

**CHARTER
FOR THE MUNICIPALITY OF
MARYSVILLE, OHIO¹**

PREAMBLE

We the people of the Municipality of Marysville, Ohio, in order to preserve and improve our form of municipal government, do adopt this Charter subject to review and amendment as provided herein.

(Amended November 5, 2013, Effective January 1, 2016)

ARTICLE I. REPEAL OF EXISTING CHARTER

Sec. 1.01. All sections repealed.

All provisions of the Charter for the Municipality of Marysville, Ohio, originally approved by the voters May 3, 1960, and effective December 1, 1960, together with any subsequent amendments thereto are repealed.

ARTICLE II. INCORPORATION, FORM OF GOVERNMENT AND POWERS

Sec. 2.01. Name and boundaries.

The Municipal Corporation now existing as the City of Marysville, Ohio, shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory in any manner authorized by any general or special law of Ohio.

Sec. 2.02. Form of government.

The form of government provided by this charter shall be known as the "council-manager form of government."

(Amended November 5, 2013, Effective January 1, 2016)

Sec. 2.03. Powers of the City.

The City shall have all powers of local self-government and home rule possible for a city under the Constitution of the State of Ohio. All such powers shall be exercised and enforced in the manner prescribed by this Charter, or by

¹Editor's note(s)—The Marysville Charter was initially approved by the voters on November 3, 1981. It was amended November 5, 2013, and effective January 1, 2016.

ordinance and resolution consistent with this Charter, or when not prescribed by either, then in the manner provided by the General Laws of Ohio.

Sec. 2.04. Salary of elected officials.

Salaries shall be the same for all Council members. Salaries for all Council members shall be set by ordinance at least five (5) days prior to the last day of filing for candidacy for the ward Council members and/or at least five (5) days prior to the last day of filing for candidacy for the at-large Council members. Otherwise, salaries for Council members may not be changed at any other time during their terms.

Salaries for all other elected official(s) shall be set by ordinance for an ensuing term at least five (5) days prior to the last day of filing for candidacy and shall not be changed at any time during their term(s).

(Amended November 8, 2017)

ARTICLE III. THE COUNCIL

Sec. 3.01. Number, selection, and term.

The Council shall consist of seven (7) members. Three shall be elected from the City at large and four shall be elected, one from each of four wards established in Sec. 3. The term of members of Council shall be for four years beginning January 1, next following their election, and they shall hold office until their successors are elected and qualified.

Sec. 3.02. Qualifications.

Any qualified elector, residing in the municipality, who is not the occupant of an incompatible office shall be eligible to serve as a member of the Council; provided that those representing wards shall be residents of wards they represent. Vacancies in Council shall be filled by appointment of a qualified person. The appointment shall be made by a majority vote of Council members. If Council fails to fill the vacancy within thirty (30) days, the President of Council shall make the appointment within fifteen (15) days of Council's failure to do so. The appointee shall fill the vacancy until the next regular municipal election. If this election falls in the middle of the term for said Council position, said position will be filled for the unexpired term.

(Amended November 6, 1984)

Sec. 3.03. Wards.

After each recurring Federal census and after the report of the Secretary of State of the population of the City, Council shall by ordinance divide the City into four wards of substantially equal population and as substantially compact and contiguous territory. Precincts are then determined by the Board of Elections based on the Ohio Revised Code.

(Amended November 5, 2013, Effective January 1, 2016).

Sec. 3.04. Meetings, officers, and organization of council.

Council may adopt its own rules, regulations, by-laws, order of business, and meeting dates, and it shall keep a record of all its proceedings which shall be open for public inspection. It may elect or appoint a clerk and such

other officers or employees as is provided by law. It may establish regular and special meeting dates it determines appropriate, but it shall have a least two regularly scheduled meetings each month. Except where contrary to this Charter, provisions of Ohio law for non-Charter cities shall govern the meetings, organizations and officers of council.

(Amended November 5, 2013, Effective January 1, 2016)

Sec. 3.05. City employees.

Neither Council nor any of its members or committees shall direct or request the appointment of any person to, or the removal or transfer of any person from office or employment by the City Manager or subordinate thereof, or in any manner take part or interfere in the appointment, discipline, transfer or removal of officers or employees in any part of the administrative service of the city for which the city manager is responsible. No member of Council shall intercede for or participate as counsel or attorney for any officer or employee subordinate to the City Manager, in any hearing or investigation having to do with the discipline or removal of such officer or employee, except in hearings before Council. Except for purposes of inquiry, Council and its members shall deal with any portion of the service of the City for which the City Manager is responsible solely through the City Manager. Neither Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately, either directly or indirectly.

(Amended November 5, 2013, Effective January 1, 2016)

ARTICLE IV. LEGISLATION

Sec. 4.01. Ordinances, resolutions, manner of adoption, and effective date.

The Legislative authority of the City shall be exercised by the Council. The manner of adoption of ordinances and emergency measures, as well as the time of taking effect, of all such ordinances shall be governed by the Law relating to non-Charter cities. Resolution is defined as the formal, written enactment of a municipal legislative authority of a less permanent nature, not prescribing any permanent rules of conduct and usually required or applied to the preliminary declaration of a legislative intent to be effectuated by the subsequent passage of an ordinance, or for the disposition of a specific matter not required by statute or charter provision to be done by ordinance.

Resolutions which do not involve the expenditure of money may be adopted by a majority vote of the members of Council following a single reading by title only, and such resolutions shall become effective immediately upon their adoption. Resolutions which involve the expenditure of money shall require three readings on three separate days, unless a reading has been dispensed with by a three-fourths vote of all members elected to Council.

(Amended November 3, 2009; Amended November 5, 2013, Effective January 1, 2016)

Sec. 4.02. Initiative, referendum, and recall.

The electors reserve to themselves the powers of initiative and referendum to the extent permitted and by the procedure provided by the Law and Constitution of Ohio. Any elective officer may be removed from office by recall before expiration of this term. The procedure to be followed shall be as provided by Section 705.92 of the Revised Code of Ohio, as it may be amended from time to time, or if said Section is repealed, as provided by any successor Section or Sections subsequently enacted into the Statutes of the State of Ohio providing for the recall of municipal officers.

ARTICLE V. THE MAYOR

Sec. 5.01. Mayor.

At the first regular meeting of Council in January of each year, Council shall elect one of its members as the Mayor for a term of one year. The Mayor shall: (1) Serve as President of Council and preside at all meetings of Council; (2) Perform ceremonial duties and functions as necessary; (3) Exercise military powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio or the laws of the United States; and 4) Perform or exercise such other powers, duties and functions as provided by the Charter and Council to the extent such authorization or direction of Council is consistent with the Charter.

(Amended November 5, 2013, Effective January 1, 2016)

Sec. 5.02. Vice Mayor.

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

(Amended November 5, 2013, Effective January 1, 2016)

Sec. 5.03. Acting Mayor.

In the event of the temporary absence of both the Mayor and Vice Mayor, the senior Council member, based on length of continuous elected service with the City, shall serve as the acting Mayor. If two or more Council members have held the same length of continuous elected service with the City, then an acting Mayor shall be chosen from among said two or more Council members by a vote of Council.

(Amended November 5, 2013, Effective January 1, 2016)

Sec. 5.04. Compensation.

Compensation for service as Mayor shall be established by Council.

(Amended November 5, 2013, Effective January 1, 2016)

ARTICLE VI. DEPARTMENT OF ADMINISTRATION

Sec. 6.01. City Manager.

All administrative functions not otherwise provided for the Law Director and Finance Director in this Charter, shall be combined in a Department of Administration under a City Manager. The City Manager shall be appointed by a

majority vote of the members of Council. The City Manager should have executive and administrative experience, be an exclusive employee of the City, and be responsible for the supervision and direction of all appointed City Officers and City employees, and for coordination of the elected offices. Compensation of the City Manager shall be established by Council.

The City Manager shall be the Chief Executive Officer of the City and shall exercise supervision and control of all executive departments and divisions of the City. The City Manager shall be the Chief conservator of the peace within the City and shall see that all laws, ordinances and resolutions are faithfully obeyed and enforced. Except for elected officers, the City Manager shall have the powers to appoint, promote, transfer, reduce, or remove any administrative officer or employee of the City subject to the Civil Service Ordinance as from time to time amended.

The City Manager shall advise Council as to the financial condition and needs of the City, including necessary appropriation measures. The City Manager shall see that the terms and conditions of any franchise or contract to which the City is a party are faithfully kept and performed. Unless otherwise provided by this Charter, the City Manager shall execute all contracts to which the City is a party. Together with the Director of Finance, the City Manager shall execute on behalf of the City all conveyances and evidences of indebtedness. The City Manager shall report to Council regarding the state of the City in the first quarter of each calendar year and at such other times as the Council may direct.

The City Manager shall serve on the Board of Control and the Treasury Investment Board.

(Amended November 8, 2017; Ord. 27-17 . Passed 6-12-2017)

Sec. 6.02. Right in Council of the City Manager.

The City Manager may attend all meetings of the Council and shall be notified of all meetings by the Clerk of Council according to the Rules of Council. The City Manager and officers thereof shall attend meetings of Council when requested to do so by Council. The City Manager may introduce ordinances and resolutions in the Council and take part in the discussions on all matters coming before it, but shall not have any vote therein. The City Manager shall make such recommendations to the Council for the welfare of the City as deemed suitable.

(Amended November 5, 2013, Effective January 1, 2016)

Sec. 6.03. Procedure for removal.

The City Manager may be suspended and/or removed by resolution of Council which shall set forth the reasons for proposed suspension and/or removal. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have five days in which to reply in writing, and upon written request served upon the Clerk of Council, shall be afforded a public hearing, which shall occur no earlier than ten days nor later than fifteen days after the hearing is requested. After the public hearing, if requested, and after full consideration Council may adopt a final resolution of suspension and/or removal. A decision by Council to suspend or remove the City Manager shall be in the sole discretion of Council and shall not be subject to review by any court. If the City Manager is suspended or removed from duty as provided under this section, Council shall appoint an acting City Manager.

(Amended November 5, 2013, Effective January 1, 2016)

Sec. 6.04. Acting City Manager.

By letter filed annually with the Clerk of Council by January 31, the City Manager shall designate a City employee to exercise the powers and perform the duties of the City Manager during the absence or disability of the City

Manager. Council may revoke such designation at any time and appoint another employee of the City to serve as acting City Manager.

(Amended November 5, 2013, Effective January 1, 2016)

ARTICLE VII. DEPARTMENT OF FINANCE

Sec. 7.01. Director of Finance.

The statutory offices of City Auditor and City Treasurer are abolished with their functions to be served by a Department of Finance under a Director of Finance. The Director of Finance shall be appointed by the City Manager subject to Council confirmation by majority vote of four elected Council members. The Director of Finance will have at minimum a bachelor's degree in Accounting, Economics or Finance from a nationally accredited university. The Director of Finance shall meet the job requirements as defined in city ordinance. The Director of Finance shall not have an interest in any contract with or expenditure by the City or hold any other public elective office or other position within a municipal government unless permitted or required under this Charter. Salary shall be established by Council.

(Amended November 8, 2005; Amended November 3, 2009; Amended November 5, 2013, Effective January 1, 2016; Ord. 28-17 . Passed 6-12-2017.)

Sec. 7.02. Director of Finance, powers and duties.

The Director of Finance shall: (a) serve on the Board of Control; (b) serve on the Treasury Investment Board; (c) serve the City Manager and Council as financial advisor in connection with municipal affairs and shall keep the financial records of the municipality; (d) be responsible for the collection of all taxes and assessments and shall disburse the same as may be required by ordinance or resolution and by-law; (e) maintain a general accounting system for the municipality and for each of its officers, departments and agencies; (f) keep books for and exercise financial budgetary control over each office, department and agency; (g) keep separate accounts for the items of appropriation contained in the municipal budget, each of which accounts shall show the amount of appropriation, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; (h) require reports of receipts and disbursements from each receiving and spending agency of the municipality to be made at such intervals as the Director of Finance may deem expedient; (i) compile a schedule of anticipated income for the next succeeding year and submit the same to the City Manager and Council by May 15 of each year; (j) assist the City Manager in the preparation of the budget, and (k) perform other powers and duties prescribed by the general laws for City auditors and treasurers and such other duties that may be prescribed by ordinance.

The Director of Finance may: (a) appoint assistants with the approval of Council to assist in carrying out the above duties; (b) institute systems of central purchasing for all departments, offices, and agencies of the City; (c) perform audits on the financial records of any departments, office or agency of the City or hire with approval of Council outside auditors.

(Amended November 8, 2005; Amended November 5, 2013, Effective January 1, 2016)

ARTICLE VIII. DEPARTMENT OF LAW

Sec. 8.01. Law Director.

The Law Department is hereby created under the direction of a Law Director who shall be elected for a four (4) year term to begin on the 1st day of January next following election to office. The Law Director shall be an elector of the City and shall be an attorney at law admitted to the practice of law in Ohio. The Law Director shall be 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 4 Municipal affairs, and subject to the direction of Council, shall represent the City in proceedings in Court or before any administrative board or body. The Law Director shall perform such other duties consistent with said office as may be required by ordinance or resolution of Council or by the Laws of Ohio. The Law Director shall be the Prosecuting Attorney on behalf of the City and shall prosecute cases brought before Courts of competent jurisdiction. The Law Director may hire such assistants as may be approved by Council by resolution and salary of the Law Director and the salary of any assistants of the Law Director shall be established by ordinance.

(Amended November 8, 2005)

Sec. 8.02. Vacancy of office.

In the event of the death, resignation or recall from office of the Law Director, or ceasing of the Law Director to qualify for such office, Council shall fill the vacancy by appointment of a qualified person. The appointment shall be made by a majority vote of Council members. If Council fails to fill the vacancy within 30 days, the President of Council shall make the appointment within 15 days of Council's failure to do so. The appointee shall fill the vacancy until the next regular municipal election. If this election falls in the middle of the term of said Law Director's position, said position shall be filled for the unexpired term.

(Amended November 8, 1983; Amended November 8, 2005)

ARTICLE IX. DEPARTMENTS, DIVISIONS AND COMMISSIONS

Sec. 9.01. Departments and divisions.

Except for the Permanent Departments of Administration, Finance and Law and except for the Permanent Divisions of Police and Fire, Council may, by ordinance, create such Departments and Divisions as are necessary for the efficient administration of the City. The City Manager shall be responsible for the policies and "day-to-day" operation of all such Departments and Divisions. The number of permanent employees, duties of the Departments and Divisions, salaries, etc. may also be established in the ordinance. Departments and Divisions may be expanded, combined or eliminated by an amendment to the ordinance.

Except as otherwise provided in the Charter, qualifications of Department and Division Heads may be set by ordinance and may be amended by Council at any time. Such amendments will not pertain to office holders at the time of the amendment but will be the criteria for future candidates. Qualifications may be stated in the form of a job description. Department and Division Heads will be appointed by the City Manager and ratified by a majority of Council. Department and Division Heads work for the City Manager and may be removed by him/her with reasons for such dismissal submitted to Council. Department and Division Heads shall exercise direct supervision of all

employees of the Departments and Divisions. The City will maintain a directory of City Departments and Divisions listing all employees, duties, salaries, addresses, etc. and will periodically distribute the directory to members of Council.

(Amended November 2, 1993; Amended November 8, 2005; Amended November 7, 2006; Amended November 5, 2013, Effective January 1, 2016)

Sec. 9.02. Permanent divisions.

For the efficient administration of the City, it is necessary for two Divisions to be considered permanent and may be eliminated only by a change in the Charter. They are:

- A. Division of Police;
- B. Division of Fire.

These Divisions shall be governed by Ordinance, in concert with the Civil Service regulations of the City and the Ohio Revised Code, which may determine such things as number of employees, duties, salaries, etc. In case of civil disturbance, natural disaster or special circumstances, the City Manager may appoint additional personnel for temporary service.

(Amended November 2, 1993; Amended November 5, 2013, Effective January 1, 2016)

Sec. 9.03. Commissions.

Several Commissions may be established to assist both the Administration and Council in the efficient operation of the City. Commissions will be created by ordinance, in compliance with the Ohio Revised Code. Commissions are generally advisory bodies whose exact function, powers, meeting times, number of members, etc. will be stated in the Ordinance and/or in the Ohio Revised Code. Commission members will be appointed for three year overlapping terms unless specifically stated otherwise in this Charter, the Codified Ordinance or the Ohio Revised Code.

(Amended November 2, 1993)

Sec. 9.03.01. Planning Commission.

The City Planning Commission shall consist of seven (7) citizen members appointed by a majority vote of all Council members. Members shall be limited to two (2) consecutive four (4) year terms. The Chairperson and Vice-Chairperson shall be elected by the members. The power and duties of the City Planning Commission shall be set by ordinance.

(Amended November 2, 1993; Amended November 6, 2001; Amended November 5, 2013, Effective January 1, 2016)

Sec. 9.03.02. Civil Service Commission.

The Civil Service Commission shall consist of three (3) members appointed by a majority vote of all Council members. The Commission will provide for the administration of the Civil Service ordinances, laws and regulations, and the conduct of testing and disposition of appeals pursuant to procedures established by ordinance.

(Amended November 2, 1993; Amended November 5, 2013, Effective January 1, 2016)

Sec. 9.03.03. Board of Zoning Appeals.

The Board of Zoning Appeals shall consist of seven (7) members appointed by the President of Council with a majority of Council approving. The Board of Zoning Appeals shall adopt rules necessary for the conduct of its affairs pursuant to the Codified Ordinances and the Ohio Revised Code.

(Amended November 2, 1993; Amended November 8, 2005)

Sec. 9.03.04. Existing commissions.

Commissions in existence at the time of this amendment (Nov. 1993) will continue to function according to the Codified Ordinance creating said Commission. When a Commission member's term expires and new appointments are made, they will conform to the term requirement as stated in Sec. 9.04. (Sec. 9.04 repealed November 2, 1993).

(Amended November 2, 1993)

ARTICLE X. TAXATION, DEBT, APPROPRIATIONS, AND FINANCE

Sec. 10.01. Limitations and procedures on levying of taxes.

The amount of taxes which the Council may levy upon all real and personal property within the municipality without a vote of the electorate shall be limited to a maximum of five mills, exclusive of the amount to which the municipality shall be entitled under the constitutional and statutory 10 mill limitation and exclusive of the amount necessary to be levied for the retirement of bonds heretofore or hereafter approved by a vote of the electorate. The procedure for levying of all taxes upon real and personal property shall be in conformity to the general laws.

Sec. 10.02. Limitations and procedures on incurring indebtedness.

The municipality shall not incur indebtedness in excess of the limitations imposed by the Constitution and laws of the State of Ohio. The procedure to be followed in authorizing and issuing bonds and notes shall be in accordance with the applicable provisions of the Constitution and laws of the State of Ohio in effect at the time such bonds or notes are authorized and issued.

Sec. 10.03. Preparation and submission of annual tax budget.

In accordance with the provisions of the general laws, and on or before the 15th day of July of each calendar year, unless another date be prescribed by general law, the Director of Finance under the direction of the Board of Control shall prepare and submit to Council and the Council shall adopt and submit to the County Budget Commission a tax budget for the next succeeding fiscal year.

Sec. 10.04. Publicity and hearing on appropriation budget and ordinance.

Upon receipt of the City Manager's annual appropriation budget and message, the Council shall fix a date and place for a public hearing thereon. A notice of this hearing shall be published once in a newspaper of general circulation at least seven days before the hearing date setting forth a summary of the proposed appropriation budget and ordinance and indicating the same are on file in the office of the City Clerk for public inspection during usual office hours. A sufficient number of copies of such annual appropriation budget and ordinance shall be

provided to enable interested citizens to inform themselves as to the contents before such public hearing. At the public hearing, the Council shall afford reasonable opportunity for interested citizens to present their views. The Council may continue such hearing from day to day as may be necessary.

(Amended November 2, 1993; November 5, 2013, Effective January 1, 2016)

Sec. 10.05. Reserved.

(Amended November 2, 1993)

Sec. 10.06. Temporary appropriation ordinance.

Until such time as Council adopts an appropriation ordinance for the current fiscal year, amounts appropriated for operations for the preceding year shall be deemed adopted on a month-to-month basis, with all items in it prorated accordingly. However, Council may adopt a different temporary appropriation ordinance as permitted by the general laws of Ohio.

(Amended November 8, 1983)

Sec. 10.07. Annual appropriation ordinance.

- (a) General. The City Manager shall prepare and submit to Council, no later than November 15 of each year, a proposed annual appropriation budget and ordinance according to the Laws of the State of Ohio, except as otherwise provided by this Charter.
- (b) Operating Budget. Concurrently with (a) above, the City Manager shall present an operating budget and ordinance to Council that shall provide a complete financial plan of City funds and activities for the next fiscal year. The operating budget shall consist of specific individual line items that identify basic income and expenditures within each fund category. Significant changes in projected income and expenditures shall be by detailed written comment. Included in the operating budget shall be a history of income and expenditures for the preceding two years and a projection for the year following the next fiscal year. Council may request additional information. The operating budget shall be presented in a form acceptable to Council.
- (c) Capital Improvement Program. Concurrently with (a) above, the City Manager shall present to Council, a capital improvement budget and ordinance for the next fiscal year. The proposed budget shall be accompanied by written comment justifying in detail all requested capital improvements. In addition and for review only, the City Manager shall present to Council a separate four-year proposed capital improvement program to follow the next fiscal year.
- (d) Council Action. After the required, separately advertised Public Hearing Special Meeting, Council shall place on the regular meeting agenda all three ordinances stated in (a), (b), (c) above, and adopt them no later than April 1 of the next fiscal year. If needed, each separate budget and ordinance shall be subsequently and formally amended. Upon formal adoption, all ordinances appropriating funds for the city's use shall be effective immediately.

(Amended November 2, 1993; Amended November 6, 2001; Amended November 5, 2013, Effective January 1, 2016)

Sec. 10.08. Certain contracts and expenditures prohibited.

No officer, department or agency shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money on behalf of the municipality for any purpose, in excess of the amounts appropriated for such purpose during that fiscal year. However, nothing in this section shall be construed as preventing the making of contracts not to be fully performed within the fiscal year when specifically authorized by Council.

Sec. 10.09. Board of Control.

The Board of Control shall consist of the Mayor or a member of City Council appointed by the Mayor, Director of Finance and the City Manager and shall have the powers and duties prescribed by this Charter.

(Amended November 8, 2017)

Sec. 10.10. Treasury Investment Board.

The Treasury Investment Board shall be comprised of the City Manager, Director of Finance, and Director of Law. Said Board shall direct investment of the City's surplus funds according to Chapter 135 of the Uniform Depository Act of the Ohio Revised Code.

(Amended November 4, 1997; Amended November 5, 2013, Effective January 1, 2016)

Sec. 10.11. Contracts and purchasing.

The City Manager may, within the amounts and items appropriated by Council, make purchases and enter into contracts on behalf of the City involving expenditures not in excess of the maximum amount permissible without competitive bidding as provided by Revised Code Section 735.05, as amended.

The Board of Control shall have jurisdiction of the award of all contracts in excess of the amounts under the jurisdiction of the City Manager. All purchases, advertising, and bidding procedures shall be directed and administered by the Board of Control in accordance with City of Marysville ordinance.

(Amended November 3, 2009; Amended November 5, 2013, Effective January 1, 2016)

ARTICLE XI. NOMINATIONS AND ELECTIONS

Sec. 11.01. Municipal elections.

Except for the first municipal election after adoption of this Charter, the regular municipal election for members of Council and City officers shall be on the first Tuesday after the first Monday in November of each odd numbered year. No primary election shall be held for the nomination of candidates for Council or City officers. Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the Resolution.

Both regular and special municipal elections shall be conducted by the Board of Elections of Union County under the provisions of this Charter, and to the extent not inconsistent with this Charter, elections shall be conducted pursuant to the general law for municipal elections.

Nominations for the office of Council member shall be made by non-partisan petition. A petition signed by not less than twenty-five electors of the ward shall be required to nominate for the position of councilman from each

ward. A petition signed by not less than forty electors from the municipality shall be required to nominate for the position of councilman at large and Law Director. Such petitions shall be 7 in standard form for nomination of a non-partisan candidate as prescribed by the Secretary of State of Ohio and filed at the time and in manner prescribed by the general law.

(Amended November 5, 2013, Effective January 1, 2016)

Sec. 11.02. Determination of successful candidates.

The candidate receiving the highest number of votes for each office, even though less than a majority of the votes cast for that office, shall be declared elected. Candidates for at large council positions shall run against all other candidates seeking at large positions and electors may cast a number of ballots not in excess of the available at large positions in such election. Those candidates receiving the highest number of votes respectively to the number of vacancies to be filled at any such election shall be declared elected. In the event any of the vacancies are for an unexpired term or for less than a regular four-year term, the successful candidate receiving the least number of votes shall be declared elected to the shortest term, and the next highest number of votes to the next longest term until all vacancies are filled.

Sec. 11.03. First election after adoption of Charter amendment.

In order to assure prompt compliance with the intent of this charter amendment there shall be a special election on March 23, 1982, for the purpose of electing all members of Council, Mayor, and Law Director. Nominating petitions for all of such offices shall be filed with the Union County Board of Elections on or before January 18, 1982. The original term of the Mayor and Council persons representing wards shall be from April 1, 1982, until December 31, 1983, and the term of the Law Director and Council persons-at-large shall be from April 1, 1982, until December 31, 1985. Thereafter elections shall be for regular four-year terms on the November preceding the term of office as otherwise provided in this Charter.

ARTICLE XII. GENERAL PROVISIONS

Sec. 12.01. Oath of office.

Every officer and employee of the municipality, before entering upon said duties, shall take and subscribe to the following oath or affirmation to be filed and kept in the office of the City Clerk:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that in all respects I will uphold and enforce the provisions of the Charter and ordinances of the municipality of Marysville, and will faithfully discharge the duties of the office upon which I am about to enter."

(Amended November 8, 2005)

Sec. 12.02. Official bonds.

All officers and employees of the municipality whose duties require them to handle or be concerned with the management of its money or other property, shall furnish to the Director of Finance, a corporate surety bond issued by a company authorized to do business in Ohio, to protect the municipality against loss due to their acts. The bond of the Director of Finance shall be deposited with the Clerk of Council. In each case, the amount of such bond shall be determined by Ordinance. The premiums on such bonds shall be paid by the municipality.

Sec. 12.03. Fees.

All fees pertaining to any office or received by any officer or employee in connection with the affairs of the municipality or with said duties as such officer or employee of the municipality shall be paid into the treasury and shall belong to the municipality.

(Amended November 8, 2005)

Sec. 12.04. Personal interest.

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

Sec. 12.05. Amendments to Charter.

Any section of this Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of proposed amendments to the electors of the municipality. Such amendments may be initiated either by vote of five members of Council or by petition to Council of a number of electors equal to ten percent of the total electors voting at the last municipal election. However, City Council may by ordinance amend the Charter so that it conforms with changes to State and Federal law.

(Amended November 5, 2013)

Sec. 12.05.01. Charter review.

This Charter shall be reviewed in 1985 and every four (4) years thereafter. The Charter Review Board shall consist of nine members of the electorate with representation for each ward, not to include elected officials, officers or employees of the municipality. Members shall be appointed by Council at the first Council meeting in January of the year of review. The Charter Review Board shall submit their recommendations to Council on or before the second meeting in July of the year of review, and Council shall certify the Board's recommendation to the Board of Elections to be submitted to the electors at the next regular municipal election.

(Amended November 6, 1984; Ord. 29-17 . Passed 6-12-2017.)

Sec. 12.06. Severability clause.

If any section or part of section of the Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, which would have been adopted without the invalid portion if such invalidity could have been known at the time of its original adoption.

Sec. 12.07. Transitional provisions.

All ordinances of the municipality in effect at the time of adoption and going into effect of this Charter shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.

All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in conformity with this Charter for the performance of such duties by a successor or the office is abolished.

Every employee of the municipality when this Charter takes effect shall be retained in said employment but thereafter shall be subject in all respects to the provisions of this Charter.

All public records and property in the custody of officers and employees of the municipality shall be transferred and delivered promptly to their successors when these have been designated pursuant to provisions of this Charter.

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

This Charter shall be executed in duplicate with one copy deposited with the City Clerk and one copy with the Director of Finance until after the election to be held on November 3, 1981. If said Charter is adopted by the electors at such election, one copy shall be kept by the Mayor, and one copy shall be filed with the County Recorder.

The offices of purchasing agent, planning director and any other offices inconsistent with this Charter amendment are abolished.

(Amended November 8, 2005; Amended November 5, 2013, Effective January 1, 2016)

Sec. 12.08. Effective date of Charter Amendment.

This Charter shall be voted upon at the general election on November 3, 1981. If approved by the voters, this Charter Amendment shall be effective for the purpose of electing new officers and council persons on March 23, 1982, and for all other purposes on April 1, 1982. All officers and council members elected to office on March 23, 1982, shall assume office on April 1, 1982. Until April 1, 1982, all present offices and personnel shall continue to function under the existing Charter, except that no action or proceeding shall be initiated which is inconsistent with the terms of this Charter Amendment, or which will interfere with the transition on the effective date hereof. (Revised 11/2009)

Sec. 12.09. Effective date of amendment, preservation of Charter.

While preserving remaining provisions of the Charter except as otherwise amended, a Council-Manager plan is adopted effective January 1, 2016 if approved by voters at the general election in November 2013. All appointments and confirmations in effect on December 31, 2015 shall be preserved as if made under the Council-Manager plan and shall be subject to review and termination thereafter as otherwise provided in the Charter.

(Amended November 5, 2013, Effective January 1, 2016)