

**CHARTER
OF THE
VILLAGE OF GREENHILLS,
OHIO**

1988

**11000 WINTON ROAD
GREENHILLS, OHIO 45218**

513-825-2100

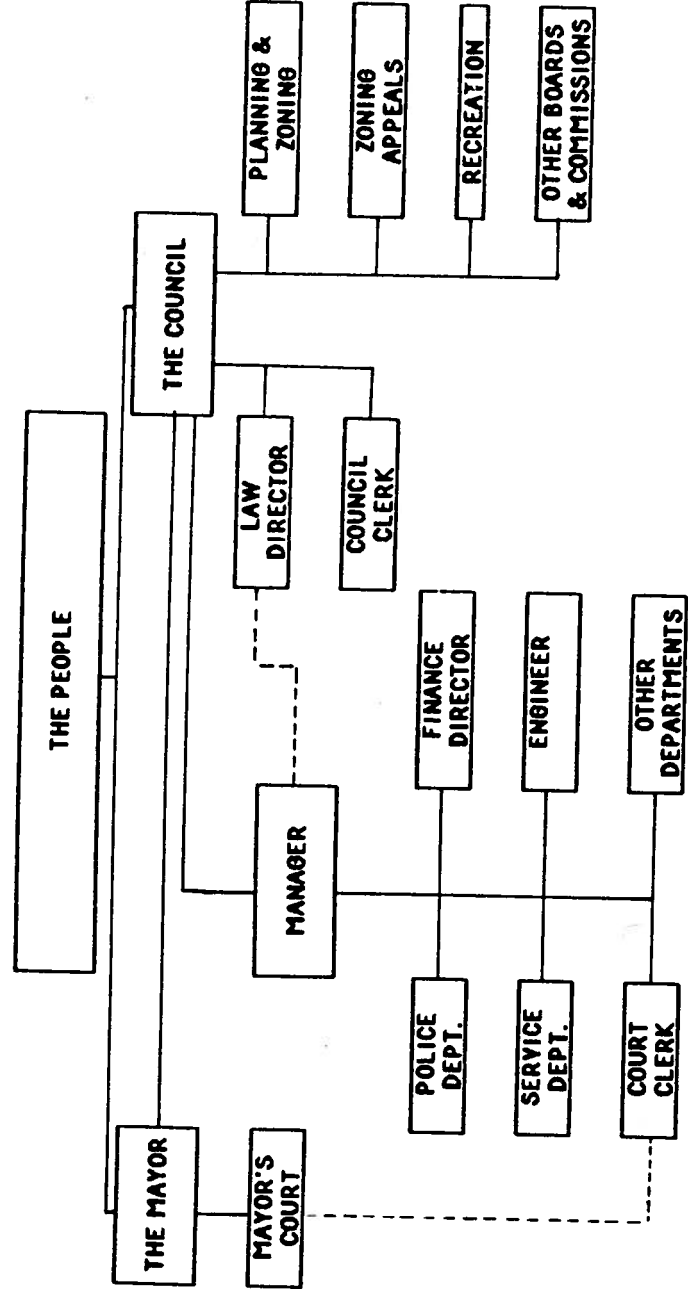
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11000 WINTON ROAD
GREENHILLS, OHIO 45218**

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The law of the State of Ohio requires that a copy of this Charter be mailed to every name which appeared on the list of registered voters from the most recent general election. This mailing is to everyone whose name appeared on the Board of Elections list of October 18, 1987.

GREENHILLS CHARTER COMMISSION'S MUNICIPAL ORGANIZATION TABLE



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CHARTER
OF THE
VILLAGE OF GREENHILLS, OHIO

PREAMBLE

We, the citizens of the Village of Greenhills, a community to which all people of good will are welcome, in order to fully secure and exercise the benefits of local self-government, do ordain and establish this Charter for the government of the Village of Greenhills.

ARTICLE I
INCORPORATION, POWERS, AND FORM OF GOVERNMENT

SECTION 1.01 INCORPORATION

The present Municipality, known as the Village of Greenhills, Ohio shall continue to be a body politic and corporate under the name of the Village of Greenhills, with the same boundaries, but with the powers and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio. No territory shall be detached from the Municipality, nor shall the Municipality be annexed to any other Municipality without the consent of a majority of municipal electors voting on such question. Such question shall be submitted to the electors only at a general election in such manner as the Council shall by resolution or ordinance prescribe.

SECTION 1.02 POWERS

The Village of Greenhills shall have all the powers of local self-government and the benefits of municipal home rule that may now or hereafter be lawfully possessed or exercised by municipal corporations under the Constitution of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council. Any such ordinance or rule shall supersede and override state statutes.

SECTION 1.03 FORM OF GOVERNMENT

The form of government provided in this Charter shall be known as the "Mayor-Council-Manager Plan." The powers of the municipal government shall be distributed among the Municipality, the electorate, the various elected and appointed officials, and the boards and commissions as provided under the provisions of this Charter.

ARTICLE II
COUNCIL

SECTION 2.01 NUMBER, TERMS, QUALIFICATIONS OF COUNCIL

Council shall consist of six (6) members to be elected from the Municipality at large on a partisan ballot to serve overlapping four (4) year terms. There shall be a Councilmanic election held every two years. Members of Council shall be sworn into office the first meeting of January of the year following their election.

Previously elected Councilpersons shall serve until the end of their terms. At the municipal general election to be held in November, 1989, the four (4) persons elected shall serve the following terms:

- A. The three (3) elected Councilpersons receiving the greatest number of votes shall serve four-year terms.
- B. The fourth elected Councilperson shall serve a two-year term.

Thereafter, all members of Council shall be elected to terms of four (4) years each.

Members of Council shall have been qualified electors of the Municipality for at least twelve (12) consecutive months immediately prior to the time of filing as candidates for the office of Council; shall remain qualified electors and residents thereof throughout their terms of office; and shall hold no other elective public office. No member of Council shall be employed by the Municipality. Any member of Council who ceases to possess or who violates any of the qualifications herein provided shall forfeit the office. Failure to maintain qualifications or removal from office shall not render void nor invalidate any action of Council in which such member participated.

SECTION 2.02 COMPENSATION OF COUNCIL

Ordinances presently in force establishing salaries shall remain in effect for the first Charter Council, and thereafter be established by Council according to their rules of organization.

Compensation of a Councilmember shall not be changed during the term for which such Councilmember was elected or appointed.

SECTION 2.03 MEETINGS OF COUNCIL

Council shall meet at such times as set by its rules, but not less than once a month. A majority of all the members elected shall constitute a quorum to do business, but a lesser number may adjourn by majority vote from day to day, and compel the attendance of absent members in such manner as provided by the rules of Council. Except in case of emergency declared by the Mayor, no special meeting may be called unless notice as provided by Rules of Council be given thereof at least twelve (12) hours in advance of such meeting.

All meetings of Council shall be open to the public, except:

- A. As otherwise provided in the Ohio Revised Code;

- B. Meetings of Committees of Council and meetings of the members of Council meeting as a Committee of the Whole for discussion may or may not be open to the public in the discretion of the majority of the members of Council so meeting;
- C. Council may hold an executive session at a regular or special meeting for the purpose of considering any of the following matters:
 - 1. The opinions of an attorney, where disclosure of the information is deemed by a majority of Council to be detrimental to the Municipality.
 - 2. Issues pertaining to future development, including land planning, annexation, or other development matters, and conferences with the Planning Commission, the Community Improvement Corporation, or outside consultants on these issues.

SECTION 2.04 ROLE OF THE MAYOR AND VETO POWER

The Mayor shall serve as President of Council. The Mayor has the right to propose or address legislation but is not considered a member of Council.

The Mayor shall preside at all meetings of Council, but shall have no vote therein except in the case of a tie vote.

The Mayor shall have no veto power over resolutions and ordinances.

SECTION 2.05 POWERS OF COUNCIL

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

- A. The power to levy taxes and incur debts subject to the limitation imposed thereon by this Charter and the Constitution of the State of Ohio.
- B. The power to adopt and to provide for the enforcement of such local police, sanitary, and other similar regulations as are not in conflict with general laws.
- C. The power to provide for the exercise of all powers of local self-government granted to the Municipality by the Constitution of the State of Ohio, in a manner consistent with this Charter or the Constitution of the State of Ohio.
- D. The power to establish the number of employees and officers in the various offices, departments, divisions, bureaus, boards, and commissions of the Municipality and to fix the rate of their compensation, hours of work, and to provide such fringe benefits as may be deemed proper by the Council.

- E. The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Municipality.
- F. The power to create other offices, departments, divisions, bureaus, boards and commissions; and the power to combine, change and abolish any office, department, division, bureau, board, or commission. The Council shall not abolish the offices of Manager, Mayor-President of Council, Clerk of Council, Council members, or Law Director. The Manager may hold such other offices and positions with the Municipality as are provided by this Charter or as the Council may authorize by a vote of a majority of its members.
- G. The power, by ordinance, to control the development or use of land within the corporate limits and regulate construction thereon, except Council shall not have the power to amend any of the provisions of the Greenhills Zoning Code with respect to the Greenbelt District, Council shall not have the power to vacate the public use of the commons area and Council shall not have the power to permit any change of use of the golf course, without submission to and approval of a majority of, the electorate. (Non-use shall not constitute a change.)
- H. To provide, without competitive bidding, for an annual or special independent audit of any or all municipal funds. Such audit may be in addition to such audit by representatives of the State Auditor or other state official or agency as may be determined to be required under the Constitution of the State of Ohio.
- I. The power to acquire title to or interests in real and personal property shall be vested in the Council, whether such property is acquired by the exercise of power of eminent domain, purchase, gift, lease, lease with option to purchase, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease, lease with option to purchase, or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease, or grant shall be in the manner as provided by the ordinance authorizing the sale, conveyance, lease, or grant. Title to all real property shall be taken in the name of the Municipality.
- J. The power to adopt the annual budget and appropriation measures of the Municipality.
- K. The power to appoint or approve the members of all boards and commissions created by the Charter or by enactments of the Council as provided herein.
- L. The power to accept gifts and grants to and on behalf of the Municipality.
- M. The power to inquire into the conduct of any officer, employee, agent, or independent contractor in the exercise of their powers, duties, or functions, or in their performance of work or service or provision of equipment, materials, or supplies to or on behalf of the Municipality; and to inquire into and investigate any and all municipal affairs. In the exercise of this power, the Council shall have the power to subpoena witnesses and require the production of records and other evidence in the manner provided in the rules, regulations, or by-laws of Council; and in the absence of such

provisions, the Mayor-President of Council shall have the power to issue subpoenas for witnesses and the production of records and other evidence.

N. The power to exercise or provide for the exercise of all other powers granted to legislative authorities of municipalities by the Constitution of the State of Ohio, and to exercise all other powers granted to the Council by and under this Charter.

Q. The power to select and to remove the Law Director.

SECTION 2.06 ORDINANCES AND RESOLUTIONS OF COUNCIL

Actions of Council shall be by ordinance, resolution, or motion. Motions shall be used to conduct the business of Council, in procedural matters, for elections conducted among Council members and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this section.

Any member of Council, or the Mayor, may propose any ordinance or resolution, at a regular or special meeting, which shall be in written form and which shall contain a concise title.

The form and style of ordinances and resolutions shall be determined by Council.

Each ordinance or resolution shall be read on two separate meeting days, unless this requirement is dispensed with by a vote of at least three-fourths (3/4) of the members of Council. The first reading may be by title only. The second reading shall be in full unless this requirement is dispensed with by a majority vote of Council.

The vote on the question of passage of each resolution, ordinance, or motion shall be taken by "yea" or "nay" and the vote entered into the minutes. No measure shall be passed without a concurrence of a majority of the members of Council.

Emergency ordinances or resolutions shall require a two-thirds (2/3) vote of Council for enactment. If any emergency ordinance or resolution shall fail to receive the required two-thirds (2/3) affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation. The Council before enacting shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of Greenhills, Ohio, and the ordinance or resolution shall contain a statement of the necessity of declaring the emergency.

Each ordinance or resolution shall be authenticated by the Clerk. The failure to sign shall not invalidate an otherwise properly enacted resolution or ordinance.

The Clerk shall cause each ordinance and resolution adopted to be published in at least one of the following manners to be determined by Council:

- A. By posting a copy of the ordinance/resolution in at least four (4) public places in the Municipality as determined by Council, for a period of fifteen (15) days; OR
- B. By publishing the title of the ordinance/resolution in a newspaper, circular, or other publication determined by Council to be of circulation within the Municipality; OR

- C. By publishing a concise summary of the provisions of the ordinance/resolution in a newspaper or other publication determined by Council to be of circulation within the Municipality.

Failure to post or publish, or to maintain such posting shall not invalidate or delay the effective date of an ordinance or resolution, and in such events the Clerk may post/publish at a later date or delay effective date.

By a majority vote of its members, Council shall cause the codification of the laws and ordinances of the Municipality. This codification will be updated at least every ten (10) years to include all new legislation. Copies of this code shall be placed in the Public Library, the Mayor's office, and the municipal offices for public use.

Notwithstanding the other sections of this Charter, Council may adopt by resolution or ordinance all or part of any technical codes promulgated by State or Federal agencies, boards, or any other public or private agency. These codes may be adopted by reference but shall include the title and source of the code adopted by reference.

Each resolution or ordinance providing for the appropriation of money, or for improvements petitioned for by the owners of a majority of the adjacent property to be benefited and specially assessed, or an emergency measure for the preservation of the public peace, health, welfare, or safety, shall take effect, unless a later date be specified therein, upon its approval. No other resolution or ordinance shall become effective until thirty (30) days after its approval.

SECTION 2.07 OFFICERS OF COUNCIL

At the first meeting in January of each year, the Council shall immediately proceed to elect a President Pro-Tempore and a Vice President Pro-Tempore from its own number, who shall serve until the first meeting in the following January after the next election of council members.

When the Mayor is absent from the Municipality or is unable, for any cause as determined by majority vote of Council, to perform the duties, the President Pro-Tempore shall be the acting Mayor, and shall have all the powers and perform the same duties as the Mayor.

When both the Mayor and the President Pro-Tempore are absent from the Municipality or are unable, for any cause as determined by majority vote of Council, to perform their duties, the Vice President Pro-Tempore shall be the acting Mayor, and shall have all the powers and perform the same duties as the Mayor.

SECTION 2.08 ORGANIZATION AND RULES OF COUNCIL

The Council shall be a continuing body, but shall at its first meeting in January of each year adopt by majority vote rules of organization which shall not conflict with this Charter, and which shall remain in effect until amended, changed, or repealed by a majority vote of Council. These rules shall go into immediate effect. On any point not covered by rules of Council, Roberts Rules of Order, as revised, shall apply.

SECTION 2.09 AMENDING LEGISLATION

No ordinance or resolution, or section or subsection thereof, shall be revised or amended unless the ordinance or resolution superseding it contains a restatement of the entire resolution or

ordinance, or a restatement of the section or subsection thereof to be revised or amended. Upon being revised or amended, the portions of the original legislation which are in conflict with the revised or amended legislation shall be superseded and repealed.

ARTICLE III MAYOR

SECTION 3.01 TERM OF MAYOR

The Mayor shall be elected by the popular vote of the electors of the Municipality on a partisan ballot for a four (4) year term to begin on the first day of January following election.

SECTION 3.02 LEGISLATIVE POWERS

The Mayor shall be the nonvoting President of Council and may vote in the event of a tie vote only. The Mayor may propose ordinances and resolutions, and may take part in the discussion on all matters coming before Council.

SECTION 3.03 JUDICIAL POWERS

The Mayor shall have all the judicial powers granted generally by the laws of Ohio to the mayors of Ohio municipalities. The Mayor shall exercise all or any such powers in accordance with the procedure established by law governing Mayor's Court.

SECTION 3.04 OTHER DUTIES

The Mayor shall be recognized as the official and ceremonial head of the Municipality and by the Governor for military purposes.

The Mayor shall be an ex-officio member of all Council committees. The Mayor shall have all other powers and duties imposed upon the Mayor by ordinance, resolution, and the Ohio Revised Code which do not conflict with the other provisions in this Charter.

SECTION 3.05 COMPENSATION

Council shall establish the salary of the Mayor by ordinance. The salary of the Mayor shall not be changed during the term of office.

SECTION 3.06 QUALIFICATIONS

The Mayor shall be a resident and elector of the Municipality for at least twelve (12) consecutive months prior to the time of filing for office, and shall continue to be a qualified elector of the Municipality during the elective term of office.

The Mayor shall hold no other elective public office. The Mayor shall not be otherwise employed by, nor shall hold any other office in, this Municipality, except as provided by this Charter.

ARTICLE IV MANAGER

SECTION 4.01 MUNICIPAL MANAGER

A Municipal Manager shall be appointed by the Council. This appointment shall be made after reviewing the qualifications and job description as drawn up by the Council. A majority vote of the members elected to Council shall be required for the appointment of the Municipal Manager (hereafter referred to as Manager).

SECTION 4.02 QUALIFICATIONS OF THE MANAGER

The Manager shall be appointed solely on the basis of executive and administrative qualifications, and need not be a resident of the Municipality at the time of appointment, but shall become a fulltime resident of the Municipality within twelve (12) months after appointment, unless residence outside the Municipality is approved by a majority vote of the members of Council.

SECTION 4.03 ACTING MANAGER

- A. The Manager shall designate, by letter which shall be on file at all times with the Clerk of Council, any qualified administrative officer of the Municipality to perform the powers, duties, and functions of the Manager during a temporary absence from the Municipality or during disability. Such designation shall not be effective until the Council has approved it by a majority vote of the members of Council, and the Council may revoke such designation by a majority vote of the members thereof. If the designation has not been made and the Manager is absent from the Municipality or unable to perform duties or to make such designation, the Council may, by motion, appoint any qualified administrative officer of the Municipality to perform the powers, duties, and functions of the Manager, until the return of the Manager to the Municipality or the disability ceases. The Acting Manager so designated shall exercise all powers, duties, and functions of the Manager during this temporary absence from the Municipality or disability of the Manager.
- B. In the event of a vacancy in the office of the Manager, the Council may designate a person as Acting Manager, who shall exercise all powers, duties, and functions of the Manager until such time as a Manager is appointed.

SECTION 4.04 MAYOR AND COUNCIL RELATION TO MANAGER

Except as provided by this Charter, neither the Mayor, nor the Council, nor any member or committee thereof shall give orders to any employees of the Manager, either publicly or privately, unless that employee is assigned said duties, and such orders are approved, in writing, by the Manager, or noted in a job description. This provision shall not apply to the

Clerk of Courts, Clerk of Council, and Law Director. Any Council member or the Mayor found in violation of this provisions shall be subject to provisions of Section 8.03 of this Charter.

SECTION 4.05 POWERS AND DUTIES OF THE MANAGER

The Manager shall be the Chief Executive and Administrative Officer of the Municipality. The Manager shall be responsible to the Council for the administration of the Municipality. The Manager shall have the following powers and duties:

- A. The Manager shall appoint and, when the Manager deems it necessary, suspend, remove, or otherwise discipline all municipal employees and administrative officers appointed by the Manager, except as provided by, or pursuant to, this Charter. The Manager may authorize any administrative officer who is appointed by the Manager to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- B. The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Municipality, except as otherwise provided by this Charter.
- C. The Manager shall attend all Council meetings and shall have the right to take part in discussions, but may not vote.
- D. The Manager shall see that all laws, provisions of this Charter, and ordinances and resolutions of the Council, imposing duties on the Manager or employees subject to the Manager's direction and supervision, are faithfully executed.
- E. The Manager shall prepare and submit to Council the annual budget and capital program.
- F. The Manager shall submit to Council and make available to the public a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year.
- G. The Manager shall make such other reports as the Council may require concerning the operations of municipal departments, offices, boards, commissions, and agencies subject to the Manager's direction and supervision.
- H. The Manager shall appoint, with the approval of Council, special citizen advisory committees, and shall discharge such when, in the Manager's judgment and with Council's approval, their function has been completely served.
- I. The Manager may serve as an ex-officio member of all boards and commissions which are authorized under this Charter or subsequently created by Council.
- J. The Manager shall keep the Council fully advised as to the financial condition and future operating and capital needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as the Manager deems desirable, or as requested by Council.

- K. The Manager shall require reports and information of subordinate officers and employees of the Municipality as the Manager deems necessary in the orderly operation of the Municipality, or when required to do so by the Council or any board or commission of the Municipality.
- L. The Manager shall have the power to appoint, with the approval of Council, a Municipal Engineer, the Finance Director, and the Police Chief, or any other administrative officers as approved by Council.
- M. The Manager shall be the contracting officer of the Municipality and shall award and execute contracts and agreements on behalf of the Municipality in the manner and under the procedures required by this Charter.
- N. The Manager shall perform the duties and have the powers as conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

SECTION 4.06 REMOVAL OF MUNICIPAL MANAGER FROM OFFICE

The Council may remove the Manager from office in accordance with the following procedures:

- A. If necessary or convenient, Council may suspend the Manager with pay pending any investigation Council might determine to be necessary.
- B. The Council may, by majority vote of its members, regardless of whether there has been an investigation, adopt a resolution of intent which shall state the reasons for removal and may suspend the Manager from duty with or without pay for a period not to exceed thirty (30) days. A copy of the resolution shall be delivered to the Manager by the Law Director and/or Clerk of Council.
- C. Within five (5) days after a copy of the resolution is delivered to the Manager, the Manager may file with the Clerk of Council a written request for a public hearing. This hearing shall be held at a regular or special Council meeting not earlier than ten (10) days nor later than twenty (20) days after the request is filed. The date of the public hearing shall be set by the Mayor. The only notice required shall be that notice required for a special Council meeting. The Manager may file with the Clerk of Council a written reply to the resolution of intent, not later than five (5) days before the hearing.
- D. The Council may adopt a final resolution of removal which may be made effective immediately, by a vote of a majority of its members at any time after five (5) days from the date when a copy of the resolution of intent was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing if the Manager has requested one.
- E. The decision of the Council to suspend or remove the Manager shall be in the sole discretion of the Council.

- F. If the Manager is suspended from duty, the Council shall appoint, by vote of a majority of its members, an Acting Manager until the Manager is restored to duty or until Council shall appoint a person to the position of Manager as provided for under this Charter. The Acting Manager so appointed shall exercise all powers, duties, and functions of the Manager under this Charter.

**ARTICLE V
ADMINISTRATIVE OFFICIALS AND DEPARTMENTS**

SECTION 5.01 CONFLICT OF INTEREST

The laws of the State of Ohio pertaining to interest of municipal officials in contracts and the expenditure of money on behalf of the Municipality shall apply to the officials of the Municipality.

SECTION 5.02 LAW DIRECTOR

The Law Director shall be appointed by Council. The Law Director must be an attorney at law admitted to practice in the State of Ohio. The Law Director's compensation shall be established by ordinance or contract. The Law Director shall be the legal counsel for the Municipality and for all officials and departments thereof; and shall, when requested, give legal opinions in writing. The Law Director shall represent the Municipality in all litigations to which it may be a party and shall perform such other duties as may be assigned by Council and the Manager as well as those imposed by this Charter. The Law Director shall upon request prepare all contracts, bonds, and other instruments in writing in which the Municipality is concerned. Council shall have the right to select additional legal counsel.

SECTION 5.03 DUTIES OF THE CLERK OF COUNCIL

The Clerk of Council shall be appointed by Council. Council shall establish the salary of the Clerk of Council by Ordinance. The Clerk of Council may hold other office or position of employment in the Municipality. The Clerk of Council shall have those powers, duties, and functions as are provided in this Charter, by the Rules of Council, or by ordinance or resolution. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members and to the public as may be provided by this Charter, by the Rules of Council, or by ordinance or resolution. The Manager may appoint any person as an Acting Clerk of Council to serve in the event of a vacancy in the office or of temporary absence or disability of the Clerk of Council.

SECTION 5.04 DUTIES OF THE CLERK OF COURTS

The Clerk of Courts shall be appointed by the Manager with the approval of the Mayor. Council shall establish the salary of the Clerk of Courts by Ordinance. The Clerk of Courts may hold other office or position of employment in the Municipality. The Clerk shall perform all clerical duties related to Mayor's Court, collection and receipt of fines and costs assessed by the court, keeping of records related thereto, and other clerical duties as assigned. The Manager may appoint any person as an Acting Clerk of Courts to serve in the event of a vacancy in the office or of temporary absence or disability of the Clerk of Courts.

SECTION 5.05 DEPARTMENT OF FINANCE - FINANCE DIRECTOR

There shall be a Department of Finance, the head of which shall be the Finance Director. The Finance Director shall be appointed by the Manager, subject to the approval of the majority of the members of Council.

- A. In such case where there is a vacancy in the office of the Finance Director, the Manager shall occupy the position until such time as someone is appointed to fill such vacancy, but will receive no additional compensation.
- B. The Finance Director shall be appointed by the Manager considering all relevant factors, including education and experience in the field of accounting, taxation, budgeting, and finance.
- C. The Finance Director shall be the chief fiscal officer of the Municipality. The Finance Director shall have authority over and shall be required to keep the financial records of the Municipality, exhibiting accurate statements of all monies received, expended, and encumbered, of all property owned by the Municipality and of all taxes and assessments. The Finance Director shall advise the Manager concerning the financial condition of the Municipality and shall examine all payrolls, bills, and other claims against the Municipality and shall issue no warrant unless the Finance Director finds that the claim is in proper form, correctly computed, duly approved, and that an appropriation has been made thereof. The Finance Director shall collect all monies due and payable to the Municipality and shall be the custodian of all public money of the Municipality and shall disburse the same as may be required by law or ordinance. The Finance Director shall examine and audit the accounts of all other officers, employees, departments, boards, and commissions, and shall assist the Manager in the preparation and submission of appropriation measures, estimates, budgets, and other financial matters. The Finance Director shall perform all other duties now or hereafter imposed on Auditors, Treasurers, and Tax Commissioners under the laws of the State of Ohio. The Finance Director shall also perform such other duties consistent with his or her office as may be required by this Charter, by State statutes, by Ordinance or Resolution of Council, or as directed by the Manager.

SECTION 5.06 BUDGET

In each fiscal year, which shall be the calendar year from January 1 through December 31, the Manager and the Finance Director shall prepare and submit to the Council a budget for the following fiscal year. The budget shall be submitted to the Council on or before the first day of June. It shall include an estimate of all expenditures which will be necessary for the operation of the Municipality during the following fiscal year and an estimate of all revenue which will be received for that period. The Council shall approve or amend the budget as submitted, and shall adopt same, by resolution, after a public hearing of which at least ten (10) days notice is given in a manner prescribed for the publication of ordinances. Council shall submit the adopted budget to the County Budget Commission on or before the date established by the County Budget Commission. The budget shall be in the form prescribed by the Office of Inspection and Supervision of Public Offices of the State of Ohio, except to the extent that modification is required by any provision of this Charter, and all proceedings regarding the adoption of an annual budget, not specifically provided for in this section shall be in accordance with the provisions of the Ohio Revised Code.

SECTION 5.07 APPROPRIATIONS

An annual appropriations ordinance shall be prepared by the Manager and the Finance Director of the Municipality, in the form prescribed by the general law, based upon the revised budget as approved by the Hamilton County Budget Commission and the official certificate of estimated resources or amendments thereof as issued by the County Auditor. The proposed appropriations ordinance shall be submitted to the Council as soon as practicable after the issuance of such certification of estimated resources. On or about the first day of each year, the Council shall pass an appropriations ordinance based upon such proposed appropriations ordinance submitted by the Manager and the Finance Director, amended or revised as it sees fit. If it desires to postpone the passage of the annual appropriations ordinance until an amended certificate is received from the County Auditor, based on the actual balances, Council may pass a temporary appropriations ordinance for meeting the ordinary expenses of the Municipality until not later than the first day of April of the current year, and the appropriations made therein shall be chargeable to appropriations in the annual appropriations ordinance for that fiscal year when passed. For the purpose of meeting the actual requirements of the Municipality as they appear as the fiscal year progresses, Council may pass such supplemental appropriations ordinances as it deems necessary, adjusting the appropriations between the various appropriation funds. The total amount appropriated for any fiscal year shall not exceed the total balances carried over from the previous fiscal year plus the estimated revenue for the current fiscal year, as both of such sums appear upon the latest issued certificate of resources.

No amending or supplemental appropriations ordinance shall be required to be published. Such ordinances shall be effective immediately.

SECTION 5.08 CONTRACTS AND PURCHASING

- A. The Manager shall be the contracting officer of the Municipality, and shall execute all contracts and agreements on behalf of the Municipality in the manner and under the procedures provided by this Charter.
- B. When the expenditure of funds for the purchase of supplies, equipment, or materials, or to provide labor for any work to be performed under a contract for a public improvement, exceeds the amount specified by the laws of the State of Ohio for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by Council. The Manager may award a written contract to the lowest and best bidder after advertisement on the same day of each week for not less than two nor more than four consecutive weeks in a newspaper determined by the Council to be of circulation within the Municipality.
- C. Compensations of persons and employees; contracts with persons, firms, or corporations for service requiring specialized or professional skill, knowledge, or training; expenditures for and contracts for insurance; and expenditures required because of a real and present emergency, when authorized by an ordinance adopted by the affirmative vote of at least a majority of all the members of Council, may be awarded and executed without the necessity of advertisement and competitive bidding.
- D. Modifications and changes to contracts awarded under competitive bidding, which modifications and changes increase the total expenditure by an amount which would itself require advertisement and competitive bidding

under this Charter hereof, shall first be authorized by an ordinance enacted by the Council; however, advertisement and competitive bidding shall not be required.

- E. No contract or order shall be willfully split or divided into separate contracts or orders solely in order to avoid the requirement of advertisement and competitive bidding as provided by Subsection B. hereof.

SECTION 5.09 CENTRAL PURCHASING

The Manager shall act as Purchasing Agent for the Municipality. Council may provide by ordinance a procedure for the making of emergency purchases by officers and employees of the Municipality other than the Purchasing Agent. The Director of Finance shall issue checks for payment.

The Manager may designate an administrative officer or employee of the Municipality to act as Purchasing Agent to award and execute such contracts, orders, and agreements on behalf of the Municipality as the Manager is authorized to award and execute pursuant to the provisions of Subsection B. hereof.

SECTION 5.10 ENGINEER

An Engineer may be appointed or contracted with by the Manager with the consent of Council. The Engineer must be a registered engineer licensed to practice in the State of Ohio. Council shall establish the compensation of the Engineer by Ordinance. The Engineer may be removed by the Manager with the consent of Council. The Engineer shall, on request, prepare specifications and drawings for material, equipment, and any other items which the Municipality is concerned with procuring. The Engineer shall review drawings as approved. The Manager shall have the right to employ or contract with additional engineering personnel or services.

SECTION 5.11 POLICE AND FIRE PROTECTION

Council shall provide for police and fire protection adequate to meet the needs of the Municipality.

SECTION 5.12 POLICE DEPARTMENT

The operating rules and procedures of the Police Department shall be established by the Manager with the advice of the Police Chief and the consent of Council. The Police Department shall be under the direction of a Chief of Police, who shall be the Department Head and who shall report to the Manager for administrative purposes. Disciplinary action shall be taken by the Police Chief with right of appeal to the Manager. The appointment, promotion, and removal of members of the Police Department, including the Police Chief, shall be made by the Manager in accordance with Rules provided for by Council and this Charter, or upon achievement of City status, in accordance with the provisions of Article IX hereof and rules promulgated thereunder.

SECTION 5.13 BUILDING INSPECTOR

The Manager may provide for a Building Inspector adequate to meet the needs of the Municipality.

**ARTICLE VI
BOARDS AND COMMISSIONS**

SECTION 6.01 EFFECT OF CHARTER ACTION ON PRE-EXISTING BOARDS AND COMMISSIONS

All official opinions, rulings, findings, decisions, and other prior action of pre-existing Boards, Commissions, and/or Committees shall remain in effect, unimpaired and in full force until changed, modified, rescinded, or repealed according to this Charter's provision by any new Boards, Commissions, and/or Committees or until superseded by Council action.

SECTION 6.02 PLANNING COMMISSION

A Planning Commission consisting of five (5) members shall be established. The members shall be the Mayor, one Council member, and three (3) citizens of the Municipality appointed by the Mayor with the approval of Council. The Planning Commission shall have the powers conferred on it by the Ohio Revised Code, this Charter, and by ordinances of Council. The members shall have terms of six (6) years on a staggered basis. The Planning Commission shall be a continuing body. The Planning Commission shall be responsible for maintaining a Master Plan and the planning and advising of municipal development and redevelopment, and other duties assigned by Council. The Planning Commission shall adopt its own rules of procedure.

SECTION 6.03 BOARD OF ZONING APPEALS

A Board of Zoning Appeals consisting of five (5) members shall be established. The members shall be two (2) members of the Planning Commission elected by the Planning Commission, with the remaining three (3) members appointed by the Mayor with approval of Council. The members shall have terms of three (3) years. The Board shall be a continuing body, shall adopt its own rules of procedure, and shall have the powers conferred upon it by Council Ordinances.

SECTION 6.04 RECREATION COMMISSION

A Recreation Commission consisting of seven (7) members shall be established according to Council ordinances. The Recreation Commission shall have the powers conferred upon it by general law and by Council Ordinances. This commission shall serve as an advisory board to Council regarding the recreation needs of the Municipality. The Recreation Commission shall be a continuing body.

SECTION 6.05 TAX BOARD OF REVIEW

An Income Tax Board of Review consisting of three (3) members appointed by the Mayor, with the consent of Council, shall have the powers conferred upon it by Council. Any person dissatisfied with any ruling or decision of the Tax Commissioner may appeal to the Board pursuant to rules established by Council.

SECTION 6.06 BOARD OF HEALTH

If the Municipality becomes a City, Council may, by ordinance, determine to establish a local Board of Health composed of five (5) members appointed by the Mayor and confirmed by the legislative authority. The term of office shall be two (2) years from the date of appointment. Compensation of members of the Board of Health shall be established by Council to the extent State law allows.

SECTION 6.07 VOLUNTEER FIREMAN'S DEPENDENTS FUND BOARD

A Volunteer Fireman's Dependents Fund Board shall consist of such members and perform such duties as provided by the Ohio Revised Code.

SECTION 6.08 CHARTER REVIEW COMMISSION

The Charter shall be reviewed when deemed necessary by Council. The Mayor shall appoint seven (7) qualified electors of the Municipality as members of a Charter Review Commission with the advice and consent of the Council; provided, however, that in the event that the Council shall fail, neglect, or refuse to act on appointment within thirty (30) days after such names are presented by the Mayor, such persons shall be deemed to be confirmed by operation of law.

The Commission shall review the Charter of the Municipality; and, within six (6) calendar months after the confirmation of the last of its members, shall recommend to the Council such alterations, revisions, or amendments to the Charter as are desirable, in the judgment of the Commission.

The Council may submit any, all, or none of such recommendations to the electors of the Municipality in the manner provided by the Ohio Constitution.

The terms of the members of the Charter Review Commission shall terminate upon the submission of its recommendations to the Council.

SECTION 6.09 GENERAL PROVISIONS

Members of all boards and commissions of the Municipality, whether established by this Charter or by ordinance, shall be qualified electors of the Municipality at the time of their appointment and during their respective terms of office. Members of all municipal boards and commissions shall serve without compensation; provided, however, that the Council may provide for the payment of mileage and for the reimbursement of expenses incurred by such members in the performance of their duties.

A majority of all of the members of each of the municipal boards and commissions shall constitute a quorum for meetings of such boards and commissions; a majority vote of all of the members of each board and commission shall be necessary for the taking of any action or the passage of any measures by such boards and commissions.

All meetings of each board and commission shall comply with all rules for notification of meetings to the public and all meetings of any board or commission at which a majority of its members are present shall be meetings open to the public except as provided by rules adopted by said boards or commissions, which rules, and all other rules adopted by said board or commission, shall supersede and override state statutes.

At the first meeting in each calendar year of municipal boards and commissions, each board or commission shall elect a chairperson and a secretary by a majority vote of all of the members appointed thereto. The chairperson shall be a member of the respective body; but the secretary need not be a member of the board or commission and may hold other office or employment with the Municipality. The chairperson shall be the presiding officer at all meetings of the board or commission; and the secretary shall keep an accurate record of the proceedings of such board or commission.

SECTION 6.10 VACANCY IN BOARDS OR COMMISSIONS

Unless otherwise provided by this Charter, a vacancy during the term of any member of a municipal board or commission established by this Charter or by an ordinance passed by the Council, shall be filled in the manner and by the appointing authority authorized to make the original appointment, for the remainder of the unexpired term of the member whose death, resignation, or removal created the vacancy.

ARTICLE VII TAXATION AND BORROWING

SECTION 7.01 POWER TO INCUR INDEBTEDNESS

The Municipality may incur indebtedness, upon authorization of the Council, by issuing its bonds and notes in anticipation of bonds, pursuant to this article, to finance any capital project which the Council may decide to construct or acquire.

SECTION 7.02 ISSUANCE OF BONDS

The Council shall authorize the issuance of bonds or notes by ordinance, passed by the affirmative votes of at least the majority of its members.

SECTION 7.03 PROCEDURE IN BOND ISSUE

In all respects not provided for otherwise in this Charter, the procedure followed in authorization of and issuing of bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Bond Law as established by the Revised Code of Ohio, and applicable provisions of the Constitution of the State of Ohio.

SECTION 7.04 SHORT TERM BORROWING

At any time in any budget year, when the Council shall determine that revenues will, for any reason, be insufficient to meet authorized expenditures, it may by ordinance, borrow money and/or issue notes. These notes may be of three (3) different types:

1. Those issued to finance emergency appropriations, when unappropriated available revenues are insufficient for that purpose;
2. Those issued in anticipation of the collection of taxes upon real estate and income;
3. Those issued in anticipation of the collection of other types of revenue.

These notes shall be signed by the Mayor and the Manager, on behalf of the Municipality.

In the case of public emergency as authorized by the Ohio Revised Code, the Council of the Municipality may borrow money for any municipal purpose valid under the Constitution of Ohio or this Charter to the extent of the maximum debt limitations imposed by this Charter and the Constitution, and may create debt in any form and under any procedure not in conflict with any express prohibition of the Constitution and Laws of Ohio and/or of this Charter.

SECTION 7.05 MUNICIPAL EARNINGS TAX LIMITATION

Council may not increase the Municipal Income Tax without submission of the question of levying such additional tax to the electors of the Municipality at a Primary, General, or Special Election.

ARTICLE VIII NOMINATIONS, ELECTIONS, AND QUALIFICATIONS

SECTION 8.01 EFFECT OF STATE LAW

Except as otherwise provided in this Charter, the laws of the State of Ohio, or amendments thereto, shall govern the nominations and election of elective officers of the Municipality.

SECTION 8.02 VACANCIES

In case of death, disqualification, removal from office, or resignation of the Mayor, the President Pro-Tempore of Council shall become the Mayor for the unexpired term of the Mayor, but shall cease to be a Councilmember.

Whenever the office of a Councilmember shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of Council. A vacancy in the office of President Pro-Tempore of Council shall be filled by the Vice President Pro-Tempore becoming President Pro-Tempore of Council and the office of Vice President Pro-Tempore shall be filled by a Councilmember being elected to the office of Vice President Pro-Tempore by a majority vote of the remaining members of Council. In the event Council shall fail to fill any vacancy within thirty (30) days from the date such vacancy occurs, then the power of Council to do so shall lapse and the Mayor shall fill it by appointment.

The person elected or appointed to fill a vacancy shall have the qualifications for the particular office specified in this Charter, and shall hold office for the unexpired term.

SECTION 8.03 REMOVAL FROM OFFICE

The office of an elected official or member of a Board or Commission of the Municipality shall be declared vacant by resolution of Council upon determination that the elected official:

- A. Does not possess, or has ceased to possess, the qualifications of office, as provided herein.
- B. Has failed to take the required oath or affirmation.
- C. While in office has been convicted of, or entered a plea of guilty to, a felony or crime involving moral turpitude.
- D. Has been adjudicated mentally incompetent.
- E. Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance, or nonfeasance in office.
- F. Has violated the oath or affirmation of office.
- G. Has not disclosed in writing a conflict of interest.

In addition to the grounds for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three (3) consecutive meetings.

The decision of Council to remove an elected official or member of a Board or Commission shall be made only upon concurrence of two-thirds (2/3) or more members of Council after public hearing upon the charge or charges brought; and, provided further, that the accused elected official shall have been notified in writing of the charge or charges against the official at least fifteen (15) days in advance of such public hearing; and, provided further, that the elected official or member of a Board or Commission, or the counsel for the elected official or member of a Board or Commission, shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges. A member of Council shall not vote upon the question of that member of Council's own removal.

The decision of Council after compliance with this section shall be final.

The elected official so removed shall not be eligible for appointment to the vacancy created thereby.

SECTION 8.04 INITIATIVE, REFERENDUM, RECALL

- A. Initiative. The electors of the Municipality shall have the power to propose ordinances and other measures by initiative petition in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.
- B. Referendum. The electors of the Municipality shall have the power to approve or reject at the polls any ordinance or other measure enacted by Council in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.
- C. Recall. The electors of the Municipality shall have the power to remove from office by recall election any elected official of the Municipality. If an elected official shall have served six (6) months of the term, a petition demanding removal may be filed with the Municipal Clerk, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefore and attach a copy thereof to said petition. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty-five (25) per cent of the total number of electors voting at the last preceding regular Municipal election.

Within ten (10) days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the said Clerk shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of the certificate to the person who filed the petition, and make a record of such delivery.

If such official shall not resign within five (5) days after the day on which delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery. At such recall election, this question shall be placed upon the ballot: "Shall (naming the official) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such official shall remain in office. If a majority of the votes cast shall be voted negatively, such official shall be considered as removed, the office shall be declared vacant, and such vacancy shall be filled as provided by this Charter. The official removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

ARTICLE IX MERIT SYSTEM

SECTION 9.01 CIVIL SERVICE - CLASSIFIED AND UNCLASSIFIED

Upon achievement of City status, appointments and promotions in the administrative service of the City shall be made according to merit and fitness, pursuant to rules provided by Council, which rules shall supersede and override state statutes, including state civil service statutes and rules. The classified service of the City shall include all offices and positions of the City, except the following, which constitute unclassified offices and positions:

- A. Members of Council.
- B. The Clerk of Council and/or Clerk of Court.
- C. The Mayor.
- D. The Manager.
- E. Department Heads.
- F. Members of boards and commissions appointed by Council.
- G. Other positions as recommended by the Manager with the approval of Council.

SECTION 9.02 CLASSIFIED SERVICE

The Council shall provide rules, including procedures, for the determination of merit and fitness as the basis for appointments and promotions and Council shall provide rules for demotions, suspensions, removals, and discipline in the classified service. All rules provided by Council shall supersede and override state statutes, including state civil service statutes and rules.

SECTION 9.03 CIVIL SERVICE BOARD

Upon achievement of City status, there shall be a Civil Service Board of three (3) members, appointed by the Council whenever it is deemed necessary, to serve for the purpose and during the period specified in the ordinance creating the Board. Each member of the Civil Service Board shall be a qualified elector. The Civil Service Board shall serve without compensation and shall be established to hear appeals whenever any official or employee in the competitive service feels aggrieved by any action of the Manager or Council or is suspended, reduced, or removed and requests such hearing. The Board shall have power to subpoena witnesses and require the production of records, and have such other powers and duties as established by Council. Procedures for the operation of the Board shall be set by Council. All rules and procedures provided by Council shall supersede and override state statutes, including state civil service statutes and rules.

ARTICLE X GENERAL PROVISIONS

SECTION 10.01 SEPARABILITY

If any provision, section, or part of a section of this Charter is held invalid by a court, the other provisions of this Charter, section, or part of a section shall not be invalidated thereby.

SECTION 10.02 CITY STATUS

The term "Municipality" as used in this Charter shall, upon achievement of City status, be construed as "City," and editorially altered in all new copies after this achievement.

SECTION 10.03 TRANSITIONAL PROCEDURE

This Charter shall be submitted to the electors at the special election of October 25, 1988. If approved, it shall become effective on January 1, 1989. All elected officials shall hold office until the expiration of their terms, when the next elected officials shall serve as indicated in the separate sections of this Charter. All other employees of the Municipality as of the effective date of this Charter shall continue in such employment; and thereafter, shall be subject in all respects to the provisions of this Charter, and ordinances, resolutions, rules, or regulations enacted or promulgated thereunder.

**ARTICLE XI
ENUMERATION OF POWERS**

SECTION 11.01 ENUMERATION OF POWERS

Any enumeration of powers contained herein shall not limit the scope of a general grant of power to the same body or office.

CERTIFICATE

We, the duly-elected and qualified members of the Charter Commission of the Village of Greenhills, State of Ohio, have framed and unanimously have approved the foregoing Charter, to be submitted to the electors of the Village of Greenhills on October 25, 1988.

Michael C. Brown	Everett E. Lumsden
Robert G. Carlson	Nancy M. Riedmiller Moore, Sec'y.
Patricia H. Dobson	Ronald E. Otting, Chair
Henry Eberle	Richard Schramm, Treasurer
Thomas Eberle	Robert L. Sponseller
F. W. Hersman	Robert G. Woellner, Vice Chair
Mary Patricia Leary	Terry L. Yaeger