

# SPRINGBORO CHARTER

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## CHARTER

## OF THE

## CITY OF SPRINGBORO, OHIO (11-4-08)

EDITOR'S NOTE: The Springboro Charter was adopted on November 7, 1978, and became effective on January 1, 1979. Dates appearing in parentheses following an article or section heading, if any, indicate that the article or section was enacted or amended on the date given.

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CHARTER  
OF THE  
CITY OF SPRINGBORO, OHIO  
(Amended 11-4-08.)

PREAMBLE

We, the people of the City of Springboro, Warren County, Ohio and Montgomery County, Ohio, in order to secure the benefits of local self-government under the Constitution of the State of Ohio, do adopt this Charter for the government of the City of Springboro. (Amended 11-4-08.)

ARTICLE I  
NAME AND BOUNDARIES

Section 1.01 Name.

The City now existing in the County of Warren and the County of Montgomery, State of Ohio, and known as the Village of Springboro, shall continue to be a body politic and corporate. The City, under the Constitution and the general laws of Ohio, is a city, and it shall be known as the City of Springboro. (Amended 11-4-08.)

Section 1.02 Boundaries.

The City shall have the same boundaries as now exist, with the power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio. (Amended 11-4-08.)

ARTICLE II  
FORM OF GOVERNMENT

Section 2.01 Form of Government.

The government provided for by this Charter shall be known as the Council-Manager form.

ARTICLE III  
POWERS

Section 3.01 Powers of the City.

Except as restricted by this Charter, the City shall have all powers possible for a City to have under the Constitution and laws of the State of Ohio, as fully and completely as though they were specifically enumerated in this Charter. (Amended 11-4-08.)

Section 3.02 Manner of Exercise of Powers.

All such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as the Council may determine by ordinance, resolution, or motion. Ordinances and Resolutions intended to supersede the Ohio Revised Code under the authority of the Ohio Constitution and Section 3.01 of this Charter need not include language confirming such intent. (Amended 11-4-08.)

### Section 3.03 Construction.

The powers of the City under this Charter shall be construed liberally in favor of the Charter and the City, and the enumeration of particular and specific powers in the Charter shall not be construed as limiting in any way the general power to which this government is entitled under the Constitution and laws of the State of Ohio. As used in this Charter, unless the context otherwise requires, the singular includes the plural and the plural includes the singular; words of one gender include the other gender; and words in the present tense include the future. (Amended 11-4-08.)

### Section 3.04 Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more political subdivisions, states or civil divisions or agencies thereof, or the United States or any agency thereof, not inconsistent with the general law or the Constitution of the State of Ohio, or the Constitution or laws of the United States. (Amended 11-4-08.)

## ARTICLE IV THE COUNCIL

### Section 4.01 Powers, Number, Selection and Term.

- (a) Except as limited or directed by this Charter, all powers of the City not inconsistent with this Charter shall be vested in a Council which shall have power to legislate under the authority of this Charter and to enact all ordinances and resolutions necessary and proper for carrying into execution the purposes of this Charter. Council shall consist of seven (7) Council Members, of which six (6) shall be Council Members elected for overlapping terms, as modified by Section 13.03, and one (1) shall be separately elected as Mayor as provided by Sections 4.03 and 13.04.
- (b) Two (2) Council Members and the Mayor will be elected at large for a four (4)-year term of office and every four (4) years thereafter. Two (2) years later, and every four (4) years thereafter, four (4) Council Members will be elected from wards for a four (4)-year term of office. Within six (6) months after the adoption of this Charter, Council shall divide the City into four (4) wards for purposes of electing ward Council Members. Within one (1) year following receipt of each Federal decennial census information, or at any other time when necessary to achieve substantially equal population in each ward, the Council will redivide the City into four (4) wards of substantially equal population
- (c) The regular term of Council Members and the Mayor shall begin the first day of January following their election. Each shall take the oath of office after certification of election by the Board of Elections, but prior to the first day of January following their election. They will serve until their successors are chosen and are qualified as such. If a Council Member-elect fails to qualify, or dies, or resigns, the position shall be filled according to the provisions of this Charter for vacancies in Council. All elections of Council Members and the Mayor shall be on a nonpartisan basis. (Amended 11-4-08.)

### Section 4.02 Eligibility.

Any qualified elector of the City who also has been a resident of the City for two consecutive years at the time of filing one's candidacy with the Warren County Board of Elections shall be eligible to hold the office of Council Member or Mayor. Only qualified electors of each respective ward shall be eligible to hold office as ward Council Members. (Amended 11-4-08.)

### Section 4.03 Mayor and Deputy-Mayor.

- (a) Mayor. The Mayor shall be elected by separate ballot from the City-at-large for a four (4)-year term. The Mayor shall be a Council Member and have the right to vote on all issues before the Council, but shall have no veto power. In addition to the powers, rights and duties as a Council Member as herein provided, the Mayor, when present, shall preside at meetings of the Council, shall be recognized as head of the City government

for all ceremonial and non-administrative purposes, by the Governor for purposes of military law, and by the Courts for civil process involving the City. The Mayor shall have judicial powers. The Mayor shall perform all other duties prescribed for the office by ordinance or by resolutions of the Council not inconsistent with the provisions of this Charter.

- (b) Deputy-Mayor. The Council shall, at the first regular meeting in January following its election, choose, by a majority vote of all members of the Council, one of its members a Deputy-Mayor who shall act as Mayor during the absence or disability of the Mayor. If a vacancy occurs, the Deputy-Mayor shall serve as Mayor until the next regular City election. At such election, a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term. Upon the election of a Mayor, other than the Deputy-Mayor then serving as Mayor, the Deputy-Mayor may retain a position as Council Member for the remainder of his unexpired term.

In the event of a vacancy in the office of Mayor whereby the Deputy-Mayor is required to serve as Mayor, the Council shall select a person to fill the vacancy in Council as provided in Section 4.05(d). However, the person so chosen shall serve only until a Mayor is elected as provided herein. (Amended 11-4-08.)

#### Section 4.04 Prohibitions.

- (a) Holding Other Offices. Except where authorized by this Charter, neither a Council Member nor the Mayor shall hold any other City office or City employment during the term for which said Council Member or Mayor was elected or appointed to the Council, and no former Council Member or Mayor shall hold any compensated appointive City office or City employment until two (2) years after the expiration of the term for which he was elected or appointed except for an appointment to Council to fill an unexpired term pursuant to Section 4.05. No member of the Council shall hold any incompatible office.
- (b) Appointment and Removals. Neither the Council nor any of its members, including the Mayor, shall in any manner dictate the appointment or removal of any City officers or employees whom the Manager or any subordinates are empowered to appoint or remove, but the Council as a body meeting with the Manager may express its views, and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (c) Authority of Manager. The Council or its members shall deal with the City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give any orders to any such officer or employee, either publicly or privately.
- (d) Personal Financial Interest. Any Council Member of the City who has a financial interest, direct or indirect, in any contract with the City or in the sale of any land, material or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in that capacity as an elected official of the City in making of such sale or in the making or performance of such contract. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the Council. (Amended 11-4-08.)

#### Section 4.05 Vacancies; Forfeiture of Office; Disability; Filling of Vacancies.

- (a) Vacancies. The office of Council Member shall become vacant upon the Council Member's death, resignation, removal from office in any manner authorized by this Charter, or forfeiture of office.
- (b) Forfeiture of Office. A Council Member shall forfeit office if said Council Member:
  - (1) Lacks at any time during a term of office, any qualifications for the office prescribed by this Charter;
  - (2) Intentionally violates any express prohibition of this Charter;
  - (3) Is convicted of a crime involving moral turpitude or malfeasance;
  - (4) Fails to attend three consecutive regular meetings of Council, without being excused by the Council.

- (c) Disability. On questions of disability involving the Mayor, Deputy-Mayor or Council Member, the decision as to actuality of, the time of, and the duration of the disability for purposes of declaring a vacancy shall be determined by a majority vote of the remaining members of Council.
- (d) Filling of Vacancies. Vacancies in the office of Council Member shall be filled within thirty (30) days by vote of a majority of the remaining members of Council. If a vacancy occurs on one (1) or more positions among Council Members elect, Council of the new term shall appoint, by majority vote, an eligible citizen of the City of Springboro. If the Council fails to do so within thirty (30) days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Mayor shall fill the vacancy by appointment immediately following the expiration of the said thirty (30) days. Any appointee under this section shall qualify under the provisions of this Charter, shall hold office, and shall serve for the unexpired term or until a successor is elected and qualified, or until replaced by a Deputy Mayor who has been serving as Mayor and who is returning to the position of Council Member pursuant to Section 4.03(b). (Amended 11-4-08.)

#### Section 4.06 Recall.

The electors shall have the power to remove from office, by recall election, any elected officer of the City. If an elected officer shall have served for six (6) months of a term, a petition demanding his removal may be filed with the Clerk of Council who shall note thereon the name and address of the elector filing the petition, and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought, and a statement in not more than two hundred (200) words of the grounds for removal.

- (a) In the case of a Ward Council Member, such petition shall be signed by at least fifteen (15) percent of the total number of registered voters from that Ward at the time of the most recent election for that position. For the purposes of recall, an appointed Ward Councilman shall be treated as an elected member.
- (b) In the case of an at-large Council Member or the Mayor, such petition shall be signed by at least fifteen (15) percent of the total number of registered voters from the City at the time of the most recent election for that position. For the purposes of recall, an appointed at-large Council Member shall be treated as an elected member. Within ten days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements hereof.

If the Clerk of Council shall find the petition insufficient, the Clerk shall within twenty (20) days certify the particulars in which the petition is defective, deliver a copy of the certificate to the person who filed the petition with the Clerk, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, the Clerk shall within twenty (20) days so certify to the Council, shall deliver a copy of such certificate 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, the Council shall thereupon fix a day for holding a recall election, not less than six (6) days nor more than seventy-five (75) days after the date of such delivery.

At such recall election, conducted by the Board of Elections of Warren County, Ohio, as stated in Section 11.02, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, said office shall be deemed 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 thereby. (Amended 11-4-08.)

#### Section 4.07 Compensation.

The Council may determine the annual salary of Council Members by ordinance, but no ordinance increasing such salaries shall become effective until the commencement of the terms of Council Members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. Contributions to the Public Employees Retirement System for Council members shall

be made in the same manner as for all regular, full-time City employees. The Mayor shall receive additional compensation. Council Members, by resolution of Council, stating the exact purpose of the appropriation, may receive their actual and necessary expenses incurred in the performance of their duties of office. (Amended 11-4-08.)

#### Section 4.08 Judge of Qualifications.

The Council shall be the sole judge of the election and qualifications of its Council Members-elect and its own members, and the grounds for forfeiture of their office, as listed in Section 4.05, and for that purpose Council, by ordinance, shall prescribe the process of citing witnesses, administering oaths and producing evidence, and its enforcement. If by an affirmative vote of five (5) members of Council, a witness is declared in violation of the ordinance enforcing this section, the case shall be referred to the Law Director for appropriate action before the proper court.

A member charged with conduct constituting grounds for forfeiture of office, shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least fifteen (15) days in advance of the hearing. (Amended 11-4-08.)

#### Section 4.09 Clerk of Council.

There shall be a Clerk of Council, selected by a vote of a majority of all members of the Council, from outside its membership, to serve until a successor is chosen and enters upon the duties of this office. The Clerk shall give notice of Council meetings and all other meetings as required by State law, keep the journal, advertise public hearings, record in a separate book all ordinances and resolutions approved by Council and see that such enactments are published as required by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter, or by ordinance or resolution of the Council.

The Clerk may be appointed to serve full or part time and shall receive a salary for services as such, as established by ordinance.

#### Section 4.10 Procedure.

- (a) Meetings. The Council shall meet regularly at least twice in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of four (4) or more members and, whenever practicable, upon no less than twelve (12) hours notice to each member. All meetings where official business is consummated shall be public except as otherwise provided by Ohio statute.
- (b) Rules and Journal. The Council shall adopt and may amend its own rules and order of business, in conformity with this Charter, and shall provide for keeping a Journal of its proceedings. This Journal shall be a public record.
- (c) Voting. Except on procedural motions, voting shall be by roll call and shall be recorded in the Journal. Four (4) members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. Unless a different requirement is otherwise specifically provided for in this Charter, no action of the Council shall be valid and binding unless adopted by the affirmative vote of four (4) or more members of the Council. (Amended 11-7-00.)

#### Section 4.11 Independent Audit.

During those years in which the State of Ohio shall make an audit of the affairs of the City, such audit may be accepted as satisfying the requirements of this section. In any other years, Council may, when it deems it advisable, provide for an annual audit by a certified public accountant or firm of such accountants. (Amended 11-4-08.)



ARTICLE V  
LEGISLATION

Section 5.01 Ordinances and Resolutions.

Council action shall be by ordinance, resolution or motion. Ordinances shall be the enactments of the Council and shall have the full force and effect of law. Ordinances shall prescribe permanent rules of conduct of government. Resolutions shall be orders or declarations of the Council of a special or temporary nature. Motions are oral proposals for Council action limited to the same purposes as resolutions. (Amended 11-7-00.)

Section 5.02 Introduction of Ordinances.

All proposed ordinances shall be introduced in written or printed form and may be reviewed by the Law Director for correct legal form, for possible contradiction with existing ordinances; or conflict with the Charter or Constitutional provisions. It shall be in the form required by Council for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The one subject rule shall not apply to appropriation ordinances, omnibus revisions of the City Code, or other ordinances, which necessarily or logically contain more than one subject. The enacting clause shall be "The City of Springboro hereby ordains . . ." (Amended 11-4-08.)

Section 5.03 Passage of Ordinances.

Ordinances and resolutions must be introduced in written or printed form capable of being read if they are of general or permanent nature, grant a franchise, create a right, involve the expenditure of money or levy of a tax, provide for the purchase, lease, sale, or transfer of property.

Ordinances or resolutions of a general or permanent nature or for the purposes set forth above are required to be read by title only, on three different days, unless such readings are dispensed with by a vote of five (5) members elected to the Council. When the requirement of reading on three (3) different days is dispensed with by the required vote, only one (1) reading is required and the ordinance or resolution may be passed forthwith or at a subsequent meeting by the majority vote of Council. (Amended 11-7-00.)

Section 5.04 Effective Date.

Every ordinance, except emergency ordinances, shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

Section 5.05 Emergency Ordinances.

To meet a public emergency affecting health, safety, morals, or the public welfare, or a special emergency in the operation of a City department the Council may adopt one or more emergency ordinances, but such ordinances may not: levy taxes, except when incidental to incurring debt; grant, renew, or extend a franchise, except one affecting health; regulate the rate charged by any public utility for its services; or grant any special privileges. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. A proposed emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members of Council shall be required for adoption. After its adoption the ordinance shall be published as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. No emergency ordinance shall be subject to the initiative and referendum. (Amended 11-4-08.)

Section 5.06 Adoption of Ordinances by Reference.

The Council may adopt model or standard codes prepared and published by any public or private agency by reference to the date and source of the code without reproducing it at length in the ordinance.

However, if the Council desires to modify, add to, or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all such cases in which such a code shall be adopted by reference, publication of the code at length, by the City, shall not be required. However, at least one copy of all such codes, including all amendments thereto, shall be kept in the office of the Clerk of Council for consultation by interested persons during regular office hours and additional copies shall be for sale, when available, at cost, by the Clerk of Council. (Amended 11-4-08.)

#### Section 5.07 Initiative and Referendum.

Except as otherwise provided by this Charter, legislative ordinances may be proposed, and legislative ordinances passed by the City Council may be challenged, by initiative and referendum following procedures set forth in the Ohio Revised Code. However, referendum shall not be applicable to emergency ordinances, resolutions, motions, ordinances implementing administrative actions, or ordinances making adjudicatory decisions. If the Council is required to pass more than one ordinance to complete and pay for any public improvement, initiative and referendum shall apply only to the first ordinance passed and not to any subsequent ordinance. Initiative and referendum petitions shall not be deemed filed with the City until a written receipt therefor, indicating the time and date of filing, has been issued by the Clerk of Council. (Amended 11-4-08.)

#### Section 5.08 Resolutions.

Action taken by Council, which is not required by this Charter to be taken by ordinance, may be taken by resolution. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. (Amended 11-7-00.)

#### Section 5.09 Authentication and Recording; Codification; Reproduction.

- (a) Authentication and Recording. The Clerk of Council shall authenticate by the Clerk's signature, along with the signature of the Presiding Officer of the Council, and record in full, in a properly indexed journal kept for the purpose, all ordinances and resolutions adopted by the Council.
- (b) Codification. At least every two (2) years, the Council shall provide a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, including any pertinent provisions (as the Council may specify) of the Ohio Constitution, other laws of the State of Ohio, codes of technical regulations, and other rules and regulations or pertinent supplementary matter of service or interest. This compilation shall be known and cited officially as the Springboro City Code. Copies of the City Code shall be furnished to City officers, placed in public City offices for free public reference, and made available for purchase by the public at cost as determined by Council.
- (c) Reproduction of Ordinances and Resolutions. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be reproduced promptly following its adoption, and the reproduced ordinances and resolutions and Charter amendments shall be distributed or sold to the public at cost as determined by the Council. The Council shall make further arrangements as it deems necessary with respect to reproduction and distribution of any changes in or additions to the provisions of the Constitution and other laws of the State of Ohio, or the codes of technical regulations, and rules and regulations included in the City Code. (Amended 11-4-08.)

#### Section 5.10 Mandatory Requirements for Formation of City Contracts.

No agreement obligating the City to pay money or undertake debt; or to sell, buy or encumber real or personal property; or to lease real or personal property to or from others; or to accept real or personal property; or to perform any act or refrain from performing any act; or to become obligated for any combination of these; shall be enforceable against the City unless the agreement satisfies the following requirements and formalities, which are mandatory:

- (a) It has been specifically approved by an ordinance or resolution adopted by the Council, or categorically approved by an ordinance adopted by the Council for inclusion in the Administrative Code for the purpose of facilitating routine transactions.
- (b) It is in writing, with the date of execution by each signatory separately indicated.
- (c) It has been executed by the City Manager, or by his designee under those circumstances in which the City Manager is authorized by ordinance to appoint a designee.

Nothing in this Section shall be construed as preventing the City from performing all or part of an unenforceable contract if in its interest to do so, but neither full or part performance by the City or by any other party shall create any legal or equitable obligation enforceable against the City.

The Council may by ordinance establish additional formalities, rules and procedures controlling the formation of City contracts. Nothing in this Section shall prevent the retroactive approval of a contract by the Council by ordinance or resolution.

By the publication of this Charter, all persons doing business with the City shall be deemed to have constructive notice of these mandatory limitations on City contracting. Such persons have an affirmative duty to assure themselves that all applicable legal requirements have been complied with for the formation of a City contract, and failing to do so, assume the risk of doing business under an unenforceable contract. (Amended 11-4-08.)

## ARTICLE VI THE MANAGER

### Section 6.01 Appointment; Qualifications; Compensation.

The Council by a five (5) out of seven (7) vote of all members of Council, shall appoint a Manager for an indefinite term and shall fix compensation. The Manager shall be appointed on the basis of executive and administrative qualifications. The Manager need not be a resident of the City or the State at the time of appointment, but shall reside therein during tenure of office as Manager, beginning not more than six (6) months after appointment. (Amended 11-4-08.)

### Section 6.02 Powers and Duties.

The Manager shall be the chief executive and administrative officer of the City. The Manager shall be responsible to the Council for the administration of all City affairs placed in the Manager's charge by or under this Charter. The Manager shall have the following powers and duties:

- (a) To see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed;
- (b) To submit to the Council and make available to the public a complete report of the finances, administrative activities and an inventory of the properties of the City as of the end of each fiscal year;
- (c) To prepare and submit the annual budget and capital program to the Council;
- (d) To keep the Council fully advised as to the financial conditions and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable, or as Council may require;
- (e) To direct and supervise the administration of all departments of the City except as otherwise provided by this Charter;
- (f) To appoint and, when the Manager deems it necessary, to suspend or remove any City employee or appointive administrative officer, except as otherwise provided by this Charter or by personnel rules adopted pursuant to this Charter. The Manager may authorize any employee who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department.
- (g) To attend all Council meetings and have the right to take part in discussion, but not to vote;
- (h) To make such other reports as the Council may require concerning the operations of the City departments subject to the Manager's direction and supervision;
- (i) To negotiate, prepare, sign, administer, suspend and terminate contracts, franchises and agreements, subject to the limitations imposed by Section 5.10 of this Charter;

- (j) To perform such other duties as are specified in this Charter or may be required by the Council within the limits of the Charter.
- (k) To serve as ex-officio member without a vote on all boards and commissions, except the Personnel Board. (Amended 11-4-08.)

#### Section 6.03 Acting Manager.

By letter filed with the Clerk of Council, the Manager shall designate a qualified City administrative officer to exercise the powers and perform the duties of Manager during temporary absence or disability. If such designation has not been made, and the Manager is, in the opinion of the majority vote of Council, unable to perform the Manager's duties or to make such designation, the Council shall, by resolution, appoint any qualified person, to perform the duties of the Manager, until the Manager shall return or the Manager's disability ceases. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or the Manager's disability shall cease. (Amended 11-4-08.)

#### Section 6.04 Removal.

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

- (a) The Council shall adopt by affirmative vote of a majority of all members a preliminary resolution, which must state the reason for removal and may suspend the Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Manager. During his or her suspension, Council shall appoint an administrator to act as Manager.
- (b) Within five (5) days after a copy of the resolution is delivered to the Manager, the Manager may file with the Council a written request for a public hearing. This hearing shall be held at a regular or special Council Meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing.
- (c) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of five (5) of the Council Members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing if one has been requested.

The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency. (Amended 11-4-08.)

### ARTICLE VII ADMINISTRATIVE DEPARTMENTS

#### Section 7.01 Creation of Departments.

The administrative activities of the City shall be carried on by departments of: Finance, Safety, and Service. This shall not preclude the ability for Council to provide such service through joint participation with other governmental agencies as provided in Section 3.04. (Amended 11-4-08.)

#### Section 7.02 Creation of New Departments.

The Council may establish other departments in addition to those created by this Charter as the needs of the City may require, and except for those established in Section 7.01, may abolish or combine them in any manner as it deems necessary. They may prescribe the functions and names, or change the names, of all departments except that no function assigned by this Charter to a particular department may be discontinued or, unless this Charter specifically so provides, assigned to any other. (Amended 11-4-08.)

#### Section 7.03 Department Directors.

At the head of each department there shall be a director who shall be appointed by the Manager with the approval of Council and can be removed by the Manager with the approval of Council. Two or more departments may be headed by the same person and the Manager may serve as the director of one or

more departments in addition to his or her duties as Manager, if the Council approves. The Director shall have supervision and control of the department he or she heads subject to the direction of the Manager. (Amended 11-4-08.)

#### Section 7.04 Administrative Code.

Subject to the provisions of this Charter and after consultation with and the recommendation of the Manager, the Council may adopt an Administrative Code which shall provide in detail the organization of the City Government, and define the powers and duties of each organizational unit. Amendments to and revision of the Administrative Code shall be made by the Council only after consultation with and the recommendation of the Manager. Where the Charter and the Administrative Code are silent, the employees through the Manager of the City shall have and may exercise all powers and duties provided for similar employees by the State law. (Amended 11-4-08.)

#### Section 7.05 Purchasing.

Purchasing procedures shall be established, consistent with this Charter, by the Council by ordinance governing the purchase of all supplies, materials and equipment for the City. (Amended 11-4-08.)

#### Section 7.06 Department of Finance.

The Finance Director, after consultation with the Office of the Auditor of State, shall establish accounting and procedure systems to conform to State law. The Director shall maintain and prepare all financial and accounting information in accordance with generally accepted accounting principles as presented and recommended by the Governmental Accounting Standards Board insofar as same are not contrary to State law and as same may be supplemented and modified from time to time to conform to any financial disclosure guidelines adopted by the Council in order to market the bonds and notes of the City. The Finance Director shall be the fiscal officer of the City and shall be responsible for accounting, collection and custody of public funds, and control over disbursements. The Finance Director shall be responsible for the establishment of accounting procedures and financial reporting practices for all Boards and Commissions. The Finance Director shall advise the Manager and the Council concerning the financial conditions of the City and shall examine all payrolls, bills and other claims against the City and shall issue no warrants unless it shall be determined that the claim is in proper form, correctly computed, duly approved and within appropriations made by the Council. The Finance Director shall countersign all bonds and notes issued by the City and shall perform other functions as may be assigned by the Administrative Code or by the order of the Manager. (Amended 11-4-08.)

#### Section 7.07 Department of Safety.

The Department of Safety shall have and perform such functions as may be assigned by the Administrative Code or by order of the Manager. Notwithstanding any provisions of State law, the Council may establish unified police and fire service in which both types of service are rendered by the same personnel. (Amended 11-4-08.)

#### Section 7.08 Department of Public Works.

The Department of Public Works shall be administered by the Public Works Director. The Director shall be responsible for the general supervision, custody, care and maintenance of the public buildings, grounds, streets, sewers, City utilities, cemeteries and properties owned or operated by the City for the protection of the health, welfare, convenience and necessity of the people. The Director shall perform such functions and duties with reference to the Department of Public Works as may be assigned by the Administrative Code or by the order of the Manager. (Amended 11-4-08.)

#### Section 7.09 Department of Law.

There shall be a Department of Law, the head of which shall be the Law Director. The Law Director shall be an attorney-at-law, qualified to practice law in the State of Ohio, appointed by and subject to the direction of the Council. A law firm, rather than an individual attorney, may serve as Law Director

and in that case, an attorney of that firm may be designated by the Council to serve as the nominal Law Director. The attorney so designated shall serve with the title of Law Director, and other attorneys of that firm may serve as Acting Law Director with all the powers, duties and functions of the Law Director when the person designated as Law Director is not available. The Law Director shall serve as the chief legal advisor to the Council, the City Manager, and all City departments, boards, commissions, or authorities. The Law Director shall represent the City in all legal proceedings unless otherwise directed by the Council, and shall perform any other duties prescribed by this Charter, by ordinance or resolution or by the Administrative Code or the general laws of the State of Ohio. The person or firm holding the office of Law Director shall not be required to represent any school district or any other unit of government, other than the City, by virtue of holding the office of Law Director. When necessary, the Council may appoint special legal counsel to represent the City, together with, or in place of, the Law Director. (Amended 11-4-08.)

## ARTICLE VIII FINANCE, TAXATION AND DEBT

### Section 8.01 Fiscal Year.

The fiscal, budget and accounting year of the City shall begin on the first day of January and end on the last day of December. (Amended 11-4-08.)

### Section 8.02 Capital Program.

- (a) Submission to Council. The Manager shall prepare and submit to the Council a five (5)-year capital program prior to the final date for submission of the annual budget to the Council.
- (b) Contents. The capital program shall include:
  - (1) A clear, general summary of its contents;
  - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  - (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
  - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised by the Manager and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
- (c) Adoption by the Council. The Council by motion, shall adopt the capital program with or without amendment prior to adoption of the budget. (Amended 11-4-08.)

### Section 8.03 Submission of Budget.

The Manager shall submit to the Council, at such date as Council shall designate, a budget for the ensuing fiscal year and an accompanying budget message.

### Section 8.04 The Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and shall be in such form as the Manager deems desirable or the Council may require. It shall indicate proposed expenditures for current operations and proposed capital expenditures during the ensuing fiscal year and the method of financing such expenditures. The total of proposed expenditures shall not exceed the total of estimated income and reserves. (Amended 11-4-08.)

### Section 8.05 Council Action on the Tax Budget.

A tax budget will only be prepared and Council action taken if the County requires such document be submitted and adopted by Council. If the County requires filing of a tax budget, then:

- (a) Notice and Hearing. No public hearing will be required. The Council shall post, in full, in not less than five (5) of the most public places as determined by Council, a notice stating:
  - (1) The times and places where copies of the tax budget are available for inspection by the public; and
  - (2) The time and place when Council will take action on the tax budget.
- (b) Amendment Before Adoption. The Council may adopt the tax budget with or without amendment. In amending the tax budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit for utilities, provided that no amendment to the budget shall increase the authorized expenditures to the amount greater than the total estimated income and reserves.
- (c) Adoption. The Council shall adopt the tax budget by motion and transmit it to the County Auditor's Office in the form and at the time required by law. (Amended 11-4-08.)

#### Section 8.06 Certification.

Upon notification by the County Budget Commission and the certificate of the County Auditor as to the amounts required from general property tax approved by the Budget Commission and County Auditor's estimated tax rates, the Council shall pass and certify to the County Auditor a resolution, accepting the amounts and rates as determined by the County Budget Commission as required by the general law. (Amended 11-4-08.)

#### Section 8.07 Revision of the Budget.

The Manager shall prepare and submit to the Council each year a budget so that the expenditures during the ensuing fiscal year shall not exceed the total estimated income and reserves. This budget shall serve as the basis for the annual appropriation ordinance. The Council shall adopt the budget by motion. (Amended 11-4-08.)

#### Section 8.08 Annual Appropriation Ordinance.

Prior to the end of each year, the Council shall adopt the appropriation ordinance of the City for the ensuing fiscal year. Appropriation measures shall be classified so as to set forth separately the amounts appropriated for each fund. (Amended 11-4-08.)

#### Section 8.09 Effect of Appropriation Ordinance.

Upon adoption, the annual appropriation ordinance shall become effective as of the first day of January and shall constitute an appropriation for the budgeted items without further legislation. (Amended 11-7-00.)

#### Section 8.10 Amendment of Appropriations.

The Council, on recommendation of the Manager, may at any time by ordinance transfer any unencumbered balance of an appropriation from one item or project to another as permitted by Ohio law, or reduce or increase any item, provided the ordinance as amended does not increase the authorized expenditures to an amount greater than the total estimated income. (Amended 11-7-00.)

#### Section 8.11 Emergency Appropriations.

To meet a public emergency affecting life, health, safety, property or the public welfare, the Council may make emergency appropriations. Such appropriations may be made an emergency ordinance in accordance with the provisions of Section 5.05. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any

fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

#### Section 8.12 Debt and Tax Limitations.

The limitations on debt and tax rates without vote of the electors shall be continued as provided in the Constitution and general laws of the State of Ohio.

### ARTICLE IX BOARDS, COMMISSIONS, AND AUTHORITIES

#### Section 9.01 Council's Power to Create Boards, Commissions, and Authorities.

In addition to the boards, commissions, and authorities created by this Charter or amendments thereto, the Council may establish such boards, commissions, and authorities as it may deem necessary and determine their powers and duties, except that no power or duty shall be taken from any board, commission, or authority created by this Charter or amendments thereto. The Council also has the authority to dissolve those boards, commissions, and authorities deemed unnecessary, except for those boards and commissions expressly created by this Charter. (Amended 11-4-08.)

#### Section 9.02 Removal of Members.

Council, by motion, may remove any member of a board, commission, or authority. Council's action shall be final. (Amended 11-4-08.)

#### Section 9.03 Open Meetings.

Revised Code of the State of Ohio 121.22 Sunshine Law applies.

#### Section 9.04 Organization.

At the first meeting in each year, each board, commission, or authority of the City as created by this Charter, or by ordinance of Council, shall elect officers from among its membership. (Amended 11-4-08.)

#### Section 9.05 Quorum.

Except as expressly provided herein, or provided by ordinance, a majority of the members of a board, commission, or authority shall constitute a quorum, and a majority vote of the members present shall be required to take any action. (Amended 11-4-08.)

#### Section 9.06 Planning Commission.

- (a) Membership. There shall be a City Planning Commission consisting of seven (7) members, two (2) of whom shall be members of Council appointed for a term of one (1) year, and five (5) citizen members who have resided in the City for a minimum period of two (2) consecutive years, immediately prior to such appointment, are to be appointed from among the qualified electors of the City. Except as to the first appointments, the five (5) citizen members shall serve four (4)-year overlapping terms of office. Citizen members of the Planning Commission shall hold no other City office, unless otherwise permitted by this Charter. The Council shall fill all vacancies by appointment for the unexpired term.
- (b) Duties. The Planning Commission shall conduct studies and surveys and prepare plans, reports and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation, and renewal of the City, and may make such recommendations relative thereto to the Council as it feels are in the best interest of the City. The Planning Commission shall continuously review and report to the Council its recommendations concerning the subdivisions, platting and zoning ordinances, and regulations. Other powers and duties of the Planning Commission shall include those



established by this Charter and by the Council by ordinance or resolution but until such ordinances or resolutions shall be passed, it shall possess such other powers and duties as are provided by the general laws of Ohio, to the extent that such general laws do not conflict with the provisions of this Charter. (Amended 11-4-08.)

#### Section 9.07 Board of Zoning Appeals.

- (a) Membership. There shall be a Board of Zoning Appeals consisting of seven (7) members appointed by Council to serve for a term of four (4) years. One (1) Planning Commission Member shall serve for a term of one (1) year. The Board shall establish its own rules of procedure and keep a record of its proceedings in all matters coming before the Board. Council shall fill all vacancies by appointment for the unexpired term.
- (b) Duties. The Board of Zoning Appeals shall hear and determine applications for variances from the provisions of the zoning ordinance in accordance with the procedures provided therein. The Board of Zoning Appeals shall also hear and determine appeals from any order, requirement, decision or determination made by the administrative department or administrative employee who is charged with the enforcement and application of the zoning ordinance. The Board shall have such other powers and perform such other duties and functions as provided by ordinance or resolution. (Amended 11-4-08.)

#### Section 9.08 Park Board.

- (a) Membership. There shall be a Park Board consisting of five (5) members who shall be electors of the City and hold no compensated position therein, appointed by the Council. Terms of office shall be two (2) years and overlapping, so arranged that at least two (2) members' terms shall expire on January 1 of each year. The Council shall fill any vacancies by appointment for the unexpired term.
- (b) Duties. The Board shall have all the powers and duties conferred upon it by ordinance. (Amended 11-4-08.)

### ARTICLE X PERSONNEL

#### Section 10.01 Classification of Service.

Except as otherwise provided, legislation shall be passed to fix the powers and duties, which prescribe the rules and regulations governing classified service.

- (a) The classified service shall include the following:
  - (1) Full-time members of the Police Department;
  - (2) Full-time members of the Fire Department at such time only as the Council establishes a paid Fire Department;
  - (3) Full-time hourly workers; and
  - (4) All persons in positions not specifically included in this Charter in the unclassified service.
- (b) The unclassified service shall include only the following:
  - (1) The Manager;
  - (2) The Clerk of Council;
  - (3) The directors of departments;
  - (4) The Assistant Manager and Assistant to the Manager;
  - (5) Any office or position requiring exceptional or professional qualifications;
  - (6) Seasonal and part-time employees;
  - (7) All officials and employees appointed by Council under its Charter authority;
  - (8) Members of boards, commissions, and authorities;
  - (9) Mayor's Court personnel. (Amended 11-4-08.)

ARTICLE XI  
NOMINATIONS AND ELECTIONS

Section 11.01 City Elections.

The regular election of Council members shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution. (Amended 11-4-08.)

Section 11.02 Conduct of Elections.

Both regular and special City elections shall be conducted by the Board of Elections of Warren County, Ohio, and Montgomery County, Ohio where applicable, under the provisions of this Charter. Where the Charter is silent, the provisions of the State election law shall be followed. Council shall have authority and is directed to hold all elections through the said County Board of Elections, according to the provisions of the Ohio Revised Code, except where this Charter directs otherwise. (Amended 11-4-08.)

Section 11.03 Nominations.

No primary election shall be held for the nomination of candidates for the Council. Nominations for the offices of Council Member or Mayor shall be made by petition signed by not less than fifty (50) electors of the City. Petitions shall be the standard forms provided by the Warren County Board of Elections for the nomination of individual nonpartisan candidates for such office. (Amended 11-4-08.)

ARTICLE XII  
GENERAL PROVISIONS

Section 12.01 Oath of Office.

All officers and employees of the City shall, before entering upon their duties, take and subscribe to the following oath or affirmation to be filed and kept in the office of the Clerk of Council:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof, and that I will, in all respects, uphold and enforce the provisions of the Charter and ordinances of the City and will faithfully discharge the duties of \_\_\_\_\_ upon which I am about to enter." (Amended 11-4-08.)

Section 12.02 Official Bonds.

The City shall furnish all surety bonds for its officers, employees, appropriate board, commission, and authority members and any other persons required by Council to be bonded. The amount of such bonds shall, in each case, be fixed by the Council for all persons whose duties require that they handle or be concerned with the management of the City's money or other property. These surety bonds shall be issued by a company authorized to do business in the State of Ohio and the premium on such bonds shall be paid from the funds of the City. (Amended 11-4-08.)

Section 12.03 Fees.

All fees received by officers or employees of the City in connection with their employment with the City shall be accounted for and paid into the City bank accounts within 24 hours, except as otherwise provided by ordinance. No member or agency of the City government may use the City facilities or hours of operation to collect any fees or funds for private groups, agencies or individuals. (Amended 11-4-08.)

Section 12.04 Amendments to the Charter; Charter Review Commission.

- (a) Submission. Any provisions of this Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of a proposed amendment to the electors of the City and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a vote of at least five (5) members

of Council, or by petition to the Council signed by ten (10) percent of the electors registered to vote at the last regular City election held in the City.

- (b) Review. At the first meeting of the Council in January, 1984, and every eight (8) years thereafter, Council shall appoint a Commission of nine (9) electors of the City. It shall be the duty of the Commission to review the existing Charter and make such recommendations as it may see fit for revision. The Commission shall submit its report to Council not later than July 1 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations.
- (c) Conflicting Amendments. In the event two (2) conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter. (Amended 11-4-08.)

#### Section 12.05 Effect of Partial Invalidity.

A determination that any article, section, or part of any article or section, 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 part is wholly dependent for its operation upon the part declared invalid.

#### Section 12.06 Personal Financial Interest.

Any officer or employee of the City who has a financial interest, direct or indirect, in any contract with the City or in the sale of any land, material or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from approving or otherwise participating in any capacity as an officer or employee of the City in making of such sale or in the making or performance of such contract. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the Manager or the Council. (Amended 11-4-08.)

#### Section 12.07 Annual Report.

The Council may annually or periodically, as it may determine, publish a comprehensive report to the people of Springboro covering the activities and status or condition of the City government. (Amended 11-4-08.)

### ARTICLE XIII TRANSITIONAL PROVISIONS

#### Section 13.01 Effective Date.

Upon approval by the voters of the City, this Charter shall take effect on January 1, 1979. (Amended 11-4-08.)

#### Section 13.02 Succession.

The City of Springboro, under this Charter, is hereby declared to be the legal successor of the Village of Springboro, under the general laws of the State of Ohio, and as such it has the title to all property, real, personal and mixed, owned by its predecessor, including all moneys on deposit and all taxes in the process of collection, together with all accounts receivable and rights of action. The City is also liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable as such successor by any court of competent jurisdiction. If any office, board, commission or department of the City of Springboro existing under the laws of this State is abolished by this Charter, the powers and duties conferred on it shall hereafter be exercised and discharged by the agencies and persons with corresponding functions, duties and powers as far as consistent with the provisions of this Charter. Council shall have authority to implement this provision by ordinance to fulfill the purpose of this Charter. (Amended 11-4-08.)

### Section 13.03 Continuation of Council.

Council Members in office when this Charter becomes effective shall continue in office until the end of the terms for which they were elected when successors shall be chosen as provided herein. At the general Municipal City election in November, 1979, two (2) Council Members and the Mayor will be elected at large for a four (4)-year term of office and every four (4) years thereafter. Two (2) years later and every four (4) years thereafter, four (4) Council Members will be elected from wards to a four (4)-year term of office. (Amended 11-4-08.)

### Section 13.04 Continuation of the Mayor.

The elected Mayor in office when this Charter becomes effective shall become a Council Member and retain the responsibilities of Mayor as provided in Section 4.03(a) for the remainder of the term for which he was elected; thereafter a successor shall be chosen for a full term under the provisions of this Charter. (Amended 11-4-08.)

### Section 13.05 Continuation of Ordinances.

All ordinances, resolutions and other acts of the Village of Springboro, in effect at the time this Charter becomes effective, shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed by Council or by the electors as provided in Section 5.07. In any conflict between an ordinance or resolution of Council and the provisions of the Ohio Revised Code, other than the provisions reserved by the Ohio Constitution to the Ohio General Assembly, the provisions of the ordinances and resolutions shall prevail.

### Section 13.06 Officers and Employees.

- (a) Rights and Privileges Preserved. Nothing in this Charter, except as otherwise specifically provided in the Charter, shall affect or impair the rights or privileges of persons who are City officers or employees at time of its adoption to continue in the service of the City of Springboro.
- (b) Personnel System. An employee holding a City position at the time this Charter takes full effect, who was serving in the same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in Article X of this Charter. (Amended 11-4-08.)

### Section 13.07 Transfer of Records and Property.

All public records and property in custody of officers and employees who may leave the service of the City at the time this Charter becomes effective shall be transferred and delivered promptly to their successors. (Amended 11-4-08.)

### Section 13.08 Continuation of Contracts and Improvements.

All the contracts entered into by the City or for its benefit, prior to the taking of effect of this Charter, shall remain in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect, shall be completed, as nearly as practicable, under the provisions of such laws. (Amended 11-4-08.)

### Section 13.09 Pending Actions and Proceedings.

No action or proceeding, civil or criminal, pending in any court at the time this Charter takes effect, brought by or against the City or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the law in effect when they were filed. (Amended 11-4-08.)

#### Section 13.10 Transfer of Finance Functions.

The financial functions performed by the Clerk-Treasurer under the optional law shall be transferred under this Charter to the Finance Director by January 1, 1979, and the office of Clerk-Treasurer shall be abolished as an independent office as of the date of transfer. (Amended 11-4-08.)

#### Section 13.11 Transfer of Clerk's Functions.

The functions of Clerk performed by the Clerk-Treasurer under the optional law shall be transferred under this Charter to the office of Clerk of Council as provided in Section 4.09 by January 1, 1979.

#### Section 13.12 Transition of Governmental Service.

The Village Administrator will assume the functions of Manager to serve at the pleasure of Council under the provisions of Article VI of this Charter.

#### Section 13.13 Mayor's Court.

Council for the City has created a Mayor's Court. A Municipal Court may be established by the affirmative vote of five (5) of the members elected to Council. The Court shall be established in accordance with the provisions of the Ohio Revised Code. The Council may, by the affirmative vote of five (5) of its members, at any time it determines it to be in the best interest of the City, terminate the Mayor's Court and choose any other alternative available to the City. (Amended 11-4-08.)

#### Section 13.14 Mayor's Court Magistrate.

- (a) The Springboro Mayor's Court shall have all powers conferred by the Ohio Revised Code as amended from time to time.
- (b) Jurisdiction of Magistrate. The Magistrate shall have jurisdiction to hear and make a recommendation of his or her findings as allowed by the Ohio Revised Code.
- (c) Appeal. Appeals from a Magistrate's recommendation may be taken as allowed by the Ohio Revised Code.
- (d) Qualifications of Magistrate.
  - (1) The Magistrate shall be an attorney licensed to practice in the State of Ohio.
  - (2) The Magistrate shall have a minimum of three (3) years experience as a practicing attorney.
  - (3) The Magistrate shall not hold any other City office or City employment during the term for which said Magistrate was appointed.
- (e) Selection Process of Magistrate. The Mayor shall review the qualifications of all applicants. From the applicants, the Mayor shall nominate three applicants to Council within fifteen (15) days of a vacancy. Council shall within fifteen (15) days, by a majority vote of members of the Council, appoint a qualified candidate to serve as the Magistrate of the Mayor's Court.
- (f) Term. A Magistrate shall be appointed for a term of four (4) years. If a vacancy occurs, the unexpired term shall be filled by using the same procedure described in Section 13.14(f).
- (g) Compensation. The Council may determine the compensation of the Magistrate.
- (h) Supervision. The Magistrate shall be subject to the exclusive supervision of the Mayor except as otherwise required by the Ohio Revised Code.
- (i) Removal. The Council may remove the Magistrate from office in accordance with the following procedures:
  - (1) The Council shall adopt by affirmative vote of a majority of all members a preliminary resolution which must state the reason for removal and may suspend the Magistrate from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Magistrate. During his suspension, Council shall appoint an acting Magistrate for a term not to exceed sixty (60) days.

- (2) Within five (5) days after a copy of the resolution is delivered to the Magistrate, the Magistrate may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Magistrate may file with the Council a written reply not later than five (5) days before the hearing.
- (3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of five (5) of the Council Members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Magistrate, if the Magistrate has not requested a public hearing, or at any time after the public hearing if one has been requested.

The action of the Council in suspending or removing the Magistrate shall not be subject to review by any court or agency.

- (j) Absence or Disability of Magistrate. In the event of absence, vacancy or during the disability of the Magistrate, Council by a majority vote may designate an Acting Magistrate until a Magistrate has been appointed pursuant to Section 13.14(f). (Amended 11-4-08.)