

**CITY OF BLUE ASH, OHIO**

**CHARTER**

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**CHARTER**

**OF THE**

**CITY OF BLUE ASH, OHIO**

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**PREAMBLE**

We, the people of the City of Blue Ash, Ohio, grateful to Almighty God for the freedoms we enjoy, pursuant to the provisions of the Constitution of the State of Ohio extending to municipalities the privilege of "Home-rule," in order to secure the advantages for ourselves and posterity of democratic, practical and efficient methods in administering the affairs of the City, to protect the interests and insure the continued welfare of the community and to enjoy all the privileges of local self-government, do adopt this Charter.

## **ARTICLE I – NAME AND BOUNDARIES**

### **Sec. 1.01. Name and Boundaries.**

The present municipality known as the City of Blue Ash, Ohio, shall continue to be a body politic and corporate under the name of the City of Blue Ash. The boundaries of the municipality shall be those existing at the time of the adoption of this Charter, subject to change by annexation or other manner authorized by general law.

## **ARTICLE II – MUNICIPAL POWERS**

### **Sec. 2.01. Municipal Powers.**

To the extent not expressly prescribed by this Charter, all powers of local self-government now or hereafter granted by the Constitution and laws of the State of Ohio to municipal corporations shall be exercised as Council may determine. In the absence of an express Charter provision or a determination by Council, then such powers of local self-government may be exercised in accordance with general law.

### **Sec. 2.02. Form of Government.**

The form of government provided for by this Charter shall be known as “The Council-Manager Plan.”

## **ARTICLE III – COUNCIL**

### **Sec. 3.01. Powers, Members, Terms and Qualifications.**

All legislative powers of the City, except the powers of the initiative and referendum reserved to the electors of this City, shall be vested in a Council which shall consist of seven (7) electors of the City, five of whom shall be elected, one from each of the five wards hereinafter provided, and the other two of whom shall be elected from the City at large, elections to take place at the general November election of odd-numbered years. Members of Council shall be qualified electors of the City, and shall have resided in the area from which they are elected at least one full year next preceding their election. The members of Council shall be elected for terms of two years at the municipal election. Their regular terms shall commence on the first day of December next after their election, and shall end on the thirtieth day of November next after the election of their successors or as soon thereafter as their successors are qualified. Membership on governmental boards or commissions, or holding office or employment in governmental units other than the City of Blue Ash, shall not be a bar to membership on Council.

The wards from which five of the members of Council shall be elected are defined as follows:

Ward 1 – All of the City lying (i) south of Cooper Road and east of Kenwood Road and (ii) between Blue Ash Road and Kenwood Road south of Alpine Avenue.

Ward 2 – All of the City lying between Cooper Road and Creek Road east of Kenwood Road.

Ward 3 – All of the City lying (i) north of Creek Road and (ii) between Creek Road and the extension of Aldine Drive west to Plainfield Road west of Kenwood Road.

Ward 4 – All of the City lying (i) between Kenwood Road and Blue Ash Road and between Cooper Road and Alpine Avenue, (ii) between Blue Ash Road and the westerly boundary of the City south of Hunt Road and (iii) between Blue Ash Road and Conklin Avenue and between Cooper Road and Hunt Road.

Ward 5 – All of the City lying (i) between the extension of Aldine Drive west to Plainfield Road and Cooper Road and between Kenwood Road and Plainfield Road, (ii) between Cooper Road and Hunt Road west of Conklin Avenue and (iii) west of Plainfield Road and north of Cooper Road.

The boundaries of these five wards may be changed from time to time by ordinance, but no such change shall be effective at the succeeding municipal election unless it has become effective as an ordinance on or before January 1<sup>st</sup> in the year of such election.

### **Sec. 3.02. Meetings of Council.**

Council shall hold not less than twelve regular meetings each year, at such place and at such times as shall be determined by ordinance or motion. Special meetings may be called by the Mayor or by any three members of Council by written notice served personally upon each member or left at his/her residence at least twelve hours in advance of the time of such special meeting. Except for such closed or executive sessions as may be permitted by general law, all meetings of the Council and its committees shall be open to the public.

### **Sec. 3.03. Quorum and Voting.**

A majority of the qualified members of Council shall constitute a quorum to do business.

### **Sec. 3.04. Removals and Vacancies.**

The Council shall without delay declare vacant the seat of any member who shall cease to be a resident of the City. Council may also declare vacant the seat of any member who persistently fails to abide by the rules of the Council or who is otherwise guilty of misconduct affecting the performance of his/her duties as a member of Council, but such action shall be taken only upon the concurrence of five members of Council at a regular meeting of Council after

service of notice upon such member of such proposed action at least seventy-two hours in advance of such meeting, at which he/she may present a defense.

Council vacancies shall be filled within sixty days by a vote of a majority of the remaining Council members. If Council fails to fill such vacancy within sixty days, the Mayor shall fill it by appointment. Such person so chosen by Council or the Mayor shall serve until December 1, following the next regular municipal Council election.

**Sec. 3.05. Salaries.**

Salaries of Council members shall be established by ordinance, with payment to be made in equal monthly installments, payments regardless of the number of Council meetings held during such month. Salaries of the Council members shall not be changed during their term of office, nor by any ordinance passed subsequent to thirty days before the final date fixed by this Charter for filing as a candidate for such office. Salary of the Mayor for services in his/her capacity as Mayor shall be established by ordinance.

**ARTICLE IV – MAYOR AND VICE MAYOR**

**Sec. 4.01. Mayor.**

Council shall, at its first regular meeting in December following each municipal election, choose by majority vote one of its members to be Mayor to serve until the first Council meeting in December following the next municipal election. The Mayor, in addition to the powers, rights and duties as the official head of the City for all ceremonial purposes, shall be recognized as the official head of the City by the courts for purposes of serving civil process. The Mayor shall perform all other duties prescribed for him/her in this Charter and such other duties as may be imposed by any measure of Council. The Mayor shall also have jurisdiction in criminal cases as provided by general law. The Mayor shall preside at all meetings of Council and shall be entitled to vote on all matters to be voted on by Council.

**Sec. 4.02. Vice Mayor.**

Council shall, at its first regular meeting in December following each municipal election, choose by majority vote one of its members to be Vice Mayor until the first Council meeting in December following the next municipal election. The Vice Mayor shall exercise all the powers and perform all the duties of the Mayor in case of temporary absence or disability of the Mayor and shall succeed to his/her office in case of its vacancy.

## **ARTICLE V – MANAGER**

### **Sec. 5.01. Appointment.**

Council shall appoint a Manager who shall be the chief executive and administrative officer of the City. The Manager shall be appointed for an indefinite term, subject to removal as provided by this Charter. The Manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth.

The Manager need not at the time of appointment, but must during the tenure of office, reside within the City. Council may allow a reasonable time after appointment for the Manager to become a resident.

No Council member shall be appointed Manager during the term for which he/she shall have been elected, nor within one year after the expiration of such term.

### **Sec. 5.02. Powers and Duties.**

The Manager shall be responsible to Council for the proper administration of all the affairs of the City and the enforcement of all its laws and ordinances, except as herein otherwise provided, and to that end shall have exclusive authority to make all appointments, suspensions, and removals of all employees in the departments and offices under his/her control, including the heads of all departments and offices, but subject to such restrictions as may be imposed upon such authority of the Manager under and pursuant to the provisions of this Charter relative to the civil service.

The Manager shall attend all meetings of Council and the Planning Commission, unless absence is reasonably justified or excused by the Council or the Commission, and be informed of, and may attend, all other meetings of Boards and Commissions with the right to participate in discussions but without the right to vote. The Manager shall attend meetings of any committee of Council, or Board or Commission, when so requested by such committee, Board or Commission.

The Manager shall prepare and submit to Council an annual budget and an annual appropriation ordinance as provided for in this Charter, and be responsible for their administration after adoption.

The Manager shall prepare and submit to Council after the end of each fiscal year a complete report on the finances and activities of the City for such year.

The Manager shall prepare and submit to Council each month a report showing the conditions of all appropriated funds.

The Manager shall serve as chief executive officer over all departments except that he shall not have jurisdiction or authority over, or serve as, the Clerk of Council or Solicitor.

The Manager shall keep the books of the City, exhibit accurate statements of all monies received and expended, of all property owned by the City and the income derived therefrom, and of all taxes and assessments.

The Manager shall manage and supervise all public works, solid waste and other services, utilities and undertakings of the City, and shall supervise the design, construction, improvement, maintenance and repair of all streets, sewers, buildings, facilities, and other property of the City, and shall maintain in good order all maps, plans and charts concerned with property and facilities owned or operated by the City.

The Manager shall issue all licenses and permits pursuant to ordinances or general law and perform all other duties prescribed in this Charter or imposed by any measure of Council.

The Manager may, but only when advisable or proper, delegate to subordinate officers and employees of the City any duties conferred upon the Manager by this Charter or by action of Council, and hold subordinate officers responsible for the faithful discharge of such duties.

The Manager may by letter filed with the Clerk of Council, or by requesting said designation within a classification specification then adopted by Council, designate a qualified person of the Manager's own choosing to perform his/her duties during any temporary absence or disability. In the event such designation is not made, Council may designate a qualified person to perform such duties.

### **Sec. 5.03. Interference by Council.**

Neither Council, its committees or members, nor the Mayor, shall direct or request the Manager to make the appointment of any person to, or suspension or removal from, office or employment by the Manager, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the service of the City. Council, its committees and members, shall deal with that portion of the service of the City for which the Manager is responsible solely through the Manager, and neither Council nor its committees or members, shall give any orders to any subordinate in office. Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of the affairs of the City, and may, in the exercise of such power, compel or authorize one of its committees to compel the attendance and testimony of witnesses and the production of books, records, papers, and other evidence under penalty of law.

**Sec. 5.04. Salary.**

Council shall establish the salary, benefits, and conditions of employment of the Manager by ordinance.

**ARTICLE VI – OTHER OFFICIALS**

**Sec. 6.01. Clerk of Council.**

Council shall appoint a Clerk of Council for an indefinite term, who shall be a resident of the City. The Clerk shall attend all meetings of Council, keep its records, and perform all duties prescribed for the Clerk in this Charter, and such additional duties as may be imposed by any measure of Council.

**Sec. 6.02. Treasurer.**

A Treasurer, who shall serve as the fiscal and accounting officer of the Municipal government, shall be appointed by the Manager. The Treasurer shall receive, collect, and deposit all monies due the City and sign all checks and vouchers for their disbursement as provided in Sec. 9.06. The Treasurer shall be the custodian of the official bonds and of instruments for the payment of money of the City and shall perform all other financial duties imposed by any measure of Council or by general law. The Manager may appoint a Deputy Treasurer to perform any duties of the Treasurer when the Treasurer is unavailable.

**Sec. 6.03. Solicitor.**

Council shall appoint a Solicitor who shall be an attorney at law admitted to practice in Ohio. The Solicitor shall be the legal advisor of, and attorney and counsel for, the municipal government, and all officers and departments thereof in any matters relative to their official duties, and shall when requested give legal opinions in writing. The Solicitor shall represent the City in all litigation to which it may be a party, and shall upon request of the Mayor or judge, prosecute for violations of law in actions before the Mayor or Municipal Court. The Solicitor shall on request prepare or review all contracts, bonds, and other written instruments in which the City is concerned. The Solicitor shall approve the form and correctness of all contracts, bonds, and written instruments in which the City is concerned. The Solicitor shall perform all other duties of a legal nature imposed by any measure of Council or imposed upon the chief legal officer of a municipality. The Solicitor shall serve for the term ending at the first Council meeting in December following the next municipal election. The Solicitor may designate deputy solicitors to perform duties under the supervision of the Solicitor. Council may employ additional legal counsel when advisable or proper.

**Sec. 6.04. (Repealed).**

**Sec. 6.05. Salaries.**

Council shall establish the salaries of the Clerk of Council and Treasurer, and the compensation of the Solicitor, by ordinance.

**ARTICLE VII – COURTS**

**Sec. 7.01. Mayors Court.**

The City may establish a Mayors Court with jurisdiction and powers as provided by general law.

**ARTICLE VIII – APPOINTMENTS AND REMOVALS**

**Sec. 8.01. Appointment and Removal of Officials.**

No appointment or removal of a Council appointee shall be made by Council except by majority vote. Council may suspend an appointee from office pending final decision with regard to his/her removal.

**Sec. 8.02. Creation and Abolishment of Offices.**

Council shall not abolish any office or diminish or transfer any powers or duties prescribed in this Charter. Council may, however, by ordinance, establish, abolish, divide, or combine, and shall determine the functions, compensation, powers and duties of any office, position or department not prescribed in this Charter.

**ARTICLE IX – FINANCES**

**Sec. 9.01. Taxes.**

The Council, by resolution adopted by a majority of its members, may annually levy a tax for the current expenses on real and personal property. The rate of such tax shall not exceed 3.08 mills.

Any City of Blue Ash tax on income, earnings, wages or salaries may not be at a rate exceeding one and one-quarter percent (1¼%) and shall allow a credit for such taxes levied by other municipalities on income, earnings, wages or salaries earned by residents of the City of Blue Ash and on the net profits earned on all businesses, professions or other activities conducted by residents of the City of Blue Ash.

The expenditure (or reservation thereof) of 40% of the proceeds of any tax on income, earnings, wages or salaries shall be restricted to capital outlay and/or retirement of debt principal and interest incurred to finance capital outlay.

**Sec. 9.02. (Repealed).**

**Sec. 9.03. Fiscal Year.**

The fiscal, budget and accounting year of the City shall be the calendar year from January 1 through December 31.

**Sec. 9.04. Budget.**

In each year the Manager shall prepare and submit to the Council the tax budget for the ensuing fiscal year. Such tax budget shall include an estimate of expected revenues and required expenditures. Council shall by resolution determine the form of and the information to be contained in the tax budget. The tax budget may be amended by Council, shall on or before July 15 be approved by Council as presented or amended, and shall be the basis of any levy of taxes by Council. The Council shall hold a public hearing on the tax budget, and shall give notice by publication in the same manner as provided for ordinances herein at least ten days prior to the hearing. Two copies of the tax budget prepared by the Manager shall be available in the Manager's office for public inspection during the ten days prior to the public hearing. Council shall submit a tax budget to the County Budget Commission on or before July 20.

**Sec. 9.05. Appropriation Ordinance.**

Before the first day of January each year the Manager shall prepare and submit to Council an appropriation ordinance containing a financial plan for conducting the affairs of the City. Council shall by ordinance specify the form of and the information contained in the appropriation ordinance. Council may at its discretion provide for a public hearing upon such ordinance, and may amend such ordinance at any time. The appropriation ordinance shall be passed with a single reading and shall become effective on its adoption.

**Sec. 9.06. Expenditures.**

All expenditures of municipal funds shall be upon warrants signed by the Treasurer and counter-signed by the Manager. Such expenditures shall be made only upon authorization of the Manager. Such authorization shall in each case include certification that the expenditures are covered by an appropriation in the annual appropriation ordinance or some amendment thereto and that unexpended funds within such appropriation, sufficient to cover such expenditure, are on hand and available for the payment thereof.

**Sec. 9.07. Borrowing, Assessing, Appropriating Property.**

The authority and procedure for borrowing money, for assessing property and for appropriating property shall be governed by ordinance, or in the absence of ordinance, by general law.

**Sec. 9.08. Audits.**

Except in those years for which an audit has been made by a representative of the State Auditor of Ohio, or as directed by the State Auditor, Council may at its discretion authorize a financial audit of all the affairs of the City. Such audit shall be made by a certified public accountant familiar with City audits, who is not in the employ of the City or financially interested in any transaction to be audited. Council may in addition cause other audits for any purpose to be made at any time.

**Sec. 9.09. (Repealed).**

**Sec. 9.10. (Repealed).**

**Sec. 9.11. Investment Board.**

Council may at its discretion direct the investment of any surplus, reserve, interim or inactive funds into such investments as are permitted to fiduciaries by general law. Such investments shall be supervised by a board consisting of the Treasurer, the Manager, and two Council members chosen by majority vote of all members of Council, each to serve for a term expiring on the date of expiration of his/her Council term.

**Sec. 9.12. Purchases and Contracts.**

All purchases and all contracts shall be made by the Manager. No purchase or contract shall be made unless funds therefor have been appropriated and are available or in the process of collection; a statement to this effect signed by the Manager shall accompany each purchase order and each contract. General law regarding appropriation and availability of funds shall govern as to contracts running beyond the fiscal year in which they were made, contracts payable from utility earnings, and contracts to be paid in whole or in part by special assessments for improvements.

General law shall govern the limit of expenditure with respect to a purchase or contract at which specific authorization or approval by Council is required.

Except as hereinafter provided, no purchase or contract shall be made except after one advertisement in a newspaper of general circulation in the City at least ten days prior to the final day for receipt of sealed bids to be received and opened by the Manager at a time and place stated in the advertisement. Council shall authorize acceptance of the bid made by the responsible bidder who in Council's judgment offers the best and most responsive proposal to the City, considering quality, service, performance record, and price; or Council may direct the rejection of all bids. The advertisement and bidding procedure set forth herein is not required on contracts for expert or professional services, contracts with or purchases from other governmental units, purchases made through the State of Ohio Cooperative Purchasing Agreement, and purchases or contracts where the expenditure does not exceed the limit at which provisions of general law require advertisement and competitive bidding.

No contract shall be made for a term longer than five years, except that franchises for public utility services and contracts with other governmental units for service to be received or given may be made for any period no longer than

twenty years. No contract for longer than two years shall be made unless authorized by an ordinance passed by the affirmative vote of five members of Council.

Purchases may be made simultaneously with purchases by other governmental bodies and in cooperation with their offices.

The requirements for advertisement and competitive bidding and for authorization by Council may be waived in case of emergency, provided the Manager secures approval of Council in any situation where a meeting of Council is to be held in time to deal with the emergency or, in the absence of such a meeting, the Manager secures approval of four members of Council. Emergency is a situation making it imperative that there be immediate action to maintain necessary operation of the City government or to preserve the public peace, health, safety, morals or welfare.

Notwithstanding any provision of general law, contractors and vendors shall not be entitled to receive interest on funds temporarily retained on a contract pending final acceptance of work performed or goods supplied, nor shall the City be required to maintain a separate escrow account from which to pay any contractor or vendor.

Real and personal property may be sold as provided by ordinance. Real and personal property may be traded simultaneously with purchase of real and personal property and the sale price of the unneeded real and personal property may be credited on the price of the property being purchased.

## **ARTICLE X – CIVIL SERVICE**

### **Sec. 10.01. Merit System.**

All appointments and promotions in the service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examinations given under supervision of the Manager, under rules provided by the Civil Service Commission. These rules shall include provision for the following:

1. Plans for the recruitment of qualified persons, which shall take into account experience, character, references and physical fitness, together with such other characteristics as may be deemed appropriate.
2. The preparation, scheduling and holding of competitive examinations.
3. The creation of eligible lists from the results of examinations.
4. The certification of eligibles to appointing officers.
5. The classification of positions and establishment of job specifications, which rules shall be formed in conjunction with the City Manager and the appropriate department heads.

6. The development and conduct of training programs.
7. The preparation, and recommendation to the Manager for approval and publication, of all necessary rules to establish and maintain the merit system in the City.
8. Such other rules as are necessary and desirable for the advancement of the merit and civil service principles.

**Sec. 10.02. Exemptions.**

No person who is a permanent employee of the City in a position provided for in this Charter at the time this Charter goes into effect, shall be required to take any examination to retain his position, but shall thereafter be subject to the Civil Service provisions established pursuant to this Charter.

The following persons shall be exempt from any Civil Service provision:

1. The Manager, Clerk of Council, Treasurer, and Solicitor.
2. All members of boards and commissions.
3. The Manager's immediate staff, including assistants, interns, secretaries and the heads of all departments, divisions or offices reporting directly to the Manager, Deputy Manager or Assistant Manager except the heads of the police and fire departments.
4. Assistant directors, assistant superintendents and assistant professionals in parks and recreation.
5. All unskilled laborers, part-time employees and temporary employees, and all employees within the Service Department and Grounds Maintenance Division.
6. Persons of exceptional professional or scientific qualifications engaged as consultants.
7. Persons appointed to fill vacancies in elective offices.

**Sec. 10.03. Civil Service Commission.**

The City shall have a Civil Service Commission consisting of three (3) members of worthy character and ability. They shall serve for overlapping three (3) year terms. They shall be electors and shall be appointed by the Council. Vacancies in the Commission shall be filled in the same manner but shall be for the balance of the term only. No member of this Commission shall be an employee in the paid service of the City.

**Sec. 10.04. Appeals.**

The Civil Service Commission shall also provide by rule for the hearing of appeals from the action of any officer in any case of reduction, removal, or in the giving and grading of competitive examinations. In addition to making its own rules, the Board shall have the power to choose its own officers and to subpoena witnesses and to require the production of records. The decision rendered by the Civil Service Commission in the hearing of an appeal shall be final.

**ARTICLE XI – PLANNING COMMISSION**

**Sec. 11.01. Membership.**

There shall be a Planning Commission which shall consist of five members, each of whom shall be appointed by Council. One member shall be a member of Council and shall serve until expiration of his/her term on Council. At least three of the remaining members shall be electors of the City. Council may appoint not more than one non-resident as a member of the Planning Commission, provided that such non-resident member shall be an owner or employee of a business, public institution, or industry operating in the City. Except for the Council member, members of the Planning Commission shall be appointed for terms of four years, which terms shall be arranged so that one member's term shall expire on July 1<sup>st</sup> of each year. A member shall be eligible to serve only so long as he/she possesses the qualifications requisite for his/her original appointment. Any vacancy which shall happen in a regular term shall be filled for the unexpired portion of such term.

The Commission shall adopt its own rules and elect its own officers annually. Its secretary may be a person who is not one of its members.

**Sec. 11.02. Powers and Duties of the Planning Commission.**

The Planning Commission may from time to time amend or modify the general municipal plan, the zoning plan, and other plans for the development of the City and shall be the Platting Commission of the City, all in accordance with ordinance, or in the absence of ordinance, with the general law, and shall perform such other duties, related to planning, zoning and platting, as shall be imposed upon it by ordinance or resolutions.

**Sec. 11.03. Action of the Council Necessary.**

No plan or amendment or modification thereof made or proposed by the Planning Commission shall become effective unless and until the same shall be reported to the Council and embodied in an ordinance. No plat approved by, nor any dedication or gift of property shown on the plat recommended for acceptance by the Planning Commission shall be deemed to be accepted unless and until it shall be approved by ordinance.

Any proposed ordinance which would make, amend, or modify any plan, or which would approve any plat or accept any dedication or gift of property shown on the plat, shall first be submitted to the Planning Commission for its report thereon before Council votes on the proposed ordinance. Council may direct the Planning Commission to report by a date certain; a failure by the Planning Commission to report as directed shall be deemed to be a negative recommendation by the Planning Commission.

The affirmative votes of five members of Council shall be necessary to pass any ordinance contemplated in this section if such ordinance shall contain anything contrary to the recommendation of the Planning Commission.

## **ARTICLE XII – BOARD OF ZONING APPEALS**

### **Sec. 12.01. Membership and Duties.**

There shall be a Board of Zoning Appeals consisting of five members who shall be electors of the City, who are not employed by the City and hold no other office of the City except on the Board of Site Arrangement. The members shall be selected by the Council for overlapping terms of five years, so arranged that one member's term shall expire on July 1<sup>st</sup> of each year. The Board shall adopt its own rules and elect its own officers annually. It shall have all the power, authority and duty conferred upon it by ordinance.

## **ARTICLE XIII – BOARD OF SITE ARRANGEMENT**

### **Sec. 13.01. Membership and Duties.**

There shall be a Board of Site Arrangement consisting of five members who shall be electors of the City, who are not employed by the City and hold no other office of the City except on the Board of Zoning Appeals. The members shall be selected by the Council for overlapping terms of five years, so arranged that one member's term shall expire on July 1<sup>st</sup> of each year. The Board shall adopt its own rules and elect its own officers annually. It shall have all the power, authority and duty conferred upon it by ordinance.

## **ARTICLE XIV – POLICE AND FIRE PROTECTION**

### **Sec. 14.01. Provision for Protection.**

Council shall provide for police and fire protection adequate to the needs of the City, to be administered in accordance with ordinance. Council shall determine the ranks and number of required personnel.

### **Sec. 14.02. (Repealed).**

**Sec. 14.03. (Repealed).**

**ARTICLE XV – BOARD OF HEALTH**

**Sec. 15.01. Membership and Duties.**

Unless Council contracts with another Board of Health there shall be a Board of Health of the City health district composed of five members who shall be citizens who are not employed by the City and hold no other office of the City. The members shall be selected by the Council one each year for overlapping terms of five years, so arranged that one member's term shall expire on July 1<sup>st</sup> of each year. At least one member shall be a physician admitted to practice in Ohio and in good professional standing. The Board shall adopt its own rules and elect its own officers annually. It shall have all the power and authority conferred upon city boards of health by general law, except as may be modified by ordinance.

**ARTICLE XVI – RECREATION BOARD**

**Sec. 16.01. Membership and Duties.**

There shall be a Recreation Board consisting of five Blue Ash citizens appointed by the Council to serve for overlapping five year terms. Said Board shall have the authority and duties prescribed by ordinance.

**ARTICLE XVII – ORDINANCES AND RESOLUTIONS**

**Sec. 17.01. Action of Council.**

Action of Council shall be by ordinance, resolution, or motion. Every action of a general or permanent nature, or having the force and effect of law, or granting a franchise, or levying a tax, or appropriating money, or contracting an indebtedness to be evidence by the issuance of bonds or notes, or for the purchase, lease or transfer of property, shall be taken formally, by ordinance, in the manner hereinafter provided. All other action may be made by resolution or motion.

**Sec. 17.02. Introduction of Ordinances.**

Each proposed ordinance shall be introduced in writing by a member of Council and shall contain a descriptive title, an opening clause reading "Be it ordained by the Council of the City of Blue Ash, Ohio," and a body in which there shall be set forth at length the action proposed to be taken. Any and all subjects shall be clearly set forth in the title. Revisions and codifications may be made under appropriate titles, chapters, and sections and in one ordinance containing one or more subjects, and publication of any revision or codification need only refer summarily to the titles, chapters, and sections affected thereby.

### **Sec. 17.03. Adoption of Ordinances by Reference.**

Council may adopt model or standard codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning and other topics 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 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, a copy of all such codes shall be kept in the municipal offices for consultation by interested persons during regular office hours and additional copies shall be made available for sale, at cost, by the City.

### **Sec. 17.04. Introduction of Resolutions.**

Action by Council which is not required by this Charter to be taken by ordinance, may be taken by resolution. Such a resolution shall be introduced in writing by a member of the Council.

### **Sec. 17.05. Passage of Ordinances and Resolutions.**

No ordinance or resolution shall be passed without the concurrence of a majority of all members of Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of five members of Council for passage. Before passage, every ordinance shall be fully and distinctly read on two separate days, unless an emergency is declared as hereinafter provided, or unless by vote of five members of Council, a reading thereof in full on two different days is dispensed with, in which cases such ordinance may be read one time and passed on the day of such reading.

Every vote upon every ordinance or other matters as to which any member shall so demand shall be taken upon a roll call and entered upon the journal. Council may adopt rules, not inconsistent with this Charter, by ordinance governing its own proceedings and all other matters pertaining to the exercise of its powers and the performance of its duties. Final passage of every ordinance and every resolution shall be certified by the signatures of the Mayor or Vice Mayor and the Clerk of Council. The Clerk shall record all ordinances and resolutions, at length, in separate ordinance and resolution volumes, which shall be a public record, available upon request for review by all citizens.

Immediately after the period of publication required by this Charter, the Clerk of Council shall enter on the ordinance a certificate giving the manner and date of publication and shall sign his/her name thereto officially.

### **Sec. 17.06. Emergency Ordinances.**

An emergency ordinance as referred to above is one which must be passed and made effective at once to meet an emergency in the operation of the municipal government, or which is necessary to the immediate preservation of the public

peace, health, safety, morals or welfare. An emergency ordinance must contain therein a separate section setting forth the reason for the emergency. No ordinance granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

**Sec. 17.07. Effective Date.**

Ordinances providing for appropriations for the usual daily expenses of the City, or for raising revenue, or for public improvements petitioned for by the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or ordinances wherein an emergency is declared to exist shall become effective at such date as may be provided therein or immediately upon passage.

All other ordinances shall take effect and be in force forty days after the certification by the Clerk of Council of publication under the requirements of this Charter, unless suspended by the filing of a valid referendum petition.

All resolutions and motions shall take effect upon adoption with no waiting period notice, hearing or publication.

**Sec. 17.08. Publication.**

Except as provided in Sections 17.02 and 17.03 of this Article, after passage, ordinances of a general nature, or providing for public improvements, shall be published in summary form at least one time, in a newspaper of general daily or weekly, paid or unpaid, circulation within the City, within ten days after passage. Such summary shall consist of a brief statement of the purpose and effect of the ordinance. All ordinances shall be posted at length on a prominent protected bulletin board. Council may provide, by ordinance in lieu of the aforesaid publication in summary form, that all such ordinances or any particular said ordinance may be published in one of the following ways:

- (a) By general distribution, complete coverage not required, of an official Municipal Bulletin in the City, containing such official notices and general reports concerning municipal affairs. Such bulletin may be reproduced by letter process, offset or any other suitable method and the cost of its reproduction and distribution shall be paid from public funds.
- (b) In the case of appropriation ordinances, by reproduction and distribution to the members of Council, to department heads, to boards and commissions, and to all citizens who may apply for copies at the office of the Clerk of Council.

When ordinances are revised, codified, rearranged, published in book form, and certified as correct by the Clerk of Council, such book form shall be a sufficient publication, and the ordinances so published, under appropriate titles, chapters, and sections, shall be held the same in law as though they had been published in a newspaper.

## **ARTICLE XVIII – INITIATIVE AND REFERENDUM**

### **Sec. 18.01. Establishment.**

The initiative and referendum are reserved by this Charter to the people of Blue Ash to be exercised as prescribed in this Charter. Electors qualified by registration and otherwise to vote in Blue Ash, and equal in number to not less than one-fifth of the number of those who voted in the preceding general election, may by an initiative petition propose to Council the passage of an ordinance set forth therein, or by a referendum petition propose the repeal of any measures passed within forty days by Council, except as otherwise prescribed in this Charter.

### **Sec. 18.02. The Petition.**

The form, content, verification of and other requirements for initiative and referendum petitions, except as otherwise prescribed in this Charter, shall be those prescribed by the Constitution and general laws of the State of Ohio covering initiative and referendum petitions on the state level in existence as of the time of filing of the petition. In addition to the requirements of such general law, each petition shall by its terms appoint a committee of three to represent the proponents of the petition in any further proceedings before Council. Such committee shall have the power to fill vacancies in its ranks by action of the surviving members. The petition shall be filed with the Clerk of Council, who shall forthwith notify the Mayor of such filing. The Mayor shall thereupon, and within five days of the time of filing, appoint a committee of two, at least one of whom shall be a member of the committee to support the petition. This committee of two, together with the Clerk of Council, and with the help of the Board of Elections of Hamilton County, if the committee so desires, shall determine within ten days of its appointment whether the petition is valid and sufficient according to law. The Clerk of Council shall present the petition, with a certificate as to the committee's determination, to Council at its next regular meeting.

### **Sec. 18.03. The Initiative.**

Each ordinance initiated by a petition certified to be valid and sufficient shall upon presentation be referred by Council to a committee to hold a public hearing thereon and to report its recommendations at the next regular meeting of Council. Council shall, not later than the second regular meeting following such reference, either pass the ordinance in its original form or in a form agreed to by a majority of the committee appointed by said petition; or take appropriate action to submit the ordinance to a vote of the electors at the next primary or general election to be held no less than sixty days after the filing of the appropriate notice with the Board of Elections. If an initiated ordinance is approved by a majority of the electors voting thereon, it shall be an ordinance of the City, effective as of the date of the official certification of the result of such election, or at such other date as may be provided in the ordinance.

#### **Sec. 18.04. The Referendum.**

The referendum shall not be applicable to:

- (a) ordinances making or transferring annual appropriations, or amendments thereto,
- (b) measures providing for the discharge of any obligation legally due from the City,
- (c) measures submitting any measure to a vote of the electors,
- (d) measures directing the performance of any official duty or providing for investigations or reports,
- (e) measures not having the force or effect of law,
- (f) repealing measures passed by Council pursuant to referendum petitions,
- (g) measures relating to any public improvement subsequent to the ordinance determining to proceed therewith,
- (h) ordinances for public improvements petitioned for by the owners of the majority of the foot frontage benefited and to be specially assessed for the cost thereof.

All emergency ordinances shall be subject to the referendum. However, emergency ordinances shall be effective until repealed by the vote in the referendum.

The effective date of any measure subject to referendum other than emergency measures shall be postponed by the filing of a referendum petition within forty days after the passage thereof, unless the committee herein provided shall certify that the petition is invalid or insufficient, in which event such ordinance shall take effect in accordance with the other provisions of this Charter.

Each referendum petition certified to be valid and sufficient shall upon presentation be referred by Council to a committee to hold a public hearing thereon and to report its recommendation at the next regular meeting of Council. Council shall, not later than the second regular meeting following such reference, either pass the repealing measure or take appropriate action to submit it to a vote of the electors at the next regular or primary election to be held not less than sixty days after the filing of appropriate notice with the Board of Elections. If the repealing measure is approved by a majority of the electors voting thereon, the ordinance shall not take effect. Otherwise, the measure shall take effect immediately upon official certification of the result of such election.

## **ARTICLE XIX – NOMINATIONS AND ELECTIONS**

### **Sec. 19.01. Municipal Elections.**

A regular municipal election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. This shall be known as the municipal election. The Council may, by ordinance, order a special election at any time, the purpose of which shall be set forth in the ordinance.

### **Sec. 19.02. Conduct of Elections.**

Both regular and special municipal election shall be conducted by the Board of Elections of Hamilton County, Ohio under the provisions of this Charter. Where the Charter is silent, state election laws shall be followed.

### **Sec. 19.03. Nominations.**

Nominations of persons possessing the qualifications of electors and meeting the residence requirements prescribed for the various elective offices of the City shall be made as prescribed by the state election laws.

### **Sec. 19.04. Ballots.**

The ballots used in all elections provided for in this Charter shall be as prescribed by the state election laws.

### **Sec. 19.05. Who Elected.**

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

### **Sec. 19.06. Plurality, Tie Votes.**

In case of a tie vote, the election shall be resolved by lot by the chairmen of the Hamilton County Board of Elections in the presence of all members of the Board.

### **Sec. 19.07. Public Information on Issues.**

Council shall have power to appropriate and expend public funds to pay the cost of providing information to the public in connection with elections on tax levies, bond issues and other public questions.

### **Sec. 19.08. Recall.**

Any member of Council may be removed from office before expiration of his/her term by the qualified voters of the City. The procedure for such recall shall be that provided by general law.

## **ARTICLE XX – GENERAL PROVISIONS**

### **Sec. 20.01. Oath of Office.**

All officers, management employees, and employees of the Safety Department of the City shall, before or upon entering his/her duties, take and subscribe to the following oath to be filed and kept in the office of the Clerk of Council:

“I solemnly affirm that I will support the constitutions of the United States and of the State of Ohio and the Charter and ordinances of the City of Blue Ash and will faithfully, honestly and impartially discharge the duties of ... upon which I am about to enter (or have entered).”

### **Sec. 20.02. Official Bonds.**

All officers and employees of the City whose duties require that they handle or be concerned with the management of its money or other property and any other employee required by Council to furnish a bond, shall furnish to the Clerk of Council before entering upon their duties, a corporate surety bond, issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts or omissions. The amount of such bond shall, in each case, be established by Council. The premium on such bonds shall be paid from the funds of the City.

### **Sec. 20.03. Voluntary Service on Boards and Commissions.**

Members of all Boards and Commissions of the City shall serve thereon without compensation.

### **Sec. 20.04. Fees.**

All fees received by any officer or employee of the City in connection with his/her employment with the City shall be accounted for and paid into the municipal treasury.

### **Sec. 20.05. Malfeasance of Officials or Employees.**

Whenever in this Charter or general law certain acts on the part of municipal officials or employees are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed by general law.

### **Sec. 20.06. Enforcement of Subpoenas.**

Whenever in this Charter or otherwise the Council or any agency of the municipal government is given authority to issue subpoenas or to require attendance of witnesses or the production of books, ballots, papers and records, the same may be issued and enforced in the manner provided by ordinance.

**Sec. 20.07. Zoning.**

Zoning ordinances heretofore or hereafter adopted shall be effective as to all use of land and improvements thereon.

**Sec. 20.08. General Law.**

The term “general law” used in this Charter means the law of Ohio together with amendments thereof existing at the time it is to be applied. If this Charter specifies general law only shall control and said general law is repealed and no substitute provision enacted, then the Council may by ordinance establish the rule to be followed.

**Sec. 20.09. Records.**

All records and accounts of every office, department, or agency of the City shall be maintained as provided by ordinance.

**Sec. 20.10. Personal Interest.**

The validity of contracts and transactions between the City, officials thereof, and members of Council, with respect to their financial interest therein, shall be governed by general law.

**ARTICLE XXI – EFFECTIVE DATE AND EFFECTS OF ADOPTION**

**Sec. 21.01. Effective Date and Duration.**

This Charter shall be voted upon at a special municipal election to be held on May 23, 1961. If approved by the voters, this Charter shall go into effect on July 1, 1961 and be in force from and after certification of its adoption by the election authorities of Hamilton County.

**Sec. 21.02. Effect on Present Offices.**

Except as provided herein, the existing offices and persons holding such offices and existing employees have and exercise all the powers and duties as prescribed in this Charter and shall serve as such until their successors take office, as provided for by this Charter. Upon appointment of a Treasurer as provided for in Sec. 6.02, the current office and person holding said office of Clerk/Treasurer shall become Clerk of Council as though appointed by Council hereunder.

**Sec. 21.03. Effect on Present Ordinances.**

All ordinances and other measures of the City, to the extent they are not inconsistent with this Charter and are in force when it takes effect shall continue in force until amended or repealed by Council.

**Sec. 21.04. Effect on Present Contracts.**

All contracts entered into and obligations incurred by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect.

**Sec. 21.05. Effect on 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 laws in effect when they were filed.

**Sec. 21.06. (Repealed).**

**Sec. 21.07. Effect on Rules and Regulations of Offices, Commissions, Boards, and Committees.**

All rules and regulations of the municipal offices, commissions, boards, and committees effective as of the date of the adoption hereof and not inconsistent with this Charter shall continue in force until amended or repealed as provided for within this Charter.

**Sec. 21.08. (Repealed).**

**Sec. 21.09. (Repealed).**

**ARTICLE XXII – AMENDMENTS**

**Sec. 22.01. Method.**

This Charter is intended to be flexible and to be changed to meet changing conditions as the City develops, in order that the best interests of those who live and work here may continue to be served. Amendments shall be submitted to the electors by affirmative vote of five members of Council, or shall be submitted upon petition signed by ten percent of electors not less than seventy-five days prior to the date of an election at which such amendments are to be voted on. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter of this City.

**Sec. 22.02. Charter Revision Committee.**

The City shall have a Charter Revision Committee which shall consist of five (5) members selected by the Council for overlapping five year terms. Vacancies in the Committee shall be filled in the same manner but shall be for the balance of the term only.

**Sec. 22.03. Duties of the Charter Revision Committee.**

It shall be the duty of the Charter Revision Committee to advise the voters and Council as to any amendments or improvements that shall be desirable and proper to keep this Charter fitted to the needs of the City of Blue Ash as such needs develop in the future. The Committee shall meet at such times and adopt such rules as it deems necessary. Whenever the Committee has recommendations, it shall submit a written report to the City Council, stating suggestions for changes to be submitted to the electors.

**ARTICLE XXIII – SAVING CLAUSE**

**Sec. 23.01. Effect of Invalidity.**

If any provision of this Charter, or the application thereof to any person or circumstance, is found to be unconstitutional or illegal or invalid, the remainder of the Charter and the application of such provision to other persons or circumstance, shall not be affected thereby.