Council Clerk's Office
City of Hilliard
3800 Municipal Way
Hilliard, Ohio 43026

A CHARTER

FOR THE

CITY OF HILLIARD,

OHIO

Effective March 15, 2016

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CHARTER

OF THE

CITY OF

HILLIARD, OHIO

PREAMBLE

We, the people of Hilliard, desirous of securing for our City, and for ourselves and our children, the advantages of self-government conferred by the home rule provisions of the Ohio Constitution, do hereby ordain and establish the following Charter:

ARTICLE I
Incorporation; Powers; Form of Government

1.01 INCORPORATION.

The inhabitants of the City of Hilliard, in Franklin County, Ohio, within the corporate limits as now established or as hereafter established in the manner provided by law, shall be and continue to be a municipal corporation in perpetuity, under the name of "The City of Hilliard."

1.02 POWERS.

The City shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, under the Constitution of the United States and the Constitution of the State of Ohio. The City shall have all powers which now or hereafter may be granted to municipalities by the laws of the State of Ohio. The enumeration of specific powers in this Charter shall not be deemed exclusive, as it is intended that in addition to the powers enumerated herein implied thereby, are appropriate to the exercise of such powers, the City shall have and may exercise all powers which it would be competent for this Charter specifically to enumerate.

1.03 MANNER OF EXERCISE OF POWERS.

All powers of the City shall be vested in the officers provided for in this Charter. Such powers shall be exercised in the manner prescribed by this Charter, or if the manner be not so prescribed, then in the manner prescribed by ordinance. If no procedure is established either by the Charter or by ordinance, then that provided by general state law shall be followed until the Council shall provide a different procedure by ordinance.

1.04 FORM OF GOVERNMENT.

The form of government provided by this Charter shall be known as "The Mayor-Council Plan."

ARTICLE II
The Council

2.01 NUMBER; SELECTION; TERM.

Except as reserved to the people by this Charter, the legislative powers of the City shall be vested in a Council of seven members, elected for four-year overlapping terms. All members of Council shall be elected at large, and all terms shall begin on January 1 next following the November municipal election. Three members shall be elected at one municipal election, and four members shall be elected at the next municipal election.

2.02 QUALIFICATIONS.

Any person who is a registered elector in the City, who has been domiciled for one year in the City or in territory annexed thereto by the date of filing of a petition of candidacy, shall be eligible to have his or her name placed on the ballot, if his or her petition is sufficient as hereinafter provided, and to serve as a member of Council, if elected.

2.03 INCOMPATIBLE OFFICES.

No holder of an incompatible office under the national, state, or county government shall be eligible to enter upon or hold office as a Council member.

2.04 VACANCIES.

Any Council member who ceases to be a registered elector in the City, or who accepts and enters upon the performance of the duties of an incompatible office, shall automatically vacate the office as a Council member. The Council shall have power to declare vacant by resolution the seat of any Council member who shall be absent, without excuse acceptable to the Council, from as many as one third of the regular meetings of the Council in any consecutive period of six months. The Council shall have power to accept the resignation of any of its members or of any other elected officer of the City.

2.05 VACANCIES, HOW FILLED.

Any vacancy in the office of Council member shall be filled within forty-five (45) days by the selection of some suitable qualified person, by a vote of the majority of the remaining members of the Council. In the event the members of the Council fail to fill any vacancy on Council within forty-five (45) days, the President of Council shall fill any such vacancy by the appointment of a qualified elector of the City within ten (10) days. In all cases, the person so selected shall serve until the first municipal election occurring not less than one hundred (100) days thereafter, when a successor shall be chosen by the voters for the remainder of the unexpired term, if any; if not, for a full term.

2.06 SALARY OF COUNCIL MEMBERS.

The salary of Council members shall be set by ordinance. No increase in salary shall become effective as to any member in office when such ordinance is adopted nor as to newly elected Council members unless the ordinance is adopted prior to the election of the new Council members. Council members in office when such ordinance is adopted may be paid the increased salary only if and when they are elected to succeed themselves. No increase in salary may be passed as emergency legislation.

2.07 POWERS OF THE COUNCIL.

All powers of the City not specifically vested in other offices by this Charter, shall be vested in the Council. Among other powers the Council shall:

(1) Define the duties and procedures of the administrative departments created by this Charter and create such additional departments, boards, and commissions as it may deem necessary and define their duties and procedures;

(2) Adopt and modify the master plan(s) of the City and official map(s) of the City;

(3) Regulate the use of private real estate in the City by establishing zones, limiting the uses in each zone, and limiting the height of buildings and the intensity of land use;

(4) Enact a subdivision platting ordinance, which ordinance may provide for platting fees;

(5) Enact a comprehensive building code;

(6) Adopt an appropriation ordinance and delegate its enforcement to the Mayor;

(7) Authorize the levy of taxes and the issuance of bonds, as provided in this Charter;

(8) Inquire into the conduct of any officer or employee of the City in the performance of the officer's or employee's public duties, and make investigations of any office, department, or agency of the City government; and for these purposes the Council shall have authority to issue subpoenas for witness testimony and require the production of books and papers;

(9) Grant public utility franchises by ordinance, by a vote of not less than two-thirds (2/3) of the Council; no such ordinance shall be passed as an emergency ordinance;

(10) Approve, modify, or disapprove, the recommendations of the Planning and Zoning Commission;

(11) Create a police auxiliary, or reserve police force, if such is deemed necessary; and

(12) Appoint persons other than Clerk of Council that it deems necessary for the proper discharge of its duties.

2.08 DIVISION OF CITY INTO WARDS.

The division of the City into four wards, as exists at the time this Charter is adopted, shall continue to be the division of the City by wards, except as hereinafter provided. Within sixty (60) days after the results of each Federal Decennial Census are proclaimed by the Secretary of State, the Council shall redivide the wards of the City which shall be as nearly equal in population as possible, each composed of contiguous and compact territory bounded by natural boundaries or street lines. If the results of the federal decennial census reflect an increase in the overall population of the City by at least twenty percent (20%) from the previous decennial census, then Council shall redivide the City into five wards, and shall continue to redivide the City by the addition of one ward for every increase in population by twenty percent (20%) thereafter. Upon

the failure of Council to redivide the City within the timeframe outlined above, the Director of Law shall notify City Council in writing that unless City Council redivides the City within sixty (60) days from the date of notification, the Director of Law will so redivide the City as herein provided. Any redivision of the City conducted by the Director of Law in accordance with this section shall be filed with the Clerk of Council. Such plan shall thereupon become the new division by wards of the City.

2.09 MEETINGS OF COUNCIL.

The Council shall hold its organization meeting on or after January first (1ST) but on or before January fourth (4TH), following each municipal election. At this meeting the newly elected members shall take the oath of office and the Council shall proceed to elect a President and a Vice President from among its own members, and appoint a Clerk of Council, and may transact such further business as may come before it. Thereafter, regular meetings shall be held as prescribed in the Council rules, but not less frequently than once each month. All meetings of City Council shall be open to the public, except as provided in Section 2.10 of this Charter. A majority of members shall constitute a quorum.

2.10 EXECUTIVE SESSION.

(1) Council may hold an executive session only after five (5) members of Council who are present determine, by a roll call vote, to hold an executive session and only at a regular or special meeting of City Council for the sole purpose of the consideration of the specific matters enumerated in this section. The Director of Law, or the Director of Law's designee acting as legal representative to Council, shall be present at each Council executive session unless the Director of Law is the subject of any such executive session, whereupon Council will have a legal representative present. If Council holds an executive session pursuant to this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in this section are the purpose(s) for which the executive session is to be held. Council may hold an executive session, upon a valid motion and vote, for the following purposes only:

(a) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of a public employee or official unless the public employee or official requests a public hearing. Council shall not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If an executive session relates to this subsection, the motion and vote shall state the specific approved purpose listed herein, but need not include the name of any person to be considered at the meeting;

(b) To consider the purchase of real or personal property, or services, for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No members of Council shall use this subsection as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of Council that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of Council show that all meetings and deliberations of the public body have been conducted in compliance with this subsection, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with

this subsection insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned;

(c) Conferences with an attorney for Council concerning disputes involving Council that are the subject of pending or imminent court action;

(d) Preparing for, conducting, or reviewing negotiations of bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(e) Matters required to be kept confidential by federal law or regulations or state statutes;

(f) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office.

(2) Council shall not adopt a resolution, rule or take formal action of any kind in or during an executive session. A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in subsection A of this section and conducted at an executive session held in compliance with this section.

(3) Any person may bring an action to enforce this section in accordance with the laws of the State of Ohio.

2.11 RULES; JOURNAL.

The Council shall adopt its own rules, in conformity with the provisions of this Charter. It shall cause to be kept a journal of its proceedings, which shall be a public record.

2.12 PRESIDENT OF COUNCIL.

The President of Council shall serve as the presiding officer at all meetings of the Council, maintain order and decorum, and see that this Charter is observed in all Council proceedings. The President of Council shall hold office until the next organizational meeting and may be reelected. The President of Council shall have all the powers, duties, functions, obligations and rights of

any other Council member including the right to vote. In the President's absence, the Vice President of Council shall serve as Acting President. In the absence of the President and the Vice President, the Council members present shall elect a temporary presiding officer from among their own number to serve during the meeting.

2.13 CLERK OF COUNCIL.

There shall be a Clerk of Council, appointed by the Council from outside its membership, to serve at the pleasure of Council. The Clerk of Council shall give notice of Council meetings, keep the journal, advertise public hearings, record in a separate book and cause to be published ordinances adopted by the Council, and perform such other duties as may be required by this Charter, or by ordinance, or by the rules of the Council. The Clerk of Council may be appointed to serve full time or part-time and the Council may assign the duties of Clerk of Council to any employee of the City as an additional duty. The Clerk of Council shall receive a salary, as established by the Council. The Council may appoint such other persons as it deems necessary for the proper discharge of its duties.

ARTICLE III
Ordinances and Resolutions

3.01 ACTION BY COUNCIL.

Every action of the Council establishing any offense, providing for the imposition of any penalty or for the levy of any tax, or, except as provided in Section 3.10 of this Charter, for the expenditure of any public funds, or the contracting of any indebtedness, as well as all actions required by this Charter to be taken by ordinance, shall be taken by ordinance in the manner hereinafter provided. Other actions may be taken by resolution.

3.02 INTRODUCTION OF ORDINANCES.

Formal action by the Council shall be by ordinance. Each proposed ordinance shall be submitted to the Department of Law for approval as to form, introduced in writing by a member of the Council or by the Mayor, and shall contain a title, an opening clause: "Be it ordained by the Council of the City of Hilliard, Ohio," and a body in which there shall be set forth at length the action to be taken and the classes of persons to be affected thereby. Each ordinance shall contain but one subject, which shall be clearly set forth in its title; however, general appropriation ordinances may contain the various subjects and accounts for which monies are to be appropriated.

3.03 CONSIDERATION OF ORDINANCES.

After its introduction, a proposed ordinance shall be seconded by a member of Council, other than the member who introduced it, and then shall be given a first reading by title only by the Clerk of Council. It shall then lie over for at least seven (7) days, or until the next regular meeting of the Council. At least five (5) days before the second reading of the ordinance, the Clerk of the Council shall cause to be published in a newspaper of general circulation in the City, in the form of a legal advertisement, a summary, prepared by the Director of Law, of the content of the proposed ordinance and of the time and place of the Council meeting at which it shall be considered. The publication shall invite interested persons to attend and express their opinions thereon to the Council. At the time and place so advertised the Council shall convene. The ordinance shall be given a second reading, which may be by title only, and all persons present who desire to be heard for or against its passage shall be heard, under such rules as the Council may provide. Written arguments and briefs, for or against, may also be filed at or prior to the hearing for consideration and discussion by Council. At the next regular meeting, or not less than seven (7) days following the second reading, the proposed ordinance shall be given a third reading, which may be by title only. After the third reading the Council shall vote on passage or rejection of the proposed ordinance.

3.04 PASSAGE OF ORDINANCES.

After the hearing, or if the waiting period and hearing are waived by a declaration of emergency, the Council may vote by roll call on whether the ordinance shall be passed, or rejected. A favorable vote of four members of Council shall be necessary to pass an ordinance, except as provided otherwise in this Charter. Final passage shall be certified by the signatures of the President of Council and the Clerk of Council. The failure or refusal by the President of Council and/or the Clerk of Council to sign shall not invalidate otherwise properly enacted ordinances.

3.05 EMERGENCY ORDINANCES.

Any ordinance which must be passed at once in order to meet a real and present emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, or general welfare as determined by Council in their sole discretion, may be passed without delay as prescribed in Section 3.03 and without public notice and hearing, provided the Council shall, in a separate section thereof, adopt by an affirmative vote of not less than five (5) members of Council, with not more than one (1) dissent, declare that such emergency exists, giving the reasons therefore. Such an ordinance shall take effect immediately upon its passage and

approval by the Mayor. Emergency ordinances shall be published within one (1) week after their passage.

3.06 PUBLICATION OF ORDINANCES.

After final passage, public notice of each new ordinance shall be given in one of the following ways:

(1) By publication, in summary, one time, in a newspaper of general circulation in the City, within two (2) weeks after passage;

(2) By publication, at length in the official Legislative Bulletin of the City of Hilliard;

(3) In the case of annual appropriation ordinances, by reproduction and distribution as provided in Section 6.07 of this Charter; or

(4) By publication in any manner that publication of official government action is permitted under state law.

3.07 EFFECTIVE DATE OF ORDINANCES.

Ordinances making appropriations for current operating expenses of the City government, directing an election or question to the electorate, authorizing annual tax levies, or providing for improvements petitioned for by owners of the requisite majority of the front footage or of the areas of the property benefited and to be assessed, shall take effect upon passage and shall not be subject to referendum. All other ordinances, except emergency ordinances, shall take effect thirty (30) days after the passage by Council and signing by the Mayor in order to afford an opportunity for filing referendum petitions as may be authorized by the Revised Code of Ohio as now exists or as hereafter amended. Any ordinance which is passed over the veto of the Mayor shall be effective thirty (30) days after passage over the veto.

3.08 INITIATIVE AND REFERENDUM.

Except as otherwise provided in this Charter, ordinances may be submitted to popular vote through the initiative and referendum under the procedure set forth in Sections 731.28 to 731.40 of the Revised Code of Ohio, as now exist or as hereafter amended.

3.09 ADOPTION OF ORDINANCES BY REFERENCE.

The Council may adopt standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating and air conditioning, and other similar topics by reference to the date and source of the code without

reproducing the same at length in the ordinance. However, if the Council desires to modify, add to, or eliminate from any such code any section or part thereof, such addition, modification, or omission shall be clearly stated in the ordinance. In all cases in which such an ordinance or code shall be adopted by reference, publication of the code at length, by the City, shall not be required. However, such codes shall be kept on file in the office of the Clerk of Council for consultation by interested persons.

3.10 RESOLUTIONS.

Action by Council which is not required by this Charter to be by ordinance may be taken by resolution. All resolutions shall be introduced in writing, by a member of Council, and, except as provided herein may be adopted by voice vote of a majority of a quorum. Where action by Council relates solely to the expenditure of any public funds or the contracting of any indebtedness or expenditures that have been previously appropriated within the same fiscal year, approval of those contracts may be by resolution, which shall be adopted only after a favorable vote of at least four (4) members of Council, following an opportunity for public input and comment. Notice of Council's consideration of the type of resolution described in the preceding sentence shall be made at the same time and in the same manner as notice of Council's public hearings for ordinances. Upon adoption of all resolutions, no waiting period, notice, or publication shall be required and resolutions shall become effective immediately. However, the Clerk of Council shall record resolutions in a separate book, which shall be a public record.

3.11 ADMINISTRATIVE CODE.

Subject to the provisions of this Charter, and after consultation with the Mayor, the Council shall adopt an administrative code which shall provide in detail the organization of the municipal government, define the powers and duties of each organization unit, and determine the administrative procedures to be followed. The Council shall have authority to delegate to the Mayor and the Mayor shall have authority to delegate to the heads of the departments, power to make rules and regulations to govern management practices, consistent with the administrative code. Amendments to, and revisions of, the administrative code shall be made only after consultation with the Mayor.

ARTICLE IV
Mayor

4.01 SELECTION OF MAYOR.

The voters shall elect, each four years, at the regular municipal election, a person to serve as Mayor.

Qualified candidates shall be registered voters who have been domiciled for one (1) year in the City or in territory annexed thereto by the date of filing of a petition of candidacy. The term of Mayor shall commence on January 1 next following the regular municipal election.

4.02 DUTIES OF MAYOR.

The Mayor shall be the chief executive officer and head of the administrative agencies of the City. The Mayor shall be responsible for the proper administration of all affairs of the City, and, to that end, subject to the provisions of this Charter, shall have authority and shall be required to:

(1) See that this Charter and the ordinances of the City are faithfully enforced;

(2) Appoint, and, when necessary for the good of the service, direct the various department directors to remove an officer and employee of the City not elected or appointed by Council, in the manner provided in this Charter;

(3) Prepare the budget estimates annually, submit them to the Council, and administer the appropriations adopted by the Council;

(4) Prepare and submit to the Council, and to the public, annually, not later than March 31, a complete report on the finances and administrative activities of the City for the preceding year;

(5) Keep the Council informed of the current financial condition and future needs of the City;

(6) Appoint such citizen advisory committees as the Mayor deems desirable, and discharge them when, in the judgment of the Mayor, their functions have been completely served;

(7) Within ten (10) days of passage approve ordinances and resolutions enacted by the Council by signing said ordinances and resolutions, or veto any ordinance or resolution enacted by the Council, setting forth the reason for the veto. If such approval or veto is not accomplished within the ten (10) day period, the ordinance or resolution shall forthwith become law. The Council may, by a two-thirds ($2/3^{RD}$) vote of its members, enact any ordinance or resolution despite veto by the Mayor;

(8) Declare a public disaster and implement procedures as Council shall authorize by ordinance and/or resolution;

(9) Act in the capacity of Director for any administrative department at any time such department does not have an appointed director; and

(10) With the advice and consent of Council, appoint a magistrate, qualified under the rules and regulations mandated by the State of Ohio, to hear and determine the misdemeanor cases arising under the City ordinances, as provided by State law, unless and until a different court is established for such purposes by State law.

4.03 SALARY OF MAYOR.

The Mayor shall receive a salary as set by ordinance. The Council shall have the authority to change the salary of the Mayor by ordinance, but no such ordinance shall take effect as to the Mayor then in office during the existing term. Such an ordinance shall not be passed as an emergency ordinance. In an ordinance establishing the Mayor's salary, Council may grant annual raises providing, however that such ordinance shall be effective prior to election to office for the given term. Council shall, notwithstanding the previous section of this paragraph, be empowered by ordinance to provide additional compensation including, but not limited to, insurance and transportation during term of office.

4.04 ABSENCE OR DISABILITY OF MAYOR.

The Mayor may designate, by letter filed with the Clerk of Council, any department director of the City to perform the Mayor's administrative duties during a temporary absence or disability. In the event that such a designation has not been made, the Council may, by resolution, appoint a department director of the City to perform such duties until the Mayor shall return or until the disability ceases.

4.05 VACANCY, HOW FILLED.

In the event of a vacancy in the office of Mayor, due to the resignation, death, or permanent disability of the Mayor, the President of Council shall serve as Mayor. If the President of Council is not available, Council shall then appoint a Council member who has been elected by the people to serve as Mayor. The person assuming the duties of Mayor shall serve until the earlier of the next general election occurring not less than one hundred (100) days after the vacancy occurs, or a special election provided for by Council. If no Council

member accepts the appointment as Mayor, then Council shall appoint a qualified department director to serve as acting Mayor and Council shall authorize a special election to be held not less than one hundred (100) days after the vacancy occurs.

ARTICLE V
Departments and Divisions

5.01 ADMINISTRATIVE DEPARTMENTS.

The City shall have a Department of Finance, a Department of Public Safety, a Department of Public Service, a Department of Law, and a Department of Recreation and Parks. The Mayor shall appoint as head of each department a director, who need not be an elector of the City. The Mayor shall also appoint directors of such other departments as may be established by ordinance. The directors shall be administrative officers of the City, and shall have supervision and control over their respective departments. Two or more departments may be headed by the same person, subject to approval by the Council. Each department director shall be the hiring/firing authority for its department.

5.02 DIRECTOR OF PUBLIC SERVICE.

Except as may be provided otherwise in this Charter, or as may be prescribed by the Mayor, the Director of Public Service shall have charge of all public works and improvements and the construction thereof, of all engineering and inspection in connection therewith, and of all building inspection. Such duties shall also include the construction, repair, and maintenance of streets, sidewalks, alleys, lanes, and bridges; of water mains, pipes, purification and sanitation plants, and the water distribution system; of sewers, sewage systems, drains, ditches, culverts; and other public places belonging to the City or dedicated to public use. The Director of Public Service shall manage and control sanitary facilities, sewage treatment plants, water works, and all public utilities of the City supported in whole or in part by taxation, and shall enforce all the obligations of privately owned or operated public utilities enforceable by the City. It shall be a charge of the Director of Public Service to make and service all surveys, maps, plans, drawings, and estimates for public works; the cleaning, resurfacing, repairing, sprinkling, and lighting of all streets and public places; the collection and disposal of waste, if such is provided for; and the preservation of all property belonging to the City and pertaining to the functions thereof. The Director of Public Service shall work in cooperation with other

directors when there are complementary responsibilities of the respective directors' work relating to City lands and facilities. The Director of Public Service shall perform other such duties consistent with the office as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor.

5.03 DIRECTOR OF FINANCE.

The Director of Finance shall be the fiscal officer of the City, appointed by the Mayor, with the advice and consent of the Council, and shall serve the Mayor and Council as financial advisor in connection with municipal affairs. The Director of Finance shall be a person skilled in government finance and budgeting. The duties of the Director of Finance shall be to examine all payrolls, bills, and other claims against the City, but shall issue no warrant unless the Director of Finance finds that the claim is in proper form, correctly computed, and duly approved, and that it is due and payable, and that appropriation has been made therefor. The Director of Finance shall perform all other duties now or hereafter imposed upon City auditors and treasurers by the laws of the State of Ohio, unless otherwise provided by this Charter or by ordinance of the Council; and shall perform such other duties as the Mayor may direct, consistent with the office.

5.04 DIRECTOR OF PUBLIC SAFETY.

The Director of Public Safety shall be the head of the divisions of police and fire and shall make all necessary rules and regulations for the government of the Department of Public Safety and the several divisions. The Director of Public Safety shall be charged with the duty of enforcing all police, health, safety, and sanitary regulations that may be prescribed by ordinance or the general laws of the State of Ohio. If the City does not operate a Division of Fire, then the Director of Public Safety shall lead only the Division of Police. The Director of Public Safety shall be appointed by the Mayor, with the advice and consent of Council.

5.05 DIRECTOR OF LAW.

The Director of Law shall serve the Mayor, the Council, and the administrative officers and departments as legal counsel; and perform all duties as now or hereafter are imposed by ordinance or resolution of Council. No person shall act as Director of Law unless duly admitted to the practice of law in the State of Ohio. The Director of Law shall be appointed by the Mayor, with the advice and consent of Council.

5.06 DIRECTOR OF RECREATION AND PARKS.

The Director of Recreation and Parks shall have the general oversight of all recreational programs and facilities operated by the City of Hilliard, including, but not limited to, the public parks, amphitheater, municipal pool(s), community center and senior citizens center, and all programs operated by others using public facilities.

5.07 DEPARTMENT DIVISIONS.

The work of each department shall be distributed among such divisions thereof as may be provided for in the administrative code. Pending the adoption of such a code by the Council, the Mayor may provide for temporary divisions by administrative order.

ARTICLE VI
Finance

6.01 FISCAL YEAR.

The fiscal, budget, and accounting year of the City government shall be the calendar year.

6.02 ANNUAL TAX BUDGET.

The Mayor shall submit to the Council a tax budget for the ensuing fiscal year, for filing with the County Budget Commission in accordance with the procedures established by the County Budget Commission, unless such procedures are otherwise waived. For that purpose, at such date as the Mayor shall determine, the head of each department or agency of the City, shall submit plans to the Mayor for the work to be undertaken by such agency during the next fiscal year, together with estimates of the costs of performing such work. The Department of Finance shall supply to the Mayor estimates of anticipated revenue. From these data the Mayor may revise the estimates and prepare recommendations for the tax budget for the ensuing fiscal year.

6.03 HEARING ON TAX BUDGET.

At least two copies of the tax budget estimates as recommended by the Mayor shall be placed on file in the office of the Director of Finance for public inspection. Notice that they are available for that purpose shall be given by publication once in a newspaper of general circulation in the City. Such notice shall also specify the date of the first hearing. The Council shall hold a public

hearing on the tax budget at the time and place specified in the notice and may continue such hearing as necessary. When the hearing is concluded, the Council shall consider the tax budget, adopt it, with or without amendments, which adoption may be by resolution, and transmit it to the County Budget Commission on or before the date set by them in the form required by law.

6.04 TAX LEVIES.

Upon receipt of the advice of action by the County Budget Commission and the certificate of the County Auditor as to estimated resources, the Council shall, take action as is necessary to enable the County Auditor to place the necessary taxes on the tax duplicate.

6.05 MUNICIPAL OPERATING BUDGET.

The Mayor shall prepare and submit to the Council, on or before November 15th of each year, a budget for the following year recommending appropriations from each fund during the ensuing fiscal year.

6.06 ANNUAL APPROPRIATION ORDINANCE.

At the meeting of the Council at which the municipal budget is submitted, the Council shall, by resolution, fix the date and place for a public hearing thereon. A notice of this hearing shall be given by publication once in a newspaper of general circulation in the City at least five (5) days before the date fixed. The notice shall also state that the budget is on file for public inspection in the office of the Clerk of Council during the usual office hours. At the time and place advertised, the Council shall hold a public hearing on the budget as submitted and may continue such hearing from day to day as may be necessary. After the hearing the Council shall adopt the budget as submitted, or as amended, as the appropriation ordinance of the City for the ensuing fiscal year. The budget shall not exceed the total estimated resources certified by the County Budget Commission. Such ordinance shall be finally adopted not later than January 31.

6.07 EFFECT OF APPROPRIATION ORDINANCE.

Upon passage, the appropriation ordinance shall become effective as of the first day of January and shall constitute an appropriation of the several items therein contained, and approval of the work projects supported thereby without further legislation. The appropriation ordinance shall be reproduced and a copy thereof, certified by the President of Council and Clerk of Council, and shall be

filed with the Director of Finance, and certified copies shall be transmitted to each organization unit of the City government, and filed with such county, state, and federal offices as may be required by law or agreement.

6.08 AVAILABILITY OF FUNDS.

Appropriations for debt service and other fixed charges shall become available for expenditure upon the filing of the certified copy of the appropriation ordinance with the Director of Finance.

6.09 CAPITAL IMPROVEMENT PROGRAM AND BUDGET.

The process for the approval of the capital improvement program and budget shall be developed and passed as Council may establish by ordinance.

6.10 TRANSFERS.

The Council, on recommendation of the Mayor, may at any time by resolution, transfer any unencumbered balance of an appropriation from one item or project to another under the jurisdiction of the same organization unit. During the fourth quarter of the fiscal year, the Council may, by resolution, transfer any unencumbered balance of an appropriation from an item under the jurisdiction of one organization unit to one under the jurisdiction of another organization unit supported from the same fund. Transfers shall not be made from appropriations for debt service or other fixed items until all obligations due and payable during the fiscal year have been paid. The Council may at any time amend or revise the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated will be available.

6.11 PURCHASING.

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

6.12 OVER-EXPENDITURES.

No officer, department, or agency of the City shall, during any fiscal year, 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 City, for any purpose, in excess of the amounts appropriated and allotted for such expenditures and obligations. Any such purported obligation, oral or written, made in violation hereof shall be void. The officer or employee who knowingly attempts or purports to create such an obligation shall be guilty of malfeasance in office and upon conviction thereof shall be removed from his or her post and disqualified from holding further office or employment under the government of the City. However, nothing in this section shall prevent the making of contracts not to be fully performed within the fiscal year, when specifically authorized by the Council.

6.13 COMPETITIVE BIDDING.

Purchase of supplies, materials, and equipment and the construction of public improvements for the City shall be made pursuant to specifications through open, competitive bidding, under such rules consistent with this Charter as the Council may establish by ordinance. Formal advertising, bidding, and public opening and tabulation of bids shall be required if the statutory or common law of the state requires it, except in cases of public disaster declared by the Mayor, when purchases may be made in the open market. The acquisition of professional services and the purchase of used equipment may be, but are not required to be obtained, by competitive bidding.

6.14 FEES.

All fees received by any officer or employee of the City in connection with employment with the City shall be accounted for and paid into the City treasury, except as otherwise provided by law.

ARTICLE VII
Borrowing

7.01 POWER TO BORROW.

The City may incur indebtedness upon authorization by the Council, by ordinance, by issuing its bonds or notes in anticipation of bonds, or in anticipation of income, to finance any public works project which the Council may decide to construct or existing enterprise it may decide to acquire. Such projects shall include, but shall not be restricted to, those specifically authorized

by general state law. In issuing such bonds or notes, Council shall be bound by the definitions, limitations, and procedures prescribed by the Constitution and general laws of Ohio then in effect.

7.02 RESTRICTIONS ON BOND ISSUES.

The first ordinance in a series leading to the eventual issuance of bonds or notes for the construction of a public improvement shall not be passed without a public hearing. That hearing shall not be at the same meeting at which said ordinance is introduced.

ARTICLE VIII
Personnel

8.01 CIVIL SERVICE.

The Civil Service Commission of the City of Hilliard, established and existing under general law, shall be deemed to be established agreeably to the provisions of this Charter. The general laws of Ohio applicable to the civil service of cities shall apply to the civil service of the City of Hilliard, except as otherwise provided in this Charter, and as such shall be modified by City Council, excepting however, that any such modification shall be by ordinance and be adopted by a two-thirds majority of Council members present, voting, and approved by the Mayor. Nothing in this Charter shall be construed to prohibit the Hilliard City School district or any successor thereto, and the City of Hilliard from operating a joint civil service commission.

ARTICLE IX
Boards and Commissions

Unless otherwise established in this Charter, the Council may, by ordinance, establish and define the procedures and duties of City Boards and Commissions and fix the number, qualifications and terms of the members thereof. Council may establish a Board of Health by ordinance, unless the City enters into a contract with any health district approved by the Ohio Department of Health as permitted under state law.

9.01 PLANNING AND ZONING COMMISSION.

There shall be a Planning and Zoning Commission consisting of seven (7) members, all of whom shall be qualified electors of the City. Six (6) members shall be appointed by the Mayor, subject to approval by the Council. One (1) member shall be selected from each ward of the City and the remaining member(s) shall be selected at large. The seventh member shall be the Mayor or the Mayor's designee. All terms shall be for six (6) years. The Commission may, by a majority vote, dismiss a member from office because of poor attendance or misconduct in office. Vacancies shall be filled by appointment by the Mayor, subject to approval by Council. Full-time employees of the City, so long as they are qualified electors of the City, shall be permitted to serve on the Planning and Zoning Commission, provided, however, that no more than one (1) such City employee shall be permitted to serve at the same time. The Mayor shall not be considered a full-time City employee. Members of the Commission shall receive compensation as provided by ordinance.

9.02 POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION.

The Planning and Zoning Commission shall have and exercise all powers and duties conferred upon City planning commissions by state law, and such other powers and duties as may be conferred upon it by ordinance. Among its powers and duties, the Commission shall:

(1) Review and recommend to City Council for approval:

(a) A master plan;

(b) A subdivision platting ordinance, which shall include minimum lot sizes and building sites;

(c) An official City map;

(d) A zoning plan and ordinance, which may include such requirements for parks, recreation areas, and traffic and utility provisions as may be deemed necessary for the promotion of the public health, safety, and general welfare; and

(e) Such changes to the aforementioned plans and ordinances as may be deemed necessary for the promotion of the public health, safety, and general welfare.

(2) Approve preliminary plats and final plats which conform to the subdivision platting ordinance, provided that such plats shall be subject to review, modification, and reapproval of those plats or portions thereof on which construction has not been started within two (2) years after the next preceding approval.

ARTICLE X
Nominations and Elections

10.01 MUNICIPAL ELECTIONS.

The regular municipal election for the choice of members of the Council shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The 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 Franklin County. Where the Charter and ordinances are silent on election procedure, the provisions of the election laws of the State of Ohio shall be followed.

10.02 NOMINATIONS.

A partisan primary election shall be held in the City for the nomination of all elective City officials. In the event the number of candidates from a political party is less than or equal to the number of positions to be filled in the next election, then no primary election need be held. Nothing herein shall preclude any independent candidate for election from filing consistent with state law with the Board of Elections to be a candidate in the regular municipal election.

10.03 WATCHERS AND CHALLENGERS

At each election, each candidate shall be entitled, to appoint one (1) person and one (1) alternate to represent the candidate as watcher and challenger at each polling place during the casting and counting of ballots, and one (1) person and one (1) alternate to represent him/her, the candidate, as watcher and challenger during the canvass of votes at the Board of Elections, as provided by the election laws of the State of Ohio.

ARTICLE XI
Recall

11.01 RECALL.

The voters of the City shall have power to recall and remove from office any elected official before the expiration of that officer's term. A recall may be started by filing with the Board of Elections a petition signed by a number of electors equal to twenty-five percent (25%) of the total number of electors who voted at the last preceding regular municipal election. This petition shall contain the name of the person whose removal is sought and a statement containing no more than two hundred (200) words relating to the grounds for removal.

11.02 FORM OF PETITION.

All petition papers circulated for the purpose of recall shall be uniform in size and style. The signatures to petitions need not all be appended to one paper, but to each separate part there shall be appended a certificate of the circulator that he or she only personally circulated the petition, that it bears a stated number of signatures, that each signature was affixed in his or her presence, and that he or she believes them to be the genuine signatures of the persons whose names they purport to be. This certificate shall be sworn to before an officer qualified by law to administer oaths. Each signer shall sign his or her name in ink or indelible pencil and shall insert after his or her name his or her place of residence and the date of signing. The circulation of petitions, including the qualifications of the circulators thereof, shall be conducted in accordance with the general laws of the State of Ohio; provided, that, a petition circulator shall also be an elector of the City of Hilliard.

11.03 ELECTION.

Upon the determination by the Board of Elections that a recall petition filed in that office is sufficient, Council shall, by resolution, not more than seven (7) calendar days following receipt by the Clerk of Council of a notice of sufficiency by the Board of Elections, certify to the Board of Elections the question "shall John Doe (naming the official) be recalled from office as (naming the office) in the City of Hilliard? Yes... No..." Such question shall be placed upon the ballot at the next primary or municipal election occurring not less than ninety (90) days thereafter. The Council may provide by resolution that the question be submitted at a special election. If a majority of the votes cast on the question shall be in favor of recall, the official shall forthwith retire

from office and the Council shall fill the vacancy thus created in the manner provided in this Charter. If at any stage in the recall procedure, prior to the election, the official against whom the recall petition is directed shall offer a resignation from office, the Council shall have the power to accept it, and if accepted, all further proceedings under the recall shall be terminated. No recall shall be filed against an official during the official's first six (6) months in office. If an official against whom a petition is filed is continued in office by the vote at the election, no further recall petitions may be filed against him or her for a period of one (1) year.

ARTICLE XII
General Provisions

12.01 OATH OF OFFICE.

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

> "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 I will, in all respects, uphold and enforce the provisions of the Charter and ordinances of this City, and will faithfully discharge the duties of _____ upon which I am about to enter."

12.02 OFFICIAL BONDS.

All officers and employees of the City whose duties require that they handle or be concerned with the management of its money or other property, shall be bonded, before entering upon their duties, by a corporate surety bond issued by a company authorized to do business in Ohio. The amounts of such bonds shall, in each case, be determined by the Council. The premiums on such bonds shall be paid from the funds of the City.

12.03 PERSONAL INTEREST.

Unless otherwise provided by this Charter, the laws of the State of Ohio pertaining to conflicts of interest and unlawful interests in a public contract shall apply to all elected and appointed officials and employees of the City and to the appointees to the City's boards and commissions.

12.04 REMOVAL FROM OFFICE.

Whenever in this Charter certain acts on the part of City officials or employees are described as constituting malfeasance in office, the procedure for complaint, trial, and judgment thereon shall be that prescribed in Section 733.72 to 733.77 of the Revised Code of Ohio, as now exist or as hereafter amended.

12.05 ENFORCEMENT OF SUBPOENAS.

Whenever in this Charter the Council or any other agency of the City government is given authority to issue subpoenas and to require the attendance of witnesses and the production of books, papers, ballots, or records, the same shall be issued and enforced in the manner provided in Section 705.21 of the Revised Code of Ohio, as now exists or as hereafter amended.

12.06 AMENDMENTS TO THE CHARTER.

Any provision of this Charter may be amended, as provided in Article XVIII, Section 9 of the Ohio Constitution, by submission of a proposed amendment to the voters of the City. Such amendment may be initiated either by a two-thirds (2/3RD) vote of the Council or by petition to the Council signed by ten percent (10%) of the electors.

12.07 CHARTER REVIEW COMMISSION.

As often as necessary, but no less frequently than every ten (10) years, the Council shall appoint a Charter Review Commission who shall review the Charter and make recommendations to the Council for proposed amendments, if any, to be submitted to the voters of the City. Any such ten (10) year time period shall commence upon the date that the then-appointed Charter Review Commission submits its final report and recommendations to the Council. The appointment of a Charter Review Commission within the prescribed period shall not preclude the Council from submitting recommended Charter amendments to the voters from time to time.

12.08 ACCESS TO GOVERNMENT.

The City is committed to the fundamental principle that the government is maintained by its citizens for its citizens. Consistent with this principle, and in accordance with federal and state law, as well as this Charter, the City's meetings are open to its citizens and its records accessible by its citizens. Every reasonable effort shall be made to ensure that City documents are made available, on a timely basis, to citizens outside of official City business hours, if requested, to the extent possible.

12.09 REFERENDUM AND EFFECTIVE DATE ON ZONING ORDINANCES.

Notwithstanding any other provision of this Charter, a referendum petition on any Zoning Ordinance may be filed within sixty (60) days after passage by the Council of the Zoning Ordinance, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision in this Charter, a Zoning Ordinance shall not become effective prior to sixty (60) days following its passage by the Council, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision of this Charter, no Zoning Ordinance shall be passed by Council on an emergency basis. "Zoning Ordinance" for purposes of this Section, means any ordinance or other measure passed by the Council that modifies the City's zoning code or modifies the application of the City's zoning code to any property in the City.

12.10 PROHIBITION OF CREATION OF TAX INCREMENT FINANCING INCENTIVE DISTRICTS FOR DWELLING UNIT IMPROVEMENTS AND PROHIBITION OF DWELLING UNIT IMPROVEMENTS TO BE A PUBLIC PURPOSE.

Notwithstanding any other provision of this Charter or Ohio law, the Council shall not:

(1) Declare an improvement to any parcel in the City to be a "public purpose," pursuant to Section 5709.40(B) of the Ohio Revised Code, or any other provision of the Ohio Revised Code, Chapter 5709, as now exists or hereafter amended, if the improvement includes the construction or creation of one or more Dwelling Units; or

(2) Create an "incentive district," pursuant to Section 5709.40(C) of the Ohio Revised Code, or any other provision of the Ohio Revised Code Chapter 5709, as now exists or hereafter amended, unless the Council limits the improvements in the "incentive district" so as to exclude the construction or creation of one or more Dwelling Units in the "incentive district."

"Dwelling Unit" for purposes of Section 12.10 of this Charter, means any permanent building or portion thereof which is designated or used exclusively for residential occupancy containing sleeping, cooking and sanitary facilities, including but not limited to, apartments, houses, town houses, row houses, retirement communities or condominiums.

ARTICLE XIII
Transitional Provisions

13.01 FISCAL SUCCESSION.

The City of Hilliard, under this Charter, is hereby declared to be the only legal successor of the City of Hilliard under the general law and as such the City has title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes in the process of collection together with all accounts receivable and all rights of action. The City also is liable for all outstanding orders, contracts, and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction.

13.02 CONTINUATION OF ORDINANCES.

All ordinances of the City of Hilliard, in effect at the time this Charter becomes effective, shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.

13.03 CONTINUATION OF OFFICERS.

All persons holding office at the time this Charter, or any amendment thereto, takes effect shall continue in office within their duly elected or appointed terms except as specifically provided otherwise in this Charter, until provision shall have been made, in conformity with this Charter, for the performance of their duties by a successor, or the office is abolished.

13.04 CONTINUATION OF EMPLOYEES.

Every employee of the City government of Hilliard, Ohio, when this Charter takes effect shall be retained in employment, and shall thereafter be subject in all respects to the provisions of this Charter.

13.05 TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of the City at the time this Charter becomes effective shall be transferred and delivered promptly to their successors. In case of doubt as to which are the successors, Council shall designate them by ordinance.

13.06 CONTINUATION OF CONTRACTS AND IMPROVEMENTS.

All contracts entered into by the City or for its benefit, prior to the 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.

13.07 PENDING ACTIONS AND PROCEEDINGS.

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

13.08 WHEN CHARTER TAKES EFFECT.

This Charter as amended shall be voted upon at the general election on November 3, 2009. If approved by the voters, the Charter as amended shall go into effect on January 1, 2010.

Sections 12.09 and 12.10 were added to this Charter by the passage of Issue 9 on March 15, 2016 by the Hilliard electorate.

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