

Whitehouse

February 29, 2024

CHARTER REVISION COMMISSION AGENDA

March 7, 2024

3:00 P.M.

The Whitehouse Village Council is encouraging citizens to consider accessing public meetings remotely. You may do so by phone at 1-567-318-0438. You will then be prompted to press the following Meeting ID 130025894#. You may also access the meeting online by going to the Village website at www.whitehouseoh.gov and clicking on the link from the home page, please make sure you mute your microphone.

Notice is hereby given that the Whitehouse Village Council will meet on Thursday, March 7, 2024, at 3:00 PM. The meeting will be held in Council Chambers, Village Hall, 6925 Providence St., Whitehouse, Ohio

- I. Call to Order
- II. Attendance
 - Daniel Rauch (Term ending 12/31/26)
 - Robert Casaletta (Term ending 12/31/27)
 - Phil Whaley (Term ending 12/31/25)
 - Council Representative Larry Yunker (Term ending 12/31/27)
- III. Review and Approval of February 22, 2024 Meeting Minutes
- IV. Items for Discussion
 - Review Draft Charter
- V. Consideration of Other Business as Appropriate Pursuant to Village Charter Section 12.10(B)
- VI. Adjourn

**CHARTER OF THE
VILLAGE OF WHITEHOUSE, OHIO**

EDITOR'S NOTE: The Whitehouse Charter was approved by the voters on November 3, 1992. Dates appearing in parentheses following section headings indicate those sections were subsequently amended, added or repealed on the date given.

TABLE OF CONTENTS

PREAMBLE

FORM OF GOVERNMENT

ARTICLE I MUNICIPAL CORPORATION

Section 1.01 Names and Boundaries

Section 1.02 Municipal Powers

Section 1.03 Municipal Powers Specifically as to
Purchasing and Contracting. (11-2-04)

ARTICLE II GENERAL PROVISIONS

Section 2.01 Conflict of Interest (11-8-94)

Section 2.02 Prohibitions

Section 2.03 Adoption of Amendments

Section 2.04 Interpretation

Section 2.05 Effect of Partial Invalidity

Section 2.06 Appointed and Elected Officials

ARTICLE III THE COUNCIL

Section 3.01 Number, Selection, Term

Section 3.02 Qualifications

Section 3.03 Compensation

Section 3.04 Organization

Section 3.05 Quorum

Section 3.06 Rules and Journal of Council

Section 3.07 Vacancies (11-04-08)

Section 3.08 Meetings (11-04-08)

Section 3.09 Powers

Section 3.10 Provisions as to Legislative Action

Section 3.11 Publications of Ordinances, Resolutions and Notices

Section 3.12 Emergency Ordinances and Effective Date of
Ordinance and Resolutions

ARTICLE XII COMMISSIONS AND BOARDS

- Section 12.01 General Provisions
- Section 12.02 Composition
- Section 12.03 Meetings
- Section 12.04 Rules of Procedure
- Section 12.05 Vacancy
- Section 12.06 Records Commission
- Section 12.07 Fire Dependency Board
- Section 12.08 Municipal Planning Commission
- Section 12.09 Board of Zoning Appeals
- Section 12.10 Charter Revision Commission

ARTICLE XHI NOMINATIONS AND ELECTIONS

- Section 13.01 Municipal Elections
- Section 13.02 Nominating Procedures
- Section 13.03 Primary Elections
- Section 13.04 Candidates at Regular Municipal Elections
- Section 13.05 Who Shall be Declared Elected

ARTICLE XIV INITIATIVE REFERENDUM AND RECALL

- Section 14.01 Initiative
- Section 14.02 Referendum
- Section 14.03 Recall
- Section 14.04 General Provisions

ARTICLE XV TRANSITIONAL PROVISIONS

- Section 15.01 Officers and Employees
- Section 15.02 Pending Matters
- Section 15.03 State and Municipal Laws
- Section 15.04 Effective Date of Charter

CHARTER
VILLAGE OF WHITEHOUSE, OHIO

PREAMBLE

We, the citizens of Whitehouse, in the County of Lucas and the State of Ohio, in order to secure the benefits of municipal home rule and to exercise all powers of local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for the government of the Municipality of Whitehouse.

FORM OF GOVERNMENT

The structure of this government shall be organized and balanced by the formation of three distinct branches. The Mayor shall serve as the executive branch, the Council shall be the legislative branch serving the citizens of this Municipality through the development of ordinances or resolutions designed to operate the Municipality in a prudent and fiscally sound manner, and the Administrative Branch, headed by a professional Administrator, shall put into action those ordinances and resolutions.

ARTICLE I
MUNICIPAL CORPORATION

SECTION 1.01 NAME AND BOUNDARIES

The municipal corporation now existing in the County of Lucas, State of Ohio, and known as the Village of Whitehouse, Ohio, hereinafter in the Charter called the "Municipality", shall continue to be a legal government body and corporate under the name of Whitehouse. It shall continue to operate with the same boundaries as now exist, but with power and authority to change the boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio. No territory shall be detached therefrom, nor shall the Municipality be annexed to any other Municipality or legal government body, nor shall the corporate existence of the Municipality be terminated, without the consent of its Council and of the electors of the Municipality voting on such proposal at an election held and conducted in the manner provided by law.

SECTION 1.02 MUNICIPAL POWERS

The Municipality shall have all powers of local self-government now and hereafter granted to municipalities by the Constitution of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such lawful manner as the Council shall determine by ordinance or resolution. Enumeration of or reference to particular powers in this Charter shall not be construed to be exclusive.

**SECTION 1.03 MUNICIPAL POWERS SPECIFICALLY AS TO
PURCHASING AND CONTRACTING.**

The Municipality shall have the power to determine the method, manner, consideration and procedure for the purchase and/or disposal of property and terms and conditions of purchase and sale on behalf of the Municipality. The Municipality shall have the power to provide for and to determine by ordinance or resolution of Council, the matter of whether contracts shall be awarded pursuant to separate prime contracts, single prime contracts, unit price contracts, or some other method of contracting shall be utilized. All such contracting matters shall be determined by Council and set forth in a general ordinance or resolution or by a specific action with respect to particular projects as same shall be undertaken and specified by ordinance or resolution. (Added 11-2-04.)

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ARTICLE II GENERAL PROVISIONS

SECTION 2.01 CONFLICT OF INTEREST

No member of Council or any officer or employee or any other elected or appointed official of this Municipality shall have any financial interest, direct or indirect, in any contract with or sale to the Municipality of any materials, supplies or services, or any lands. Any such person violating the provisions hereof shall forfeit his office or position and any such contract shall be voidable at the option of Council.

(Amended 11-8-94)

SECTION 2.02 PROHIBITIONS

No person shall be elected, appointed to, removed from, or in any way favored or discriminated against with respect to any municipal position or appointive municipal administrative office because of race, sex, national origin, handicap, age, political or religious opinions or affiliations.

No person who seeks appointment or promotion with respect to any municipal position or appointive municipal administrative office shall directly or indirectly give, render or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

SECTION 2.03 ADOPTION OR AMENDMENTS

If a majority of the qualified electors of the Municipality voting in any election upon a proposed Charter amendment vote in favor of the amendment, it shall become effective at the time fixed in the amendment, or thirty (30) days after its adoption by the voters.

SECTION 2.04 INTERPRETATION

Masculine pronouns used in the Charter shall be construed to include the feminine and neuter pronouns, and the singular number shall be construed to include the plural number whenever the context shall require.

SECTION 2.05 EFFECT OF PARTIAL INVALIDITY

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 2.06 APPOINTED AND ELECTED OFFICES

No member of Council or any officer, employee or any other elected or appointed official of the Municipality of Whitehouse shall hold any other elected or appointed office except as provided for herein.

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ARTICLE III THE COUNCIL

SECTION 3.01 NUMBER, SELECTION, TERM

The legislative power of the Municipality shall be vested in a Council which shall be a continuing body consisting of six (6) members at large

All presently elected Council members shall remain in office until the termination of their respective terms of office.

~~Four (4) Council members shall be elected under this Charter at the regular municipal election to be held in the year 1993. Said Council members shall be elected as follows: One of which shall be designed a transitional Council member who shall be elected for a two (2) year term of office commencing on January 1, 1994. Three (3) Council members shall be elected under this Charter in the year 1993 and at subsequent regular municipal elections to succeed those whose terms will expire at the end of the year in which such election is held as hereinafter provided.~~

Thereafter, the term of office of each member of Council shall begin on the first day of January next following such person's election. Council members shall serve for terms of four years each or until their respective successors are chosen and qualified.

Any vacancy on Council whether by resignation or disqualification, including any vacancy prior to January 1, 1994, shall be filled under the provisions of Section 3.07 of this Charter.

SECTION 3.02 QUALIFICATIONS

Council members shall have been an elector of this Municipality for at least two years prior to the date of their election or appointment and shall continue to be an elector throughout the term of office. No council member shall hold any other elective office; or any office or employment with the Municipality; unless specifically exempted herein. Council members shall not directly or indirectly solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work or service with or for the Municipality.

Council shall be the sole and final judge of the election and qualifications of its members. Any member of Council who shall cease to possess or who violates any of the qualifications herein enumerated shall forfeit the office. Failure of any member of Council to maintain said qualifications shall render voidable, at the option of Council. ~~or ineffective any action of Council in which such member has participated.~~

SECTION 3.03 COMPENSATION

The salary of the members of Council shall be fixed and determined by the Council, but the salary of the members of Council shall not be increased or decreased during the term of office which any such person is serving. If the established salary of the members of Council is to be changed in respect to succeeding terms of office, such change must be made by the Council prior to the first day of July next preceding a regular municipal election.

SECTION 3.04 ORGANIZATION

After December 31 and on or before the 8th day of January next following each regular municipal election, the members of Council shall meet at the Council Chambers for the purpose of organization. At such meeting the Council shall elect one of its members President of Council to serve ~~one year or~~ until a successor shall have been elected. In the event the President of Council ceases to be a member thereof, the Council shall elect another member to serve as President.

Committee, commission and board appointments shall be made by the following February 1st.

SECTION 3.05 QUORUM

Four (4) of the members of Council shall constitute a quorum for the transaction of any business at any meeting of the Council, but a number less than the quorum may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, resolution or by the rules of the Council. At any meeting at which a quorum is present, any action may be taken by an affirmative vote of a majority of the members of the Council present, unless a larger number be required by the provisions of this Charter or the laws of the State of Ohio not in conflict therewith.

SECTION 3.06 RULES AND JOURNAL OF COUNCIL

Except as otherwise provided by the Constitution of the State of Ohio or this Charter, the Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution, or motion shall be by roll call, and the vote of each member of Council shall be entered upon the journal.

SECTION 3.07 VACANCIES AND RESIGNATIONS

Whenever the office of a member of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the vacancy shall not be so filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected and shall qualify for the unexpired term as hereinafter provided, A successor for the unexpired term of member of Council shall be elected at the next general election, providing such election shall occur more than two years prior to the expiration of the term and the vacancy shall have occurred prior to the first of August immediately preceding such election. Any resignation shall be effective when tendered. (Amended 11-4-08)

SECTION 3.08 MEETINGS

The Council shall meet at such times as may be prescribed by its rules, regulations, ordinances and by-laws, ~~but shall hold regular meetings at least twice in each calendar month.~~ Council shall hold such special meetings as may be found necessary, which may be called by the Clerk upon written request of the mayor or upon the written request of three (3) members of Council. Any such vote or request for the calling of a special meeting shall state the subject or

subjects to be considered, and no other subject or subjects shall be considered except on the approval of five (5) or more members of Council in attendance at such special meeting. Twenty-four (24) hours notice in writing of such special meeting, if called by the Mayor or by three (3) members of Council, shall be given to each member of Council and to the Mayor by personal service or by delivery thereof at their usual places of residence. Members of Council may waive such notice by their attendance at such special meeting.

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3.09

If an emergency is declared by either federal, state or local officials, that would preclude normal meetings to occur, the Village Administrator, in consultation with the Mayor, Village Council and the Solicitor, can convene meetings to conduct Village business by whatever appropriate means deemed necessary until the state of emergency has been lifted. (Added 11-04-08)

Public notice of all meetings of Council, including all meetings of the Committee of the Whole, shall be posted pursuant to rules adopted by Council and pursuant to the Ohio Revised Code.

All meetings of Council, including all meetings of the Committee of the Whole, shall be open to the public. The Council may hold an executive session if a majority of a quorum so determined to hold such a session for the sole purposes as set forth in the Ohio Revised Code as now existing or an amended in the future.

~~All meetings of Council, including all meetings of the Committee of the Whole, shall be held in the Council Chambers of the Municipality and shall be open to the public. Public notice of all meetings shall be posted at the Municipal Office and four (4) other designated public places in the Municipality a minimum of twenty-four (24) hours prior to the meeting. No ordinance, resolution or motion shall be approved except at such public meeting. The Council may hold an executive session if a majority of a quorum so determines by a roll call vote, to hold such a session at a regular or special meeting for the sole purpose of the consideration of the following matters: personnel matters, purchase or sale of real estate, pending or imminent litigation or court action, collective bargaining issues, matters required to be kept confidential by federal or State law or rules, and specialized details of security arrangements where disclosure might reveal information that could be used for the violation of the law. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered, and no other subject or subjects shall be considered.~~

SECTION 3.09 POWERS

Except as otherwise provided by the Constitution of the State of Ohio or by this Charter, and

among other powers, the Council shall have and possess:

A. All of the legislative powers of the Municipality now or hereafter granted by the Constitution and the laws of the State of Ohio legislative bodies or municipalities, and such other powers granted by this Charter and all powers now or thereafter granted by the laws of the State of Ohio to Boards of Control, Municipal Tax Commissions, or any other municipal commission, board or body now or hereafter created by law, except as otherwise provided by the Constitution of the State of Ohio or this Charter. All existing boards, commissions and similar bodies, heretofore created, authorized or existing shall be abolished as of January 1, 1993.

B. The power to create, combine or abolish offices, departments, divisions, boards or commissions of the Municipality and the power to fix the qualifications, duties, bonds and compensation of all officers and members thereof;

C. The power to approve and confirm or to disapprove and reject the appointment and removal by the Mayor of any appointive officer or head of a department or division of the Municipality;

D. The power to fix the number of employees in the various departments of the Municipality and to determine the qualifications, duties, bonds and compensation of such employees;

E. The power to determine the method of and procedure for making, awarding, advertising, modifying and enforcing contracts with the Municipality unless authorized by the Council and no contract shall be binding upon the Municipality unless it has been so authorized or approved and the necessary money has been lawfully appropriated therefore;

F. The power to consider the method, manner, consideration, and procedure for the purchase of property on behalf of the Municipality and the sale or disposal thereof;

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- G. The power to expel or remove:
1. Any member of Council for gross misconduct, misfeasance, malfeasance or nonfeasance in office, or for disqualification from holding office, or for conviction, while in office, of a crime involving moral turpitude, or for violation of the oath of office, violation of the provisions of this Charter or for persistent failure to abide by the rules of Council, or for absence, without justifiable excuse, for three (3) consecutive regular meetings of Council;
 2. The Mayor and all other elected officials for gross misconduct, malfeasance, misfeasance, or nonfeasance or for conviction of a crime involving moral turpitude, for violation of provisions of this Charter, or for violation of the oath of office.
 3. The Municipal Administrator for gross misconduct, malfeasance, misfeasance, or nonfeasance or for conviction of a crime involving moral turpitude or at will as otherwise herein provided.
- No such expulsion or removal shall take place except on the concurrence of five (5) members of Council, and only after first having given to such person a written statement of the reason for such expulsion or removal at least ten (10) days in advance of any hearing thereon and an opportunity to be publicly heard in person or by counsel in such person's own defense.
- H. The power to make other general regulations as the Council may deem necessary in the public interest.

SECTION 3.10 PROVISIONS AS TO LEGISLATIVE ACTION

All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution.

Every ordinance or resolution shall be read three (3) consecutive times to Council. ~~The first reading to be in full and second and third readings by number and title only. An ordinance or resolution shall be fully and distinctly read each time, if requested, by any member of Council.~~ No ordinance or resolution shall contain more than one general subject which shall be clearly expressed in its title. Any ordinance or resolution revising or amending previous legislation shall set forth the entire section or sections thereof so revised or amended, as revised or amended, and the original section or sections so revised or amended shall be deemed repealed.

The Council may adopt standard codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating, air conditioning, and similar subjects by reference to the date and source of such codes without reproducing the same at length in the adopting ordinance. In the case of such adoption, publication of the code at length shall not be required but there shall be, at the time of adoption thereof and at the times thereafter, on file for public inspection, at least one copy of such code. The Clerk of Council shall make additional copies thereof available for sale to interested persons at such prices as may be established by Council.

Revisions, codification, or rearrangements of ordinances may be published in book form if so specified therein. If so revised, codified and rearranged under appropriate titles, chapters and sections, such revisions codification or rearrangements may be made in one ordinance comprising one or more subjects. The publication in book form as aforesaid with certification of the passage and adoption thereof by the Clerk of Council shall constitute sufficient publication of the ordinance or ordinances contained therein. The book so published and certified shall be received in evidence in any court, for the purpose of providing the ordinance or ordinances therein contained in the same manner and for the same purpose as the original book, ordinances, minutes, or journal would be received. If a revision codification or rearrangement or ordinances contains new matter not previously published, a notice of the reenactment thereof, setting forth the titles of the ordinances and the title of the chapters and sections containing such new matter, shall be published in the manner provided in Section (3.11) of this Article, which notice shall constitute a sufficient publication of such new matter. The Clerk of Council shall maintain a master copy which shall clearly indicate any changes or revisions of the Municipal Code made after the publication of aforementioned book.

SECTION 3.11 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES

Except as provided in (3.10) of this Article, every ordinance or resolution of a general or public nature including, but not limited to those granting, reviewing, or extending a franchise, creating a right, involving the expenditures of money, levying of a tax, or concerning the purchase, lease, sale or transfer of public property, shall be published by posting a copy thereof in a conspicuous place in the Whitehouse Village Hall for a period of not less than fifteen (15) days. Except as to emergency ordinances and resolutions, publication shall be completed prior to the taking effect thereof.

Council may ~~shall~~, by ordinance, designate ~~four (4)~~ additional public places in the Municipality for posting copies of ordinances or resolutions and may make provisions in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the Municipality. ~~In the case of newspaper publication, ordinances and resolutions shall be published not less than two (2) nor more than four (4) consecutive weeks, and all other matters once except as provided by Ohio Revised Code.~~

Publication of any notice, statement, order, report, or proclamation required to be published by this Charter, by the applicable laws of the State of Ohio, or by legislation enacted by the Council shall be published by posting as provided in this section except as otherwise herein specifically set forth.

Notice to bidders for the construction of public improvements, and notices of the sale of notes or bonds of the Municipality, shall be published in at least one English language newspaper printed in the State of Ohio and of general circulation in the Municipality.

Proof of any publication provided for in this section shall be made by the Clerk of Council as provided by ordinance, or, if not so provided, as provided by the laws of the State of Ohio.

SECTION 3.12 EMERGENCY ORDINANCES AND EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS

Each ordinance providing for the appropriation of money for the current expenses of the Municipality, or for an annual tax levy or street improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be especially assessed for the cost thereof, and any emergency ordinance or measure for the immediate preservation of the public peace, health or safety shall take effect immediately upon its passage. No other ordinance or resolution shall go into effect until thirty (30) days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least five (5) members of the Council for its enactment. No action of the Council in authorizing any change in the boundaries of the Municipality, or the surrender or the joint exercise of any of its powers, or in the granting, renewing or extending any franchise, or in contracting for the supply to the Municipality or to its inhabitants of the product or service of any public utility, whether Municipality owned or not, shall be considered or taken as an emergency measure.

ARTICLE IV MAYOR

SECTION 4.01 ELECTION AND TERMS

The Mayor shall be elected at the regular Municipal election held in the year 1995 and every fourth year thereafter for a term of four years. ~~The term shall commence and the Mayor shall assume office on the first day of January 1996.~~

SECTION 4.02 QUALIFICATIONS

The Mayor shall have been an elector and resident of the Municipality for at least two years prior to the date of his election or appointment and shall continue to be an elector throughout the term of office. The Mayor shall not hold any other elective public office; or any office or employment with the Municipality except as provided herein. The Mayor shall not directly or indirectly solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work, or service with or for the Municipality.

SECTION 4.03 COMPENSATION

The salary of the Mayor shall be fixed and determined by the Council, but the salary of the Mayor shall not be increased or decreased during the term of office which such person is serving. If the established salary of the Mayor is to be changed in respect to a succeeding term of office, such change must be made by Council prior to the first day of July of the last year of the term being served by the Mayor. Unless or until such salary is so changed, it shall remain as last fixed.

SECTION 4.04 ABSENCE

When the Mayor is absent or inaccessible for any reason to perform his duties, the President of Council shall become the acting Mayor and during such time have the same powers, and perform the same duties as the Mayor. Such person shall also continue as a member of Council with all the power and duties of such member, including but not limited to the right to vote. In no instance shall the acting Mayor have a second vote on the same issue.

SECTION 4.05 VACANCY AND RESIGNATION

In the event the office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor and serve for the unexpired term or until the beginning of the term of the successor duly elected as hereinafter provided. Such person shall not continue as a member of Council. In such situation, there shall be a Council vacancy to be filled pursuant to the procedure set forth in Section 3.07 of this Charter. ~~also continue as a member of Council with all the power and duties of such member, including but not limited to the right to vote. In no instance shall the acting Mayor have a second vote on the same issue.~~ Council shall have the power to declare a vacancy of the Mayor's position. Any resignation shall be effective when tendered.

SECTION 4.06 ABSENCE OF PRESIDENT OF COUNCIL

In the event the President of Council shall be absent or inaccessible for any reason and unable to perform such duties as acting Mayor, and an emergency or urgent necessity so requires, the Council, may designate one of their number as acting Mayor. Such appointment shall be for the purposes and duration only of such emergency or urgent necessity, or until the return of either the Mayor or President of Council.

SECTION 4.07 ELECTION OF SUCCESSOR IN THE EVENT OF VACANCY

In the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected mayor at the next regular election, providing such election shall occur more than two years prior to the expiration of the term and the vacancy shall have occurred prior to the first of August immediately preceding such election, (Amended 11-04-08)

SECTION 4.08 EXECUTIVE POWERS

A. The Mayor shall be the chief executive officer of the Municipality. Such person shall supervise the administration of the affairs of the Municipality and shall exercise control over all divisions thereof. Such person shall be the chief conservator of the peace within the Municipality and shall cause all laws and ordinances to be enforced therein.

B. The Mayor and the Municipal Administrator shall be responsible for the submission of the annual estimate of receipts and expenditures and of appropriation measures and for furnishing to the Council full information of the financial conditions and needs of the Municipality. Such person shall be responsible for the faithful observance and performance of the conditions imposed in favor of the Municipality or its inhabitants by any franchise or contract to which the Municipality is a party.

C. Except as otherwise provided by this Charter or the Whitehouse Municipal Code, the Mayor shall have the power to appoint, promote, transfer, suspend, reduce or remove any officer or employee of the Municipality except those required by this Charter to be elected or appointed; provided, however that such appointment, promotion, reduction or removal of officers provided for by this Charter and the heads of departments or divisions established pursuant thereto shall not take effect without the concurrence of a majority of the members of Council.

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D. The Mayor, with the concurrence of a majority of the members of Council, may remove a board, commission or members thereof for inefficiency, incapacity, incompliance, neglect of duty, malfeasance, misfeasance or nonfeasance in office, but only after first having given to such member a written statement of the reasons for such removal at least ten (10) days in advance of any hearing thereon and an opportunity to be publicly heard in person or by counsel in such persons own defense. Such statement and the findings of the Mayor upon such hearing shall be filed with the Clerk of Council and any removal order based thereon shall be final.

E. The Mayor shall be recognized as the official and ceremonial head of the Municipality by the Governor for military purposes and by the courts for the purpose of serving civil processes.

SECTION 4.09 LEGISLATIVE POWERS

The Mayor shall preside at all meetings of the Council. The Mayor shall have no veto power, and shall have no vote therein except in the event of a tie of members of Council upon any ordinance or resolution or other proceedings, in which case the Mayor shall have the power to vote upon such measure, and his vote shall have the same legal effect as a vote of a member of Council. The Mayor, in addition to presiding at Council meetings may take part in the discussion upon all matters under consideration by the Council and may introduce and propose ordinances and resolutions and, if the adoption of the same shall be moved by a member of Council, they shall be considered and acted upon the same as if introduced and proposed by a member of Council.

SECTION 4.10 JUDICIAL POWERS

The Mayor shall have all the judicial powers granted generally by the Constitution and laws of Ohio to municipalities.

ARTICLE V ADMINISTRATOR

SECTION 5.01 POSITION CREATED

The position of Municipal Administrator is hereby created. Such person shall be the Chief Administrative Officer of the Municipality, and shall have the duties, powers, and responsibilities herein set forth, and shall be appointed by the Mayor, confirmed by Council, and be directly responsible to the Mayor ~~and the Council.~~

SECTION 5.02 QUALIFICATIONS

The Municipal Administrator shall be chosen solely on the basis of executive and administrative qualifications with reference to such persons actual experience in, or knowledge of, accepted practice in respect to the duties of such office as provided herein.

~~At the time of appointment such person need not be a resident of the Municipality or State, but after the appointment to the office such person shall become a resident of the Municipality within one (1) year.~~

SECTION 5.03 ABSENCE OR VACANCY

During the absence or disability or vacancy of the Municipal Administrator, the Mayor shall designate a properly qualified person with the confirmation of a majority of the Council to be the acting Municipal Administrator. No acting or temporary Administrator shall serve more than one hundred and twenty (120) days without Council approval.

In the event the Mayor does not appoint a Municipal Administrator within sixty days, a majority of the Council shall have the power to do so.

SECTION 5.04 REMOVAL OF ADMINISTRATOR

In addition to Section 3.09 G.3, the Administrator can be removed without cause upon motion of Council or by written recommendation of the Mayor and upon concurrence of five (5) members of Council for the Administrator's removal.

SECTION 5.05 POWERS AND DUTIES

The powers and duties of the Municipal Administrator, under the direction of the Mayor and Council, shall include but not be limited to:

- A. To see that all laws and ordinances are enforced.
- B. To appoint, suspend or remove all subordinate officers and employees of the Municipality except any appointed officer or head of a department or division of the Municipality.
- C. To supervise all municipal departments created by Council and this Charter, ~~with the exception of the Police Department, and the Fire Department.~~
- D. To make engineering and other assistance available to all boards and commissions created by this Charter or by Council within the limits of appropriations and available funds.
- E. To see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any public utility, franchise or other contracts are faithfully kept and performed.
- F. To attend all Council meetings, with the right to take part in discussion but not to vote.
- G. To recommend to Council any matter requiring their legislative actions.
- H. To annually recommend to Council repeal of obsolete legislative actions.
- I. To keep Council fully advised on a monthly basis as to the financial conditions and needs of the Municipality.
- J. To submit annual budget to Council, and be responsible for its execution as covered by appropriation ordinances of Council.
- K. To submit to Council, as of the end of each fiscal year, a complete report on the finances and administrative activities of the Municipality for the preceding year.
- L. To act as purchasing agent for all municipal departments.
- M. To issue all licenses and permits pursuant to ordinances or resolutions except as may be established by this charter.
- N. To perform such other duties as are provided in this Charter or as assigned by the Mayor and/or Council as a Whole.
- O. Execute contracts, agreements, or other documents on behalf of the Municipality after first obtaining authority from Mayor and Council.

ARTICLE VI CLERK OF COUNCIL

SECTION 6.01 APPOINTMENT

Council shall appoint a Clerk of Council who shall serve at the pleasure of Council, and shall perform such other duties as this Charter or Council may require.

SECTION 6.02 DUTIES

The Clerk of Council shall attend all meetings of Council, and keep a journal of all meetings, ordinances and resolutions. The journal shall include the record of all voting upon any ordinance, resolution or motion which shall be by roll call, and the vote of each Council person including Mayor and President of Council, shall be listed therein.

In addition the Clerk of Council shall authenticate by signature and keep in book form, by number and alphabetically of title, all ordinances and resolutions which shall be opened for public inspection at all reasonable times.

SECTION 6.03 ABSENCE

During the absence or disability of the Clerk of Council, Council shall appoint an interim Clerk of Council who shall perform all of the duties of the office.

ARTICLE VII DEPARTMENTS OF FINANCE AND TAXATION

SECTION 7.01 DIRECTOR OF FINANCE

The Director of Finance shall perform those functions performed by the Auditor and Treasurer of a Municipality under the general laws of Ohio. He shall be appointed by the elected Mayor, subject to confirmation by four (4) of the members of Council for an indefinite term and may be removed by the Mayor with the approval of four (4) of the members of Council.

SECTION 7.02 DUTIES

Under the direction of the Administrator, the Director of Finance shall be the Chief Fiscal Officer of the Municipality and shall perform the powers, duties and functions now or hereafter given to Municipal Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this charter. The Director of Finance, in addition to the powers, duties and functions prescribed by this Charter shall have other powers, duties and functions as required by ordinances or resolutions or as directed by the Administrator. The Director of Finance shall keep the financial records of the Municipality, establish the accounting system, financial records and reports used by the offices, departments, divisions, bureaus, boards and commissions of the Municipality. The Director of Finance shall prepare and submit appropriation measures, estimates, budgets, capital programs and other financial matters; provide full and complete information concerning the finances or accounting systems or records of any office, department, division, bureau, board or commission of the Municipality as requested by the Administrator.

SECTION 7.03 COMMISSIONER OF TAXATION

~~The Commissioner of Taxation shall be appointed by the Mayor, subject to confirmation by four (4) of the members of Council for an indefinite term and may be removed by the Mayor with the approval of four (4) of the members of Council.~~

SECTION 7.04 DUTIES

~~Under the direction of the Village Administrator it shall be the duty of the Tax Commissioner to issue, collect, receive all tax monies imposed by the income tax ordinance in the manner prescribed therein.~~

**ARTICLE VIII
DIRECTOR OF PUBLIC SERVICE****SECTION 8.01 DIRECTOR OF PUBLIC SERVICE**

~~The Director of Public Service may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code. -shall be appointed by the Mayor, subject to confirmation by four (4) of the members of Council for an indefinite term and may be removed by the Mayor with the approval of four (4) members of Council.~~

SECTION 8.02 DUTIES

~~Under the direction of the Administrator, the Director of Public Service shall have charge of and exercise supervision of the Municipality over:~~

- ~~A. All public works and improvements and the construction, maintenance and repair thereof;~~
- ~~B. The construction, improvement, repair and maintenance of streets, sidewalks, public ways, bridges and flood control measures;~~
- ~~C. The construction, improvement, repair and maintenance of water mains, pumps, pipes, purification and filtration plants, and the water supply and distribution system;~~
- ~~D. The construction, improvement, repair and maintenance of sewers, drains, ditches, culverts, and sewage systems;~~
- ~~E. Unless otherwise provided for, the care, repair and maintenance of all public buildings, parks, playgrounds and other public places belonging to the Municipality or in its custody or under its control and the construction of buildings or improvements thereon;~~
- ~~F. The cleaning, resurfacing and lighting of streets and public places;~~
- ~~G. All machinery, equipment and materials of the Municipality pertaining to the functions of the Department of Public Service.~~

~~Under the supervision of the Administrator the Director of Public Service shall manage and control the collection, treatment and disposal of sewage, the water supply and distribution system, and all public utilities owned or operated by the Municipality, and shall enforce all the obligations of privately owned or operated public utilities enforceable by the Municipality.~~

~~The Director of Public Service shall perform such other duties consistent with this office as may be required by this Charter.~~

ARTICLE IX POLICE DEPARTMENT

SECTION 9.01 POLICE CHIEF

The Chief of Police may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code. ~~shall be appointed by the Mayor, subject to confirmation by five (5)~~

~~of the members of Council for an indefinite term.~~

- A. ~~The appointed Chief of Police need not be a resident of the Village at the time of his appointment, but shall become a resident thereof within one (1) year after his appointment by the Mayor and confirmation by the Council. The Police Chief shall continue in office until removed by the Mayor and a concurrence of five (5) members of Council. The Police Chief may be removed or suspended as provided by the Ohio Revised Code; or otherwise disciplined by the Mayor. Such removal, suspension or discipline shall be with a concurrence of five (5) members of Council.~~
- B. ~~No person shall receive an appointment as Police Chief under this charter unless, not more than 60 days prior to receiving an appointment, he has passed a physical examination given by a licensed physician, showing that he meets the physical requirement necessary to perform the duties of Chief of Police as established by the Council. The appointing authority shall, prior to making any appointment, file with the Police and Fireman's disability and pension fund a copy of the report or findings of this licensed physician. The professional fee for the physical examination shall be paid for by the Municipality.~~

SECTION 9.02 POWERS AND DUTIES

~~The powers, duties and functions of the Police Chief and the members and the organization of the Department of Police shall be as provided in this charter, by the ordinances and resolutions of the Municipality, administrative rule and directives of the Mayor, Council and Chief of Police and general laws of Ohio, to the extent the general laws are not inconsistent with the charter, the ordinances and resolutions of the Municipality and the administrative rules and directives of Mayor, Council, and Chief of Police. The Police Chief shall be under the general supervision and direction of the Administrator Mayor and Council.~~

ARTICLE X FIRE DEPARTMENT

SECTION 10.01 FIRE CHIEF

The Fire Chief may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code. ~~shall be appointed by the Mayor, subject to confirmation by five (5) members of the Council for an indefinite term.~~

- A. ~~The appointed Fire Chief need not be a resident of the village at the time of his appointment, but shall become a resident thereof within one (1) year after his appointment by the Mayor and confirmation of the Council. The Fire Chief shall continue in office until removed by the Mayor and a concurrence of five (5) members of Council. The Fire Chief may be removed or suspended as provided by the Ohio Revised Code, or otherwise disciplined by the Mayor. Such removal,~~

| ~~suspension or discipline shall be with a concurrence of five (5) members of~~
Council.

- B. No person shall receive an appointment as Fire Chief under this charter unless, not more than 60 days prior to receiving an appointment, he has passed a physical examination given by a licensed physician, showing that he meets the physical requirements necessary to perform the duties of Fire Chief as established by the Council. The professional fee for the physical examination shall be paid for by the Municipality.
(Amended 11-8-94)

SECTION 10.02 POWERS AND DUTIES

The powers, duties and function of the Fire Chief and the members and the organization of the Department of Fire shall be as provided in this Charter, by the ordinances and resolutions of the Municipality, administrative rule and directives of the Mayor, Council and Fire Chief and general laws of Ohio, to the extent the general laws are not inconsistent with the Charter; the ordinances and resolution of the Municipality and the administrative rules and the directives of Mayor, Council, and Fire Chief. The Fire Chief shall be under the general supervision and direction of the Mayor and Council. (Amended 11-8-94)

SECTION 10.03 MUTUAL AID AGREEMENTS

In addition to, or in lieu of, providing fire protection by its own forces, the Council may authorize and direct the execution of contracts with other units of government or private fire protection agencies to provide additional, emergency or full fire protection services or emergency medical services within the Municipality. The Council may also authorize and direct the execution of contracts whereby the Fire Department of the Municipality may provide fire protection service or emergency medical services to areas outside the Municipality.
(Amended 11-8-94)

SECTION 10.04 RIGHT TO SERVE

Nothing herein shall preclude any Volunteer Fireman, excepting the Fire Chief, from holding any other elective or appointed office with the Village of Whitehouse, Lucas County, Ohio. (Amended 11-8-94)

ARTICLE XI SOLICITOR

SECTION 11.01 SOLICITOR

The Solicitor shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council.

The Solicitor shall serve the Mayor, the Council, and administrative departments and offices, boards and commissions of the Municipality as legal counsel in connection with municipal affairs and, subject to the direction of the Mayor and Council, shall represent the Municipality in proceedings in court or before any administrative board. He shall perform all other duties now or hereafter imposed upon municipal Solicitors under the laws of the State of Ohio unless otherwise provided by ordinance of the Council and he shall perform such other duties consistent with his office as the Mayor or Council may request. No person shall act as Solicitor unless duly admitted to practice law in the State of Ohio.

ARTICLE XII COMMISSIONS AND BOARDS

SECTION 12.01 GENERAL PROVISIONS

The Municipality shall have a Records Commission, Fire Dependency Board, Planning Commission, Board of Zoning Appeals and a Charter Review Commission. Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public function, property or fund for any proper Municipal purpose.

SECTION 12.02 COMPOSITION

Except as provided by this Charter or the laws of the State of Ohio, all commissions and boards shall be composed of qualified electors of the Municipality who shall hold no other municipal office. The members shall be appointed by the Mayor, subject to the approval of the majority of the members of Council, and shall serve without compensation. Board and Commission members shall have been residents of the Municipality for at least two years at the time of their appointment. The terms of the members shall be as designated for the transition to the Charter and thereafter as specified for each of the commissions and boards in this Charter.

SECTION 12.03 MEETINGS

~~The Mayor shall establish the date, time and place for the first meeting each year, at which meeting the commissions and boards shall organize under a Chairman and Secretary elected from among its members for a term of one year. Meetings shall be called by the Chairman at least once a year or as otherwise required by the provisions of the Charter and at such times as its members may determine. There shall be a fixed place of meeting, all meetings shall be open to the public, the meeting time and place shall be posted in accordance with the provisions of the Charter, and a record shall be kept showing the vote of each member on each question. The presence of the majority of members shall be necessary to constitute a quorum.~~

SECTION 12.04 RULES OF PROCEDURE

~~The procedures of Commission or Board shall be in accordance with the Charter and together with rules of procedure, not inconsistent with the Charter shall be adopted by the board.~~

SECTION 12.05 VACANCY

A vacancy occurring during the term of any member of a Commission or Board shall be filled for the unexpired term in the same manner authorized for an original appointment. Upon recommendation by the Chairman and Board, the Mayor with approval of Council may declare a vacancy for absenteeism.

SECTION 12.06 RECORDS COMMISSION

A. ~~COMPOSITION AND TERM.~~ Council shall establish a Records Commission composed of five (5) members. The Mayor or his appointed representative shall serve as chairman. The remaining members shall be the Chief of Police, Director of Finance, the Solicitor and an elector of the Municipality. The term of office of the appointed member of the board shall be four (4) years from the date of appointment, and until his successor is appointed and qualified.

B. ~~DUTIES.~~ The Records Commission shall assume such of the rights and duties as shall be established by ordinance enacted by the Council, and as provided by the laws of the State of Ohio.

SECTION 12.07 FIRE DEPENDENCY BOARD

A. ~~COMPOSITION AND TERM.~~ Pursuant to Ohio Revised Code 146.01 the Volunteer Firefighters Dependency Fund Board shall consist of five (5) members. Two of the members shall be elected by the Council from its own members; two members shall be elected by the fire department from its own members and the fifth member shall be an elector of the Municipality appointed by the Mayor.

~~The term of office shall be two (2) years from the date of appointment, and until their successors are appointed and qualified.~~

B. ~~DUTIES.~~ The Fire Dependency Board shall assume such rights and duties as shall be established by ordinance enacted by the Council, and as provided by the laws of the State of Ohio.

SECTION 12.08 THE MUNICIPAL PLANNING COMMISSION

A. ~~COMPOSITION AND TERM.~~ The Municipal Planning Commission shall consist of the Mayor and four (4) electors of the Municipality not holding any other Municipal office. The terms shall be for six (6) years, except that of the four (4) first appointed, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, one (1) shall be appointed for a term of five (5) years, one (1) for a term of six (6) years.

The commission shall organize under a Chairman and Secretary elected from among the four (4) appointed members for a term of one (1) year.

B. ~~POWERS AND DUTIES.~~ The Municipal Planning Commission shall have the powers and duties conferred upon it by this Charter and by ordinances of the Council enacted pursuant thereto and in addition shall have such powers not inconsistent with this Charter or ordinances as may now or hereafter be granted by the laws of the State of Ohio. It shall adopt and recommend to the Council a comprehensive general plan for the physical development of the Municipality or the redevelopment of any area or district therein, which shall include the location of public ways, property, bridges, public grounds, utilities, buildings, parks, playgrounds and recreation areas, and plans or proposals for the reservation and acquisition of lands therefor.

As deemed necessary or desirable or upon request of Council, the Planning Commission shall prepare and recommend to the Council legislation respecting zoning and creating areas, zones and districts of permitted and excluded uses, and such rules, regulations, restrictions and limitations governing:

1. The plan, design, height, floor area, number of stories, and size of buildings and structures;
2. The area and size of lots, percentage of land occupancy, size of yards, courts and open spaces.

3. Location, uses and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residence, park, playground, agriculture; and
4. All other uses or purposes, both public and private, pertaining to the foregoing as will promote the general welfare to the Municipality and its inhabitants. It shall have jurisdiction over and the power to adopt rules and regulations governing the platting and subdivisions of lands and the improvement thereof, including the construction of streets, sewers, and utilities therein.

C. **PLANNING, ZONING AND SUBDIVISIONS REGULATIONS.** In furtherance and not in limitation of any power or powers granted to it by this Charter, the Council shall have the power and authority to:

1. Adopt, amend and enforce all or any portion of a comprehensive general plan for the orderly development of the Municipality and plans for the development of any area or district therein:
2. Create, change or revise areas, zones and districts permitted and excluded *uses* of such numbers or classifications as it may deem appropriate;
3. Enact and enforce such rules, regulations, limitations and restrictions pertaining to the matters mentioned in this paragraph C as will promote and preserve the general welfare of the Municipality and its inhabitants;
4. Legislate upon any matter concerning which the Planning Commission has jurisdiction or powers of recommendation or regulation provided that any such matter shall be first submitted to the Planning Commission for recommendation and report. No legislation shall be adopted contrary to such recommendation except by the affirmative vote of four (4) members of the Council.

D. **NOTICES AND HEARINGS.** In the enactment of zoning legislation or of regulations respecting the platting or subdivision of lands, the Council shall provide by ordinance for such public hearing and notices and for the form and manner of publication or delivery of notices as it deems necessary and in the public interest and as may be in conformity with this Charter and the statutes of the State of Ohio in regard thereto.

SECTION 12.09 BOARD OF ZONING APPEALS

A. **COMPOSITION AND TERM.** There shall be appointed a Board of Zoning Appeals consisting of five (5) electors of the Municipality not holding other municipal office. The members of the board shall be appointed by the Mayor, subject to the confirmation by the majority of the members of Council, for a term of four (4) years from the date of appointment or until their successors are appointed and qualified. ~~except that of the first five (5) appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) a term of three (3) years, and two (2) a term of four (4) years.~~

B. **POWERS AND DUTIES.** The Board of Zoning Appeals shall have the following duties and powers:

1. To hear and decide appeals made for the exceptions to and variations in the application of ordinances governing zoning in the Municipality in conformity with the purpose and intent thereof and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders of regulations of the administrative officials or agencies,
2. To establish rules and regulations for its own procedures not inconsistent with this section,
3. To do and perform such other duties and functions as may be imposed upon it by this Charter or ordinances and resolutions of the Council including the power:
 - a. To formulate and submit to the Council, changes in and amendments to the building and zoning code which the board determines as desirable for the proper regulation of buildings and structures and the equipment thereof which pertains to the Municipality.

C. **PROCEDURE FOR APPEAL.** An applicant aggrieved by the denial to act favorably on any application submitted to the Board may appeal to Council in accordance with procedures established by the Board. An affirmative vote of five (5) members of Council is required to overturn a final decision from the Board of Zoning Appeals.

SECTION 12.10 CHARTER REVISION COMMISSION

A. **COMPOSITION AND TERM.** There shall be created a Charter Revision Commission which shall consist of five (5) members to be appointed as follows: one (1) shall be appointed from the membership of the Council by a majority vote of the members of Council for a one (1) year term; and four (4) shall be qualified electors of the Municipality holding no other office, appointment or employment with the Municipality, to be appointed by the Mayor subject to confirmation of a majority of the members of Council for a term of four (4) years from the date of appointment or until their successors are appointed and qualified. ~~except that of the first four (4) appointed, one (1) shall serve for a term of one (1) year, one (1) for term of two (2) years, one (1) a term of three years, and one (1) a term of four (4) years.~~

B. **POWERS AND DUTIES.** The Charter Revision Commission shall continuously review the provisions of this Charter and the operations of the Municipality and shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of June of each year, commencing in the year 1994. The Clerk of Council shall publish the recommendations, if any, of the Commission in full at least once in a newspaper of general circulation in the Municipality. The Council may submit any amendments to the Charter recommended by the Commission, in the form recommended by the Commission or in a revised form, to the voters in the manner provided by the Constitution and laws of Ohio. The Council shall appropriate funds to the Commission as determined to be necessary by the Commission to carry out its powers, duties and functions, including amounts required to pay any consultants or special legal counsel selected by the commission.

The electors of the Municipality shall have the right to propose by initiative petition, amendments to this Charter at any time.

ARTICLE XIII NOMINATION AND ELECTIONS

SECTION 13.01 MUNICIPAL ELECTIONS

All elections provided for by this Charter, whether for the choice of officials or for the submission of questions to the voters, shall be conducted by the election authorities prescribed by the laws of the State of Ohio, which laws shall ~~apply~~ apply to all such elections except as provision is otherwise made by this Charter. A regular municipal election for the choice of all elective offices of the Municipality shall be held on the first Tuesday after the first Monday in November, or as otherwise established by the Lucas County Board of Elections, in the odd-numbered years. The nominating petitions and ballots to be used in all municipal elections shall bear no party marks or designations.

SECTION 13.02 NOMINATING PROCEDURE

Nominations for elective offices of the Municipality shall be made only by petition filed with the election authorities not later than the first day of September immediately prior to a regular municipal election and signed by electors of the Municipality not less in number than two percent (2%) of the number of electors voting at the last general municipal election with a minimum of twenty-five (25) signatures. The nomination of each candidate shall be made by a separate petition accompanied by the written acceptance of nomination by the candidate.

~~SECTION 13.03 PRIMARY ELECTIONS~~

~~In the event valid nominating petitions are filed in accordance with Nominating Procedure Section of this Article by candidates for any elective office of the Municipality for a full term in excess of three (3) times the number to be elected at any regular municipal election, a non-partisan primary election for the nomination of candidates for such offices to be voted for at said regular municipal election shall be held on the first Tuesday after the first Monday in October immediately preceding such regular municipal election, or as otherwise provided for by the Lucas County Board of Elections. At such primary election, the names of all candidates for office who have filed nominating petitions in accordance with the provisions of Nominating Procedure Section of this Article shall be placed upon the ballot.~~

~~Council may, by resolution, order a special election to be held at any time, the purpose and date of which shall be set forth in the resolution.~~

SECTION 13.04 CANDIDATES AT REGULAR MUNICIPAL ELECTION

~~If a primary election is not required by this Article, t~~The candidates for elective offices of the Municipality to be voted for at the regular municipal election in 1993 and at regular municipal elections thereafter shall be the candidates filing valid nominating petitions in compliance with the Nominating Procedure Section hereof.

~~If such primary election is so required, the candidates for any elective office of the Municipality for a full term to be voted for at the regular municipal election shall be those, equal in number to twice the number to be elected to such office at the regular municipal election, receiving the largest number of votes at such primary election.~~

SECTION 13.05 WHO SHALL BE DECLARED ELECTED

The candidates for any elective office, equal in number to the places to be filled, who shall receive the largest number of votes at such regular municipal election shall be declared elected.

ARTICLE XIV INITIATIVE, REFERENDUM AND RECALL

SECTION 14.01 INITIATIVE

The electors of this Municipality shall have the power to propose any ordinance or resolution, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to the Council by a petition signed by electors of this Municipality not less in number than ten percent (10%) of the electors voting at the last regular municipal election which shall in no case be less than thirty-five (35) signatures. Such petition shall designate not less than three (3) of the signers thereof as a committee authorized to take action as provided in this section.

Upon initial submission to Council, the Clerk of the Council shall within ten (10) days ascertain the sufficiency of such petition as to the count of signatures, that appropriate date is posted, and the designated committee of three (3) signers is so noted. Within the same ten (10) days the petition shall be delivered to the Lucas County Board of Elections to determine the final sufficiency of such petition and at the next meeting of Council, the Clerk of Council shall report, if found sufficient. Council shall take final action, either enacting, amending, or rejecting the proposed legislation within forty (40) days after initial submission to the Council.

If the Council fails to pass such proposed ordinance or resolution, or passes it in some form different from that set forth in the petition, the petitioners, through the Committee named in such petition, may, not later than the next regular meeting of the Council, request in writing that the legislation as set forth in this petition be submitted to a vote of the electors. Not later than the next regular meeting thereof following receipt of such request, the Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing or such request. If such petition is signed by at least twenty percent (20%) of such electors, or such number of electors so requested by petition, the Council shall provide for submitting such legislation to a vote of the electors at an election to be held at a date fixed by the Council but not later than eight (8) months after the initial submission of such petition.

SECTION 14.02 REFERENDUM

Within thirty (30) days after the final passage by Council of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, a petition signed by electors of the Municipality not less in number than twenty percent (20%) of the total electors voting at the last regular municipal election may be submitted with the Council requesting that the ordinance or resolution be repealed or submitted to a vote of the electors. Upon initial submission to the Council, the Clerk of Council shall within ten (10) days ascertain the sufficiency of such petition as to the count of signatures and the appropriate date is posted. Within the same ten (10) days the petition shall be delivered to the Lucas County Board of Elections to determine the final sufficiency of such petition. At the next meeting of Council, if found sufficient, the Council shall within forty (40) days after the initial submission of such petition, reconsider such ordinance or resolution.

At such time as a referendum petition is initially submitted with the Clerk of Council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when any of the following occurs:

- A. There is a final determination of insufficiency of the petition
- B. The petitioner's committee withdraws the petition
- C. Council repeals the ordinance
- D. Thirty days have elapsed after a vote by the electors on the ordinance

If, upon such reconsideration such ordinance or resolution is not repealed, the Council shall provide for submitting the same to a vote of the electors at the next general election or regular municipal election occurring more than sixty (60) days after the initial submission of such petition; provided that if a referendum petition is submitted at such time that the submission of the legislation referred to therein to a vote of the electors at a general election or regular election would not occur within a period of six (6) months after the initial submission of such petition the Council shall provide for submitting such legislation to a vote of the electors at an election to be held at a date fixed by the Council but not later than eight (8) months after the initial submission of such petition.

SECTION 14.03 RECALL

The electors shall have the power to remove from office by a recall election any elected official of the Municipality. If such person shall have served six (6) months of his term, a petition demanding his removal may be submitted to the Clerk of Council, who shall note thereon the name and address of the person submitting the petition and the date of such submission, and deliver to such person a receipt thereof, and attach a copy thereof to said petition. A petition may be circulated in separate parts, but the separate parts shall be bound together and submitted as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement of not more than two hundred (200) words on the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty percent (20%) of the total number of electors voting at the last general election.

Within ten (10) days after the day on which such petition shall have been submitted, the Clerk of Council shall determine, using the same methods as outlined in the section on Referendum, whether or not the petition meets the requirements thereof. If the Clerk of Council shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who submitted the petition and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after such delivery in which to make the petition sufficient and return same to the Clerk of Council for certification of sufficiency.

If the Clerk of Council shall find the petition sufficient, he shall promptly so certify to Council, shall deliver a copy of such petition and certification to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than ninety (90) after the date of such delivery. At such recall election this question shall *be* placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting 'yes' or 'no' on such question. If a majority of votes cast shall be voted negatively ('no'), as certified to by the Lucas County Board of Elections, such officer shall be considered as removed, his office shall be declared vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

SECTION 14.04 GENERAL PROVISIONS

The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the laws of the State of Ohio regulating initiative and referendum petitions shall apply to initiative, referendum and recall in the Municipality, except as otherwise provided in this Chapter.

ARTICLE XV TRANSITIONAL PROVISIONS

SECTION 15.01 OFFICERS ADD EMPLOYEES

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are municipal officers or employees at the time of its adoption.

Except as otherwise provided in this Charter, all persons holding non-elective office or employment with the Municipality on December 31, ~~2024~~¹⁹⁹², shall continue in such office or in such employment, as the case may be, until succeeded or removed in accordance with the provisions of this Charter.

SECTION 15.02 PENDING MATTERS

All rights, claims, actions, orders, taxations, liabilities, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the municipal department, office, or agency appropriate under this Charter.

SECTION 15.03 STATE AND MUNICIPAL LAWS

All municipal ordinances, resolutions, orders, administrative regulations and councilmatic rules which are in force when this Charter becomes fully effective shall continue in full force and effect except to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto in which case those are repealed. To the extent that the Constitution and Laws of the State of Ohio permit, all laws relating to or affecting this Municipality or its agencies, officers, or employees which are in force when this Charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

SECTION 15.04 EFFECTIVE DATE OF CHARTER

For the purpose of nominating and electing officers and members of Council of the Municipality and fixing the compensation of those to be elected in ~~2025~~¹⁹⁹³, this Charter shall be in effect from and after the date of its approval by the electors of the Municipality. For all other purposes, the Charter shall be in effect on and after January 1, ~~2025~~¹⁹⁹³.

Draft with prospective changes
in place

2/23/24

**CHARTER OF THE
VILLAGE OF WHITEHOUSE, OHIO**

EDITOR'S NOTE: The Whitehouse Charter was approved by the voters on November 3, 1992. Dates appearing in parentheses following section headings indicate those sections were subsequently amended, added or repealed on the date given.

TABLE OF CONTENTS

PREAMBLE

FORM OF GOVERNMENT

ARTICLE I MUNICIPAL CORPORATION

Section 1.01 Names and Boundaries

Section 1.02 Municipal Powers

Section 1.03 Municipal Powers Specifically as to
Purchasing and Contracting. (11-2-04)

ARTICLE II GENERAL PROVISIONS

Section 2.01 Conflict of Interest (11-8-94)

Section 2.02 Prohibitions

Section 2.03 Adoption of Amendments

Section 2.04 Interpretation

Section 2.05 Effect of Partial Invalidity

Section 2.06 Appointed and Elected Officials

ARTICLE III THE COUNCIL

Section 3.01 Number, Selection, Term

Section 3.02 Qualifications

Section 3.03 Compensation

Section 3.04 Organization

Section 3.05 Quorum

Section 3.06 Rules and Journal of Council

Section 3.07 Vacancies (11-04-08)

Section 3.08 Meetings (11-04-08)

Section 3.09 Powers

Section 3.10 Provisions as to Legislative Action

Section 3.11 Publications of Ordinances, Resolutions and Notices

Section 3.12 Emergency Ordinances and Effective Date of
Ordinance and Resolutions

ARTICLE IV MAYOR

- Section 4.01 Election and Terms
- Section 4.02 Qualifications
- Section 4.03 Compensation
- Section 4.04 Absence
- Section 4.05 Vacancy
- Section 4.06 Absence of President of Council
- Section 4.07 Election of Successor in the Event of Vacancy (11-04-08)
- Section 4.08 Executive Powers
- Section 4.09 Legislative Powers
- Section 4.10 Judicial Powers

ARTICLE V ADMINISTRATOR

- Section 5.01 Position Created
- Section 5.02 Qualifications
- Section 5.03 Absence or Vacancy
- Section 5.04 Removal of Administrator
- Section 5.05 Powers and Duties

ARTICLE VI CLERK OF COUNCIL

- Section 6.01 Appointment
- Section 6.02 Duties
- Section 6.03 Absence

ARTICLE VII DEPARTMENT OF FINANCE AND TAXATION

- Section 7.01 Director of Finance
- Section 7.02 Duties
- Section 7.03 Commissioner of Taxation
- Section 7.04 Duties

ARTICLE VIII DIRECTOR OF PUBLIC SERVICE

- Section 8.01 Director of Public Service
- Section 8.02 Duties

ARTICLE IX POLICE DEPARTMENT

- Section 9.01 Police Chief
- Section 9.02 Powers and Duties

ARTICLE X FIRE DEPARTMENT

- Section 10.01 Fire Chief (11-8-94)
- Section 10.02 Power and Duties (11-8-94)
- Section 10.03 Mutual Aid and Agreements (11-8-94)
- Section 10.04 Right to Serve (11-8-94)

ARTICLE XI SOLICITOR

- Section 11.01 Solicitor

ARTICLE XII COMMISSIONS AND BOARDS

- Section 12.01 General Provisions
- Section 12.02 Composition
- Section 12.03 Meetings
- Section 12.04 Rules of Procedure
- Section 12.05 Vacancy
- Section 12.06 Records Commission
- Section 12.07 Fire Dependency Board
- Section 12.08 Municipal Planning Commission
- Section 12.09 Board of Zoning Appeals
- Section 12.10 Charter Revision Commission

ARTICLE XHI NOMINATIONS AND ELECTIONS

- Section 13.01 Municipal Elections
- Section 13.02 Nominating Procedures
- Section 13.03 Primary Elections
- Section 13.04 Candidates at Regular Municipal Elections
- Section 13.05 Who Shall be Declared Elected

ARTICLE XIV INITIATIVE REFERENDUM AND RECALL

- Section 14.01 Initiative
- Section 14.02 Referendum
- Section 14.03 Recall
- Section 14.04 General Provisions

ARTICLE XV TRANSITIONAL PROVISIONS

- Section 15.01 Officers and Employees
- Section 15.02 Pending Matters
- Section 15.03 State and Municipal Laws
- Section 15.04 Effective Date of Charter

CHARTER
VILLAGE OF WHITEHOUSE, OHIO

PREAMBLE

We, the citizens of Whitehouse, in the County of Lucas and the State of Ohio, in order to secure the benefits of municipal home rule and to exercise all powers of local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for the government of the Municipality of Whitehouse.

FORM OF GOVERNMENT

The structure of this government shall be organized and balanced by the formation of three distinct branches. The Mayor shall serve as the executive branch, the Council shall be the legislative branch serving the citizens of this Municipality through the development of ordinances or resolutions designed to operate the Municipality in a prudent and fiscally sound manner, and the Administrative Branch, headed by a professional Administrator, shall put into action those ordinances and resolutions.

ARTICLE I
MUNICIPAL CORPORATION

SECTION 1.01 NAME AND BOUNDARIES

The municipal corporation now existing in the County of Lucas, State of Ohio, and known as the Village of Whitehouse, Ohio, hereinafter in the Charter called the "Municipality", shall continue to be a legal government body and corporate under the name of Whitehouse. It shall continue to operate with the same boundaries as now exist, but with power and authority to change the boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio. No territory shall be detached therefrom, nor shall the Municipality be annexed to any other Municipality or legal government body, nor shall the corporate existence of the Municipality be terminated, without the consent of its Council and of the electors of the Municipality voting on such proposal at an election held and conducted in the manner provided by law.

SECTION 1.02 MUNICIPAL POWERS

The Municipality shall have all powers of local self-government now and hereafter granted to municipalities by the Constitution of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such lawful manner as the Council shall determine by ordinance or resolution. Enumeration of or reference to particular powers in this Charter shall not be construed to be exclusive.

**SECTION 1.03 MUNICIPAL POWERS SPECIFICALLY AS TO
PURCHASING AND CONTRACTING.**

The Municipality shall have the power to determine the method, manner, consideration and procedure for the purchase and/or disposal of property and terms and conditions of purchase and sale on behalf of the Municipality. The Municipality shall have the power to provide for and to determine by ordinance or resolution of Council, the matter of whether contracts shall be awarded pursuant to separate prime contracts, single prime contracts, unit price contracts, or some other method of contracting shall be utilized. All such contracting matters shall be determined by Council and set forth in a general ordinance or resolution or by a specific action with respect to particular projects as same shall be undertaken and specified by ordinance or resolution. (Added 11-2-04.)

ARTICLE II GENERAL PROVISIONS

SECTION 2.01 CONFLICT OF INTEREST

No member of Council or any officer or employee or any other elected or appointed official of this Municipality shall have any financial interest, direct or indirect, in any contract with or sale to the Municipality of any materials, supplies or services, or any lands. Any such person violating the provisions hereof shall forfeit his office or position and any such contract shall be voidable at the option of Council.

(Amended 11-8-94)

SECTION 2.02 PROHIBITIONS

No person shall be elected, appointed to, removed from, or in any way favored or discriminated against with respect to any municipal position or appointive municipal administrative office because of race, sex, national origin, handicap, age, political or religious opinions or affiliations.

No person who seeks appointment or promotion with respect to any municipal position or appointive municipal administrative office shall directly or indirectly give, render or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

SECTION 2.03 ADOPTION OR AMENDMENTS

If a majority of the qualified electors of the Municipality voting in any election upon a proposed Charter amendment vote in favor of the amendment, it shall become effective at the time fixed in the amendment, or thirty (30) days after its adoption by the voters.

SECTION 2.04 INTERPRETATION

Masculine pronouns used in the Charter shall be construed to include the feminine and neuter pronouns, and the singular number shall be construed to include the plural number whenever the context shall require.

SECTION 2.05 EFFECT OF PARTIAL INVALIDITY

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 2.06 APPOINTED AND ELECTED OFFICES

No member of Council or any officer, employee or any other elected or appointed official of the Municipality of Whitehouse shall hold any other elected or appointed office except as provided for herein.

ARTICLE III THE COUNCIL

SECTION 3.01 NUMBER, SELECTION, TERM

The legislative power of the Municipality shall be vested in a Council which shall be a continuing body consisting of six (6) members at large

All presently elected Council members shall remain in office until the termination of their respective terms of office.

Thereafter, the term of office of each member of Council shall begin on the first day of January next following such person's election. Council members shall serve for terms of four years each or until their respective successors are chosen and qualified.

Any vacancy on Council whether by resignation or disqualification, including any vacancy prior to January 1, 1994, shall be filled under the provisions of Section 3.07 of this Charter.

SECTION 3.02 QUALIFICATIONS

Council members shall have been an elector of this Municipality for at least two years prior to the date of their election or appointment and shall continue to be an elector throughout the term of office. No council member shall hold any other elective office; or any office or employment with the Municipality; unless specifically exempted herein. Council members shall not directly or indirectly solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work or service with or for the Municipality.

Council shall be the sole and final judge of the election and qualifications of its members. Any member of Council who shall cease to possess or who violates any of the qualifications herein enumerated shall forfeit the office. Failure of any member of Council to maintain said qualifications shall render voidable, at the option of Council, any action of Council in which such member has participated.

SECTION 3.03 COMPENSATION

The salary of the members of Council shall be fixed and determined by the Council, but the salary of the members of Council shall not be increased or decreased during the term of office which any such person is serving. If the established salary of the members of Council is to be changed in respect to succeeding terms of office, such change must be made by the Council prior to the first day of July next preceding a regular municipal election.

SECTION 3.04 ORGANIZATION

After December 31 and on or before the 8th day of January next following each regular municipal election, the members of Council shall meet at the Council Chambers for the purpose of organization. At such meeting the Council shall elect one of its members President of Council to serve until a successor shall have been elected. In the event the President of Council ceases to be a member thereof, the Council shall elect another member to serve as President.

Committee, commission and board appointments shall be made by the following February 1st.

SECTION 3.05 QUORUM

Four (4) of the members of Council shall constitute a quorum for the transaction of any business at any meeting of the Council, but a number less than the quorum may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, resolution or by the rules of the Council. At any meeting at which a quorum is present, any action may be taken by an affirmative vote of a majority of the members of the Council present, unless a larger number be required by the provisions of this Charter or the laws of the State of Ohio not in conflict therewith.

SECTION 3.06 RULES AND JOURNAL OF COUNCIL

Except as otherwise provided by the Constitution of the State of Ohio or this Charter, the Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution, or motion shall be by roll call, and the vote of each member of Council shall be entered upon the journal.

SECTION 3.07 VACANCIES AND RESIGNATIONS

Whenever the office of a member of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the vacancy shall not be so filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected and shall qualify for the unexpired term as hereinafter provided. A successor for the unexpired term of member of Council shall be elected at the next general election, providing such election shall occur more than two years prior to the expiration of the term and the vacancy shall have occurred prior to the first of August immediately preceding such election. Any resignation shall be effective when tendered. (Amended 11-4-08)

SECTION 3.08 MEETINGS

The Council shall meet at such times as may be prescribed by its rules, regulations, ordinances and by-laws. Council shall hold such special meetings as may be found necessary, which may be called by the Clerk upon written request of the mayor or upon the written request of three (3) members of Council. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered, and no other subject or subjects shall be considered except on the approval of five (5) or more members of Council in attendance at such special meeting. Twenty-four (24) hours notice in writing of such special meeting, if called by the Mayor or by three (3) members of Council, shall be given to each member of Council and to the Mayor by personal service or by delivery thereof at their usual places of residence. Members of Council may waive such notice by their attendance at such special meeting.

If an emergency is declared by either federal, state or local officials, that would preclude normal meetings to occur, the Village Administrator, in consultation with the Mayor, Village Council and the Solicitor, can convene meetings to conduct Village business by whatever appropriate means deemed necessary until the state of emergency has been lifted. (Added 11-04-08)

Public notice of all meetings of Council, including all meetings of the Committee of the Whole, shall be posted pursuant to rules adopted by Council and pursuant to the Ohio Revised Code.

All meetings of Council, including all meetings of the Committee of the Whole, shall be open to the public. The Council may hold an executive session if a majority of a quorum so determined to hold such a session for the sole purposes as set forth in the Ohio Revised Code as now existing or an amended in the future.

SECTION 3.09 POWERS

Except as otherwise provided by the Constitution of the State of Ohio or by this Charter, and

among other powers, the Council shall have and possess:

A. All of the legislative powers of the Municipality now or hereafter granted by the Constitution and the laws of the State of Ohio legislative bodies or municipalities, and such other powers granted by this Charter and all powers now or thereafter granted by the laws of the State of Ohio to Boards of Control, Municipal Tax Commissions, or any other municipal commission, board or body now or hereafter created by law, except as otherwise provided by the Constitution of the State of Ohio or this Charter. All existing boards, commissions and similar bodies, heretofore created, authorized or existing shall be abolished as of January 1, 1993.

B. The power to create, combine or abolish offices, departments, divisions, boards or commissions of the Municipality and the power to fix the qualifications, duties, bonds and compensation of all officers and members thereof;

C. The power to approve and confirm or to disapprove and reject the appointment and removal by the Mayor of any appointive officer or head of a department or division of the Municipality;

D. The power to fix the number of employees in the various departments of the Municipality and to determine the qualifications, duties, bonds and compensation of such employees;

E. The power to determine the method of and procedure for making, awarding, advertising, modifying and enforcing contracts with the Municipality unless authorized by the Council and no contract shall be binding upon the Municipality unless it has been so authorized or approved and the necessary money has been lawfully appropriated therefore;

F. The power to consider the method, manner, consideration, and procedure for the purchase of property on behalf of the Municipality and the sale or disposal thereof;

- G. The power to expel or remove:
1. Any member of Council for gross misconduct, misfeasance, malfeasance or nonfeasance in office, or for disqualification from holding office, or for conviction, while in office, of a crime involving moral turpitude, or for violation of the oath of office, violation of the provisions of this Charter or for persistent failure to abide by the rules of Council, or for absence, without justifiable excuse, for three (3) consecutive regular meetings of Council;
 2. The Mayor and all other elected officials for gross misconduct, malfeasance, misfeasance, or nonfeasance or for conviction of a crime involving moral turpitude, for violation of provisions of this Charter, or for violation of the oath of office.
 3. The Municipal Administrator for gross misconduct, malfeasance, misfeasance, or nonfeasance or for conviction of a crime involving moral turpitude or at will as otherwise herein provided.
- No such expulsion or removal shall take place except on the concurrence of five (5) members of Council, and only after first having given to such person a written statement of the reason for such expulsion or removal at least ten (10) days in advance of any hearing thereon and an opportunity to be publicly heard in person or by counsel in such person's own defense.
- H. The power to make other general regulations as the Council may deem necessary in the public interest.

SECTION 3.10 PROVISIONS AS TO LEGISLATIVE ACTION

All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution.

Every ordinance or resolution shall be read three (3) consecutive times to Council. No ordinance or resolution shall contain more than one general subject which shall be clearly expressed in its title. Any ordinance or resolution revising or amending previous legislation shall set forth the entire section or sections thereof so revised or amended, as revised or amended, and the original section or sections so revised or amended shall be deemed repealed.

The Council may adopt standard codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating, air conditioning, and similar subjects by reference to the date and source of such codes without reproducing the same at length in the adopting ordinance. In the case of such adoption, publication of the code at length shall not be required but there shall be, at the time of adoption thereof and at the times thereafter, on file for public inspection, at least one copy of such code. The Clerk of Council shall make additional copies thereof available for sale to interested persons at such prices as may be established by Council.

Revisions, codification, or rearrangements of ordinances may be published in book form if so specified therein. If so revised, codified and rearranged under appropriate titles, chapters and sections, such revisions codification or rearrangements may be made in one ordinance comprising one or more subjects. The publication in book form as aforesaid with certification of the passage and adoption thereof by the Clerk of Council shall constitute sufficient publication of the ordinance or ordinances contained therein. The book so published and certified shall be received in evidence in any court, for the purpose of providing the ordinance or ordinances therein contained in the same manner and for the same purpose as the original book, ordinances, minutes, or journal would be received. If a revision codification or rearrangement or ordinances contains new matter not previously published, a notice of the reenactment thereof, setting forth the titles of the ordinances and the title of the chapters and sections containing such new matter, shall be published in the manner provided in Section (3.11) of this Article, which notice shall constitute a sufficient publication of such new matter. The Clerk of Council shall maintain a master copy which shall clearly indicate any changes or revisions of the Municipal Code made after the publication of aforementioned book.

SECTION 3.11 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES

Except as provided in (3.10) of this Article, every ordinance or resolution of a general or public nature including, but not limited to those granting, reviewing, or extending a franchise, creating a right, involving the expenditures of money, levying of a tax, or concerning the purchase, lease, sale or transfer of public property, shall be published by posting a copy thereof in a conspicuous place in the Whitehouse Village Hall for a period of not less than fifteen (15) days. Except as to emergency ordinances and resolutions, publication shall be completed prior to the taking effect thereof.

Council may, by ordinance, designate additional public places in the Municipality for posting copies of ordinances or resolutions and may make provisions in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the Municipality.

Publication of any notice, statement, order, report, or proclamation required to be published by this Charter, by the applicable laws of the State of Ohio, or by legislation enacted by the Council shall be published by posting as provided in this section except as otherwise herein specifically set forth.

Notice to bidders for the construction of public improvements, and notices of the sale of notes or bonds of the Municipality, shall be published in at least one English language newspaper printed in the State of Ohio and of general circulation in the Municipality.

Proof of any publication provided for in this section shall be made by the Clerk of Council as provided by ordinance, or, if not so provided, as provided by the laws of the State of Ohio.

SECTION 3.12 EMERGENCY ORDINANCES AND EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS

Each ordinance providing for the appropriation of money for the current expenses of the Municipality, or for an annual tax levy or street improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be especially assessed for the cost thereof, and any emergency ordinance or measure for the immediate preservation of the public peace, health or safety shall take effect immediately upon its passage. No other ordinance or resolution shall go into effect until thirty (30) days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least five (5) members of the Council for its enactment. No action of the Council in authorizing any change in the boundaries of the Municipality, or the surrender or the joint exercise of any of its powers, or in the granting, renewing or extending any franchise, or in contracting for the supply to the Municipality or to its inhabitants of the product or service of any public utility, whether Municipality owned or not, shall be considered or taken as an emergency measure.

ARTICLE IV MAYOR

SECTION 4.01 ELECTION AND TERMS

The Mayor shall be elected at the regular Municipal election held in the year 1995 and every fourth year thereafter for a term of four years.

SECTION 4.02 QUALIFICATIONS

The Mayor shall have been an elector and resident of the Municipality for at least two years prior to the date of his election or appointment and shall continue to be an elector throughout the term of office. The Mayor shall not hold any other elective public office; or any office or employment with the Municipality except as provided herein. The Mayor shall not directly or indirectly solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work, or service with or for the Municipality.

SECTION 4.03 COMPENSATION

The salary of the Mayor shall be fixed and determined by the Council, but the salary of the Mayor shall not be increased or decreased during the term of office which such person is serving. If the established salary of the Mayor is to be changed in respect to a succeeding term of office, such change must be made by Council prior to the first day of July of the last year of the term being served by the Mayor. Unless or until such salary is so changed, it shall remain as last fixed.

SECTION 4.04 ABSENCE

When the Mayor is absent or inaccessible for any reason to perform his duties, the President of Council shall become the acting Mayor and during such time have the same powers, and perform the same duties as the Mayor. Such person shall also continue as a member of Council with all the power and duties of such member, including but not limited to the right to vote. In no instance shall the acting Mayor have a second vote on the same issue.

SECTION 4.05 VACANCY AND RESIGNATION

In the event the office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor and serve for the unexpired term or until the beginning of the term of the successor duly elected as hereinafter provided. Such person shall not continue as a member of Council. In such situation, there shall be a Council vacancy to be filled pursuant to the procedure set forth in Section 3.07 of this Charter. Council shall have the power to declare a vacancy of the Mayor's position. Any resignation shall be effective when tendered.

SECTION 4.06 ABSENCE OF PRESIDENT OF COUNCIL

In the event the President of Council shall be absent or inaccessible for any reason and unable to perform such duties as acting Mayor, and an emergency or urgent necessity so requires, the Council, may designate one of their number as acting Mayor. Such appointment shall be for the purposes and duration only of such emergency or urgent necessity, or until the return of either the Mayor or President of Council.

SECTION 4.07 ELECTION OF SUCCESSOR IN THE EVENT OF VACANCY

In the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected mayor at the next regular election, providing such election shall occur more than two years prior to the expiration of the term and the vacancy shall have occurred prior to the first of August immediately preceding such election, (Amended 11-04-08)

SECTION 4.08 EXECUTIVE POWERS

A. The Mayor shall be the chief executive officer of the Municipality. Such person shall supervise the administration of the affairs of the Municipality and shall exercise control over all divisions thereof. Such person shall be the chief conservator of the peace within the Municipality and shall cause all laws and ordinances to be enforced therein.

B. The Mayor and the Municipal Administrator shall be responsible for the submission of the annual estimate of receipts and expenditures and of appropriation measures and for furnishing to the Council full information of the financial conditions and needs of the Municipality. Such person shall be responsible for the faithful observance and performance of the conditions imposed in favor of the Municipality or its inhabitants by any franchise or contract to which the Municipality is a party.

C. Except as otherwise provided by this Charter or the Whitehouse Municipal Code, the Mayor shall have the power to appoint, promote, transfer, suspend, reduce or remove any officer or employee of the Municipality except those required by this Charter to be elected or appointed; provided, however that such appointment, promotion, reduction or removal of officers provided for by this Charter and the heads of departments or divisions established pursuant thereto shall not take effect without the concurrence of a majority of the members of Council.

D. The Mayor, with the concurrence of a majority of the members of Council, may remove a board, commission or members thereof for inefficiency, incapacity, incomplicancy, neglect of duty, malfeasance, misfeasance or nonfeasance in office, but only after first having given to such member a written statement of the reasons for such removal at least ten (10) days in advance of any hearing thereon and an opportunity to be publicly heard in person or by counsel in such persons own defense. Such statement and the findings of the Mayor upon such hearing shall be filed with the Clerk of Council and any removal order based thereon shall be final.

E. The Mayor shall be recognized as the official and ceremonial head of the Municipality by the Governor for military purposes and by the courts for the purpose of serving civil processes.

SECTION 4.09 LEGISLATIVE POWERS

The Mayor shall preside at all meetings of the Council. The Mayor shall have no veto power, and shall have no vote therein except in the event of a tie of members of Council upon any ordinance or resolution or other proceedings, in which case the Mayor shall have the power to vote upon such measure, and his vote shall have the same legal effect as a vote of a member of Council. The Mayor, in addition to presiding at Council meetings may take part in the discussion upon all matters under consideration by the Council and may introduce and propose ordinances and resolutions and, if the adoption of the same shall be moved by a member of Council, they shall be considered and acted upon the same as if introduced and proposed by a member of Council.

SECTION 4.10 JUDICIAL POWERS

The Mayor shall have all the judicial powers granted generally by the Constitution and laws of Ohio to municipalities.

ARTICLE V ADMINISTRATOR

SECTION 5.01 POSITION CREATED

The position of Municipal Administrator is hereby created. Such person shall be the Chief Administrative Officer of the Municipality, and shall have the duties, powers, and responsibilities herein set forth, and shall be appointed by the Mayor, confirmed by Council, and be directly responsible to the Mayor.

SECTION 5.02 QUALIFICATIONS

The Municipal Administrator shall be chosen solely on the basis of executive and administrative qualifications with reference to such persons actual experience in, or knowledge of, accepted practice in respect to the duties of such office as provided herein.

SECTION 5.03 ABSENCE OR VACANCY

During the absence or disability or vacancy of the Municipal Administrator, the Mayor shall designate a properly qualified person with the confirmation of a majority of the Council to be the acting Municipal Administrator. No acting or temporary Administrator shall serve more than one hundred and twenty (120) days without Council approval.

In the event the Mayor does not appoint a Municipal Administrator within sixty days, a majority of the Council shall have the power to do so.

SECTION 5.04 REMOVAL OF ADMINISTRATOR

In addition to Section 3.09 G.3, the Administrator can be removed without cause upon motion of Council or by written recommendation of the Mayor and upon concurrence of five (5) members of Council for the Administrator's removal.

SECTION 5.05 POWERS AND DUTIES

The powers and duties of the Municipal Administrator, under the direction of the Mayor and Council, shall include but not be limited to:

- A. To see that all laws and ordinances are enforced.
- B. To appoint, suspend or remove all subordinate officers and employees of the Municipality except any appointed officer or head of a department or division of the Municipality.
- C. To supervise all municipal departments created by Council and this Charter.
- D. To make engineering and other assistance available to all boards and commissions created by this Charter or by Council within the limits of appropriations and available funds.
- E. To see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any public utility, franchise or other contracts are faithfully kept and performed.
- F. To attend all Council meetings, with the right to take part in discussion but not to vote.
- G. To recommend to Council any matter requiring their legislative actions.
- H. To annually recommend to Council repeal of obsolete legislative actions.
- I. To keep Council fully advised on a monthly basis as to the financial conditions and needs of the Municipality.
- J. To submit annual budget to Council, and be responsible for its execution as covered by appropriation ordinances of Council.
- K. To submit to Council, as of the end of each fiscal year, a complete report on the finances and administrative activities of the Municipality for the preceding year.
- L. To act as purchasing agent for all municipal departments.
- M. To issue all licenses and permits pursuant to ordinances or resolutions except as may be established by this charter.
- N. To perform such other duties as are provided in this Charter or as assigned by the Mayor and/or Council as a Whole.
- O. Execute contracts, agreements, or other documents on behalf of the Municipality after first obtaining authority from Mayor and Council.

ARTICLE VI CLERK OF COUNCIL

SECTION 6.01 APPOINTMENT

Council shall appoint a Clerk of Council who shall serve at the pleasure of Council, and shall perform such other duties as this Charter or Council may require.

SECTION 6.02 DUTIES

The Clerk of Council shall attend all meetings of Council, and keep a journal of all meetings, ordinances and resolutions. The journal shall include the record of all voting upon any ordinance, resolution or motion which shall be by roll call, and the vote of each Council person including Mayor and President of Council, shall be listed therein.

In addition the Clerk of Council shall authenticate by signature and keep in book form, by number and alphabetically of title, all ordinances and resolutions which shall be opened for public inspection at all reasonable times.

SECTION 6.03 ABSENCE

During the absence or disability of the Clerk of Council, Council shall appoint an interim Clerk of Council who shall perform all of the duties of the office.

ARTICLE VII DEPARTMENTS OF FINANCE AND TAXATION

SECTION 7.01 DIRECTOR OF FINANCE

The Director of Finance shall perform those functions performed by the Auditor and Treasurer of a Municipality under the general laws of Ohio. He shall be appointed by the elected Mayor, subject to confirmation by four (4) of the members of Council for an indefinite term and may be removed by the Mayor with the approval of four (4) of the members of Council.

SECTION 7.02 DUTIES

Under the direction of the Administrator, the Director of Finance shall be the Chief Fiscal Officer of the Municipality and shall perform the powers, duties and functions now or hereafter given to Municipal Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this charter. The Director of Finance, in addition to the powers, duties and functions prescribed by this Charter shall have other powers, duties and functions as required by ordinances or resolutions or as directed by the Administrator. The Director of Finance shall keep the financial records of the Municipality, establish the accounting system, financial records and reports used by the offices, departments, divisions, bureaus, boards and commissions of the Municipality. The Director of Finance shall prepare and submit appropriation measures, estimates, budgets, capital programs and other financial matters; provide full and complete information concerning the finances or accounting systems or records of any office, department, division, bureau, board or commission of the Municipality as requested by the Administrator.

**ARTICLE VIII
DIRECTOR OF PUBLIC SERVICE**

SECTION 8.01 DIRECTOR OF PUBLIC SERVICE

The Director of Public Service may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code.

**ARTICLE IX
POLICE DEPARTMENT**

SECTION 9.01 POLICE CHIEF

The Chief of Police may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code.

**ARTICLE X
FIRE DEPARTMENT**

SECTION 10.01 FIRE CHIEF

The Fire Chief may be appointed by the Mayor subject to confirmation by four (4) members of Council and subject to the terms and conditions set forth therein as adopted in the Whitehouse Municipal Code.

**ARTICLE XI
SOLICITOR**

SECTION 11.01 SOLICITOR

The Solicitor shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council.

The Solicitor shall serve the Mayor, the Council, and administrative departments and offices, boards and commissions of the Municipality as legal counsel in connection with municipal affairs and, subject to the direction of the Mayor and Council, shall represent the Municipality in proceedings in court or before any administrative board. He shall perform all other duties now or hereafter imposed upon municipal Solicitors under the laws of the State of Ohio unless otherwise provided by ordinance of the Council and he shall perform such other duties consistent with his office as the Mayor or Council may request. No person shall act as Solicitor unless duly admitted to practice law in the State of Ohio.

ARTICLE XII COMMISSIONS AND BOARDS

SECTION 12.01 GENERAL PROVISIONS

The Municipality shall have a Records Commission, Fire Dependency Board, Planning Commission, Board of Zoning Appeals and a Charter Review Commission. Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public function, property or fund for any proper Municipal purpose.

SECTION 12.02 COMPOSITION

Except as provided by this Charter or the laws of the State of Ohio, all commissions and boards shall be composed of qualified electors of the Municipality who shall hold no other municipal office. The members shall be appointed by the Mayor, subject to the approval of the majority of the members of Council, and shall serve without compensation. Board and Commission members shall have been residents of the Municipality for at least two years at the time of their appointment. The terms of the members shall be as designated for the transition to the Charter and thereafter as specified for each of the commissions and boards in this Charter.

SECTION 12.05 VACANCY

A vacancy occurring during the term of any member of a Commission or Board shall be filled for the unexpired term in the same manner authorized for an original appointment. Upon recommendation by the Chairman and Board, the Mayor with approval of Council may declare a vacancy for absenteeism.

SECTION 12.08 THE MUNICIPAL PLANNING COMMISSION

A. **COMPOSITION AND TERM.** The Municipal Planning Commission shall consist of the Mayor and four (4) electors of the Municipality not holding any other Municipal office. The terms shall be for six (6) years.

The commission shall organize under a Chairman and Secretary elected from among the four (4) appointed members for a term of one (1) year.

B. **POWERS AND DUTIES.** The Municipal Planning Commission shall have the powers and duties conferred upon it by this Charter and by ordinances of the Council enacted pursuant thereto and in addition shall have such powers not inconsistent with this Charter or ordinances as may now or hereafter be granted by the laws of the State of Ohio. It shall adopt and recommend to the Council a comprehensive general plan for the physical development of the Municipality or the redevelopment of any area or district therein, which shall include the location of public ways, property, bridges, public grounds, utilities, buildings, parks, playgrounds and recreation areas, and plans or proposals for the reservation and acquisition of lands therefor.

As deemed necessary or desirable or upon request of Council, the Planning Commission shall prepare and recommend to the Council legislation respecting zoning and creating areas, zones and districts of permitted and excluded uses, and such rules, regulations, restrictions and limitations governing:

1. The plan, design, height, floor area, number of stories, and size of buildings and structures;
2. The area and size of lots, percentage of land occupancy, size of yards, courts and open spaces.

Location, uses and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residence, park, playground, agriculture; and

3. All other uses or purposes, both public and private, pertaining to the foregoing as will promote the general welfare to the Municipality and its inhabitants. It shall have jurisdiction over and the power to adopt rules and regulations governing the platting and subdivisions of lands and the improvement thereof, including the construction of streets, sewers, and utilities therein.

C. **PLANNING, ZONING AND SUBDIVISIONS REGULATIONS.** In furtherance and not in limitation of any power or powers granted to it by this Charter, the Council shall have the power and authority to:

1. Adopt, amend and enforce all or any portion of a comprehensive general plan for the orderly development of the Municipality and plans for the development of any area or district therein;
2. Create, change or revise areas, zones and districts permitted and excluded *uses* of such numbers or classifications as it may deem appropriate;
3. Enact and enforce such rules, regulations, limitations and restrictions pertaining to the matters mentioned in this paragraph C as will promote and preserve the general welfare of the Municipality and its inhabitants;
4. Legislate upon any matter concerning which the Planning Commission has jurisdiction or powers of recommendation or regulation provided that any such matter shall be first submitted to the Planning Commission for recommendation and report. No legislation shall be adopted contrary to such recommendation except by the affirmative vote of four (4) members of the Council.

D. **NOTICES AND HEARINGS.** In the enactment of zoning legislation or of regulations respecting the platting or subdivision of lands, the Council shall provide by ordinance for such public hearing and notices and for the form and manner of publication or delivery of notices as it deems necessary and in the public interest and as may be in conformity with this Charter and the statutes of the State of Ohio in regard thereto.

SECTION 12.09 BOARD OF ZONING APPEALS

A. **COMPOSITION AND TERM.** There shall be appointed a Board of Zoning Appeals consisting of five (5) electors of the Municipality not holding other municipal office. The members of the board shall be appointed by the Mayor, subject to the confirmation by the majority of the members of Council, for a term of four (4) years from the date of appointment or until their successors are appointed and qualified.

B. **POWERS AND DUTIES.** The Board of Zoning Appeals shall have the following duties and powers:

1. To hear and decide appeals made for the exceptions to and variations in the application of ordinances governing zoning in the Municipality in conformity with the purpose and intent thereof and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders of regulations of the administrative officials or agencies,
2. To establish rules and regulations for its own procedures not inconsistent with this section,
3. To do and perform such other duties and functions as may be imposed upon it by this Charter or ordinances and resolutions of the Council including the power:
 - a. To formulate and submit to the Council, changes in and amendments to the building and zoning code which the board determines as desirable for the proper regulation of buildings and structures and the equipment thereof which pertains to the Municipality.

C. **PROCEDURE FOR APPEAL.** An applicant aggrieved by the denial to act favorably on any application submitted to the Board may appeal to Council in accordance with procedures established by the Board. An affirmative vote of five (5) members of Council is required to overturn a final decision from the Board of Zoning Appeals.

SECTION 12.10 CHARTER REVISION COMMISSION

A. **COMPOSITION AND TERM.** There shall be created a Charter Revision Commission which shall consist of five (5) members to be appointed as follows: one (1) shall be appointed from the membership of the Council by a majority vote of the members of Council for a one (1) year term; and four (4) shall be qualified electors of the Municipality holding no other office, appointment or employment with the Municipality, to be appointed by the Mayor subject to confirmation of a majority of the members of Council for a term of four (4) years from the date of appointment or until their successors are appointed and qualified.

B. **POWERS AND DUTIES.** The Charter Revision Commission shall continuously review the provisions of this Charter and the operations of the Municipality and shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of June of each year, commencing in the year 1994. The Clerk of Council shall publish the recommendations, if any, of the Commission in full at least once in a newspaper of general circulation in the Municipality. The Council may submit any amendments to the Charter recommended by the Commission, in the form recommended by the Commission or in a revised form, to the voters in the manner provided by the Constitution and laws of Ohio. The Council shall appropriate funds to the Commission as determined to be necessary by the Commission to carry out its powers, duties and functions, including amounts required to pay any consultants or special legal counsel selected by the commission.

The electors of the Municipality shall have the right to propose by initiative petition, amendments to this Charter at any time.

ARTICLE XIII NOMINATION AND ELECTIONS

SECTION 13.01 MUNICIPAL ELECTIONS

All elections provided for by this Charter, whether for the choice of officials or for the submission of questions to the voters, shall be conducted by the election authorities prescribed by the laws of the State of Ohio, which laws shall apply to all such elections except as provision is otherwise made by this Charter. A regular municipal election for the choice of all elective offices of the Municipality shall be held on the first Tuesday after the first Monday in November, or as otherwise established by the Lucas County Board of Elections, in the odd-numbered years. The nominating petitions and ballots to be used in all municipal elections shall bear no party marks or designations.

SECTION 13.02 NOMINATING PROCEDURE

Nominations for elective offices of the Municipality shall be made only by petition filed with the election authorities not later than the first day of September immediately prior to a regular municipal election and signed by electors of the Municipality not less in number than two percent (2%) of the number of electors voting at the last general municipal election with a minimum of twenty-five (25) signatures. The nomination of each candidate shall be made by a separate petition accompanied by the written acceptance of nomination by the candidate.

SECTION 13.04 CANDIDATES AT REGULAR MUNICIPAL ELECTION

The candidates for elective offices of the Municipality to be voted for at the regular municipal election in 1993 and at regular municipal elections thereafter shall be the candidates filing valid nominating petitions in compliance with the Nominating Procedure Section hereof.

SECTION 13.05 WHO SHALL BE DECLARED ELECTED

The candidates for any elective office, equal in number to the places to be filled, who shall receive the largest number of votes at such regular municipal election shall be declared elected.

ARTICLE XIV INITIATIVE, REFERENDUM AND RECALL

SECTION 14.01 INITIATIVE

The electors of this Municipality shall have the power to propose any ordinance or resolution, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to the Council by a petition signed by electors of this Municipality not less in number than ten percent (10%) of the electors voting at the last regular municipal election which shall in no case be less than thirty-five (35) signatures. Such petition shall designate not less than three (3) of the signers thereof as a committee authorized to take action as provided in this section.

Upon initial submission to Council, the Clerk of the Council shall within ten (10) days ascertain the sufficiency of such petition as to the count of signatures, that appropriate date is posted, and the designated committee of three (3) signers is so noted. Within the same ten (10) days the petition shall be delivered to the Lucas County Board of Elections to determine the final sufficiency of such petition and at the next meeting of Council, the Clerk of Council shall report, if found sufficient. Council shall take final action, either enacting, amending, or rejecting the proposed legislation within forty (40) days after initial submission to the Council.

If the Council fails to pass such proposed ordinance or resolution, or passes it in some form different from that set forth in the petition, the petitioners, through the Committee named in such petition, may, not later than the next regular meeting of the Council, request in writing that the legislation as set forth in this petition be submitted to a vote of the electors. Not later than the next regular meeting thereof following receipt of such request, the Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing or such request. If such petition is signed by at least twenty percent (20%) of such electors, or such number of electors so requested by petition, the Council shall provide for submitting such legislation to a vote of the electors at an election to be held at a date fixed by the Council but not later than eight (8) months after the initial submission of such petition.

SECTION 14.02 REFERENDUM

Within thirty (30) days after the final passage by Council of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, a petition signed by electors of the Municipality not less in number than twenty percent (20%) of the total electors voting at the last regular municipal election may be submitted with the Council requesting that the ordinance or resolution be repealed or submitted to a vote of the electors. Upon initial submission to the Council, the Clerk of Council shall within ten (10) days ascertain the sufficiency of such petition as to the count of signatures and the appropriate date is posted. Within the same ten (10) days the petition shall be delivered to the Lucas County Board of Elections to determine the final sufficiency of such petition. At the next meeting of Council, if found sufficient, the Council shall within forty (40) days after the initial submission of such petition, reconsider such ordinance or resolution.

At such time as a referendum petition is initially submitted with the Clerk of Council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when any of the following occurs:

- A. There is a final determination of insufficiency of the petition
- B. The petitioner's committee withdraws the petition
- C. Council repeals the ordinance
- D. Thirty days have elapsed after a vote by the electors on the ordinance

If, upon such reconsideration such ordinance or resolution is not repealed, the Council shall provide for submitting the same to a vote of the electors at the next general election or regular municipal election occurring more than sixty (60) days after the initial submission of such petition; provided that if a referendum petition is submitted at such time that the submission of the legislation referred to therein to a vote of the electors at a general election or regular election would not occur within a period of six (6) months after the initial submission of such petition the Council shall provide for submitting such legislation to a vote of the electors at an election to be held at a date fixed by the Council but not later than eight (8) months after the initial submission of such petition.

SECTION 14.03 RECALL

The electors shall have the power to remove from office by a recall election any elected official of the Municipality. If such person shall have served six (6) months of his term, a petition demanding his removal may be submitted to the Clerk of Council, who shall note thereon the name and address of the person submitting the petition and the date of such submission, and deliver to such person a receipt thereof, and attach a copy thereof to said petition. A petition may be circulated in separate parts, but the separate parts shall be bound together and submitted as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement of not more than two hundred (200) words on the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty percent (20%) of the total number of electors voting at the last general election.

Within ten (10) days after the day on which such petition shall have been submitted, the Clerk of Council shall determine, using the same methods as outlined in the section on Referendum, whether or not the petition meets the requirements thereof. If the Clerk of Council shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who submitted the petition and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after such delivery in which to make the petition sufficient and return same to the Clerk of Council for certification of sufficiency.

If the Clerk of Council shall find the petition sufficient, he shall promptly so certify to Council, shall deliver a copy of such petition and certification to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than ninety (90) after the date of such delivery. At such recall election this question shall *be* placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting 'yes' or 'no' on such question. If a majority of votes cast shall be voted negatively ('no'), as certified to by the Lucas County Board of Elections, such officer shall be considered as removed, his office shall be declared vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

SECTION 14.04 GENERAL PROVISIONS

The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the laws of the State of Ohio regulating initiative and referendum petitions shall apply to initiative, referendum and recall in the Municipality, except as otherwise provided in this Chapter.

ARTICLE XV TRANSITIONAL PROVISIONS

SECTION 15.01 OFFICERS AND EMPLOYEES

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are municipal officers or employees at the time of its adoption.

Except as otherwise provided in this Charter, all persons holding non-elective office or employment with the Municipality on December 31, 2024, shall continue in such office or in such employment, as the case may be, until succeeded or removed in accordance with the provisions of this Charter.

SECTION 15.02 PENDING MATTERS

All rights, claims, actions, orders, taxations, liabilities, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the municipal department, office, or agency appropriate under this Charter.

SECTION 15.03 STATE AND MUNICIPAL LAWS

All municipal ordinances, resolutions, orders, administrative regulations and councilmatic rules which are in force when this Charter becomes fully effective shall continue in full force and effect except to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto in which case those are repealed. To the extent that the Constitution and Laws of the State of Ohio permit, all laws relating to or affecting this Municipality or its agencies, officers, or employees which are in force when this Charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

SECTION 15.04 EFFECTIVE DATE OF CHARTER

For the purpose of nominating and electing officers and members of Council of the Municipality and fixing the compensation of those to be elected in 2025, this Charter shall be in effect from and after the date of its approval by the electors of the Municipality. For all other purposes, the Charter shall be in effect on and after January 1, 2025.

VOW Organizational Chart

