of any commission or board established by this Charter or by the Council conformably to this section shall be deemed an officer of this City within the meaning of this Charter. No person shall be appointed to any commission or board of the City who is related by blood or marriage to the Mayor or any member of Council.

(11-6-1979)

SECTION 2. City Planning Commission. The City Planning Commission shall consist of the Mayor, one member of Council to be selected by the Council, and three electors of the City not holding other municipal office. The present members of the City Planning Commission, other than the Mayor and Councilman, shall continue to serve until the expiration of their respective terms, and their successors shall each be recommended by the Mayor subject to the advice, consent, and approval of a majority of the Council for a term of four (4) years. A vacancy occurring during the term of any member of the City Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

The City Planning Commission shall have such powers as may be conferred on it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public buildings or structures or those located on public streets or property; the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the approval of plats for the subdivision of land; the zoning and rezoning of the City for any lawful purpose and such other powers as are now or may hereafter be conferred upon it by ordinance of the Council or the general law of Ohio.

(11-8-1968)

SECTION 3. Civil Service Commission. The Civil Service Commission shall consist of three electors of the City not holding other municipal office to be **recommended** by the Mayor **subject to consent and approval** of a majority of Council to serve for terms of six years, except that the first appointments shall be for six, four and two years, respectively. At the time of any appointment not more than two members of the Commission shall be members of the same political party. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. A member of the Civil Service Commission may be removed by the Mayor **subject to consent and approval** of a majority of Council for neglect of duty, incapacity, incompetency, or malfeasance in office, but only after opportunity has been given for a public hearing before the **Council** to be held at least ten (10) days after written charges have been made and notice thereof been given to the accused member. Such member shall be heard in person or by counsel; and such removal shall be final.

The Civil Service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:
 - (a). All officers elected by the people.
 - (b) All directors, heads and chiefs of departments and divisions and their assistants.
 - (c) The Clerk of Council and Assistant Clerk.
 - (d) The City Engineer and Assistant Engineer.

- (e) The members of all boards and commissions appointed by the Mayor or Council.
 - (f) All employees in the Department of Public Service and Properties.
 - (g) Any temporary or part-time office or any, position requiring qualifications of an expert.
2. The classified service shall comprise all positions not specifically included by this section in the unclassified service.

The Civil Service Commission shall make necessary rules for the appointment, promotion, transfer, lay-off, reinstatement, suspension and removal of persons in the classified service. In the case of hiring and in the case of promotion, the Commission shall make necessary rules with regard to eligibility lists and with regard to certification of the number and the names of candidates from eligibility lists and with regard to the process of selection and appointment of those certified. Before any such rules or amendments thereof shall become effective, they shall be published in writing and an opportunity given for a public hearing thereon to be held after reasonable notice thereof has been given by the Commission.

The Commission shall provide rules for the procedure of the Commission, for standardization and classification of positions, for competitive and noncompetitive tests, for qualifications in meeting reasonable requirements as to age, sex, physical condition and moral character, for investigating and keeping a record of the efficiency of the personnel in the classified service and for requiring reports relative thereto from appointing authority, for such other rules as may be necessary and proper for the enforcement of the merit system and for appeals from the action of appointing authority in the case of transfer, reduction or removal and the action of the Commission on any such appeal shall be final.

When a position in the competitive classified service is to be filled by appointment as a new hire, the appointing authority upon making that determination shall notify the Civil Service Commission of that fact and the Commission shall certify to such authority the names and addresses of the ten (10) candidates standing highest on the eligibility list for the class or grade to which such position belongs. The appointing authority shall appoint any one of the ten (10) persons certified to him, to such position. A candidate who has been considered for appointment at least three times may be decertified by the Commission without further cause and shall thereafter be removed and be ineligible from further consideration by the appointing authority until recertification of eligibility on a subsequent list.

When a position in the competitive classified service is to be filled by promotion, the appointing authority upon making that determination shall notify the Civil Service Commission of that fact and the Commission shall certify to such authority the names and addresses of the three (3) candidates standing highest on the eligibility list for the class or grade to which such position belongs. The appointing authority shall appoint any one of the three (3) persons certified to him, to such position. A candidate who has been considered for promotion at least three times may be decertified by the Commission without further cause and shall thereafter be removed and be ineligible from further

consideration by the appointing authority until recertification of eligibility on a subsequent list.

The Commission shall report its proceedings to the Mayor, City Administrator, or Council upon request, and shall make a report to the Mayor and City Administrator at the beginning of each fiscal year.

All persons who have been continuously employed in the service of the municipality in the same or similar position, herein included in the classified service for at least thirty days preceding the adoption of this Charter shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions of this Charter.

(11-8-1966; 9-9-1988)

SECTION 4. Board of Zoning Appeals. The Board of Zoning Appeals shall have such powers and membership as Council shall provide.

SECTION 5. Charter Review Commission. A Charter Review Commission shall be convened the first Monday in November within seven years after this section becomes effective, and at intervals of no less than seven (7) years or more than fifteen (15) years thereafter.

(11-6-1979)

ARTICLE 8. MISCELLANEOUS PROVISIONS

SECTION 1. Contracts and Fiscal Matters. The general laws of Ohio relating to budgets, appropriations, deposits, expenditures, debts, bonds, contracts, and other fiscal matters of municipalities shall be applicable to this City except as modified by or necessarily inconsistent with the provisions of this Charter.

SECTION 2. Franchises. The Council may by ordinance 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 this City. It may prescribe in the ordinance 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. Such grant may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. Such grant, amendment or renewal shall be for such period of time not exceeding twenty-five years as the Council may determine, and shall not be exclusive.

No consent of the owner of property abutting on any public street or ground shall be necessary to the effectiveness of any such grant, amendment, or renewal, unless the construction or operation of the public utility authorized thereby is of such character as to constitute an additional burden upon such public street or ground. All such grants, amendments or renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for 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 streets or public grounds as shall, in the opinion of the Council, be necessary in the public interest.

No ordinance making, amending, or renewing such grant shall be passed by the Council until it shall have been read at two regular meetings of the Council.

SECTION 3. Salaries and Bonds. The Council shall fix the salary or compensation of all officers and employees of the City, and may require any officer or employee to give bond for the faithful performance of his duties in such amount as it may determine and with such surety as it may approve, and may from time to time require additional bond or surety of any officer or employee, and may provide that the premium for any such bond be paid by the City.

(11-8-1957)

Prior to the first day of November in 1959 and in each second year thereafter, the Council shall fix the compensation of the officers to be elected for the terms beginning on the next succeeding first day of January and the compensation of such officers shall not thereafter be changed for such term or any part thereof; except that for each absence of the Councilman from a regular meeting of the Council, unless authorized by the affirmative vote of at least four other members thereof, there shall be deducted a sum equal to two per cent (2%) of the annual salary of such Councilman. Persons filling vacancies for the unexpired terms of elective officers shall receive the compensation theretofore fixed for such elective officers. The compensation of other officers and employees may be fixed and changed at any time in the discretion of the Council. All fees pertaining to any office shall be paid into the city treasury. The Council may authorize any officer or employee of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City.

SECTION 4. Pension and Relief Funds. The Council shall provide by ordinance for the establishment and maintenance of a police relief fund and of other pension, relief and retirement funds provided for by the general laws of the State of Ohio.

SECTION 5. Amendments. The Council may, by vote of at least five of its members, submit to the electors of the City of University Heights amendments to this Charter, and, upon petition signed by ten percent (10%) of the registered electors of this City setting forth any proposed amendment, such proposed amendment shall be so submitted by the Council. The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of Ohio, and, to such extent as said Constitution shall fail to provide therefor, the Council shall determine the manner for such submission. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, nor less than a majority, shall become a part of this Charter.

SECTION 6. When Charter Takes Effect. For the purpose of nominating and electing officers of this City and fixing the compensation of those elected in 1941, this Charter shall be in effect from and after the time of its approval by the electors of this City; and for all other purposes it shall be in effect on and after the first day of January, 1942.

SECTION 7. Saving Clause. The determination that any part of this Charter is invalid shall not invalidate nor impair the force or effect of any other part hereof, except to the extent that such other part is dependent for its operation upon the part declared invalid.

SECTION 8. Effect of Charter Upon Existing Laws and Rights. The taking effect of this Charter shall not affect any pre-existing rights of this municipality, nor any right or liability or pending suit of prosecution either on behalf of or against the municipality, nor any contract entered into by the municipality nor for its benefit, nor any franchise granted by the municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor.

SECTION 9. Limitation on Rate of Taxation. The power of the Council without a vote of the people to levy taxes on property assessed and levied according to value, for the purpose of paying the current operating expenses, including the purpose of paying the police and firemen pensions, the establishment and continuation of a paramedic service, the protection of the health, safety and general welfare of the City, any or all of which is required to be, or may lawfully be included in the general levy for the general fund of the City, shall not exceed eight and one-half (8.5) mills per dollar of assessed valuation, outside the limitation imposed by the Constitution and statutes of the State of Ohio.

(11-7-1989)

SECTION 10. Effective Date of Section 9. This amendment enacting Section 9 shall become a part of the Charter of the City of University Heights, Ohio, effective as of the date of certification of the abstract of said election and adoption to the Secretary of State by the Board of Elections, according to law, for the purpose of fixing the tax rates including a levy upon the duplicate for the current year of 1966 and thereafter.

(5-3-1966)

SECTION 11. Construction. Masculine pronouns used in this Charter shall be construed to include the feminine pronoun, and the singular number shall be construed to include the plural number whenever the context shall require.

Except as a contrary intent appears herein, all acts of the Council of this municipality shall continue in effect until lawfully amended or repealed.

(11-6-1979)