

# **CASTALIA VILLAGE CHARTER**

Date of Implementation  
January 1, 1981

Amended:  
November 2002

## **2002 Council Members and Elected Officials**

Nancy Bath  
Sue Coffman  
Clair McCreery  
Kevin Nemitz  
Randy Whyde

**Mayor**  
Robert Wolfbrandt

**Clerk-Treasurer**  
Diane Howard

## **Charter Committee**

Hylon Baker  
Dennis Grahl  
Bill Howard  
Orlan Kuns  
Dennis Loroff  
Jim Marshall

The 2002 Council, Clerk-Treasurer and the Mayor wish to express their appreciation to the original Council and Charter Commission who had the foresight to originally adopt this Charter of the Village of Castalia, Ohio:

**1981 Council Members and Elected Officials**

Alton Felske  
Lee Geiger  
Dennis Grahl  
Sylvia Puchalski  
Edward Scherz

**Mayor**

Orlan Kuns

**Clerk-Treasurer**

Patricia Dahm

**Original Charter Committee**

Hylon Baker, Chairperson  
Alverna Smetzer  
Sylvia Puchalski  
Donna Sessler  
Michael Gentry

Dennis Grahl  
Alton Felske  
William Howard  
Lee Geiger  
Carl.Reisterer

Dennis Loroff  
Edward Scherz  
Patricia Dahm  
Orlan Kuns

**CASTALIA MUNICIPAL CHARTER**

<u>ARTICLE</u>	<u>I</u>	<u>NAME, BOUNDARIES, AND FORM OF GOVERNMENT</u> .....	1
<u>ARTICLE</u>	<u>II</u>	<u>PUBLIC OFFICIALS</u> .....	3
<u>ARTICLE</u>	<u>III</u>	<u>MAYOR</u> .....	9
<u>ARTICLE</u>	<u>IV</u>	<u>THE COUNCIL</u> .....	18
<u>ARTICLE</u>	<u>V</u>	<u>CLERK</u> .....	23
<u>ARTICLE</u>	<u>VI</u>	<u>TREASURER</u> .....	28
<u>ARTICLE</u>	<u>VII</u>	<u>PRESIDENT PRO TEMPORE OF COUNCIL</u> .....	31
<u>ARTICLE</u>	<u>VIII</u>	<u>BOARDS AND COMMISSIONS</u> .....	33
<u>ARTICLE</u>	<u>IX</u>	<u>FINANCING MUNICIPAL OPERATIONS</u> .....	35
<u>ARTICLE</u>	<u>X</u>	<u>GENERAL PROVISIONS</u> .....	37
<u>ARTICLE</u>	<u>XI</u>	<u>CIVIL SERVICE AND OTHER MUNICIPAL EMPLOYMENT</u> .....	39
<u>ARTICLE</u>	<u>XII</u>	<u>PURCHASING AND CONTRACTING</u> .....	51
<u>ARTICLE</u>	<u>XIII</u>	<u>TRANSITIONAL PROVISIONS</u> .....	55

**CASTALIA MUNICIPAL CHARTER**

**ARTICLE II PUBLIC OFFICIALS**

Section 2.01	PUBLIC OFFICIALS
Section 2.01.1	RIGHT TO PUBLIC OFFICE
Section 2.01.2	PUBLIC OFFICIALS
Section 2.02	ELIGIBILITY FOR PUBLIC OFFICE
Section 2.02.1	QUALIFICATIONS OF AN ELECTOR
Section 2.02.2	EXCLUSIONS FROM OFFICES
Section 2.03	TIME OF APPOINTMENT
Section 2.04	TIME OF ELIGIBILITY
Section 2.05	OATH OF OFFICE
Section 2.06	FAILURE OR REFUSAL OF OATH OF OFFICE
Section 2.07	OFFICIAL BOND OF MUNICIPAL OFFICER
Section 2.07.1	FAILURE TO GIVE BOND
Section 2.07.2	OFFICE DECLARED VACANT
Section 2.08	RESIGNATIONS
Section 2.08.1	ACCEPTANCE OF RESIGNATION
Section 2.09	ABANDONMENT OF OFFICE
Section 2.10	REMOVAL OF OFFICE
Section 2.11	RECALL OF PUBLIC OFFICER
Section 2.11.1	RECALL OF PUBLIC OFFICER, VACATED OFFICE
Section 2.12	REVOCATION OF APPOINTMENT
Section 2.13	ABOLITION OF OFFICE
Section 2.14	COMPENSATION AND FEES
Section 2.15	THE REMOVAL OF AN ELECTED OFFICIAL
Section 2.16	THE BOARD OF HEARING

Section 2.16.1	REMOVAL FROM OFFICE-charges that require action
Section 2.16.2	FILING OF CHARGES AND HEARING OF CHARGES
Section 2.16.3	REMOVAL FROM OFFICE
Section 2.16.4	APPEALS FROM AN ORDER OF THE BOARD OF HEARING

**ARTICLE II PUBLIC OFFICIALS**

**Section 2.01 PUBLIC OFFICIALS**

The public offices created under this Charter shall be Mayor, President Pro-Tempore of Council, Clerk of Council, Treasurer Auditor, and member of the Legislative Authority, and such other offices and officers as the legislative authority may authorize and created by ordinance.

**Section 2.01.1 RIGHT TO PUBLIC OFFICE**

The right to hold public office in the municipality is a privilege granted by the electors of the municipality. Public office is a public trust and not a sincere, and he who cannot so treat it and perform this duties shall vacate the office.

**Section 2.01.2 PUBLIC OFFICIALS**

All public officials created by this Charter, or by the legislative authority by ordinance, shall be officers of the municipality and shall be excepted from and after the time of the adoption of this Charter from the classified service of the municipality.

**Section 2.02 ELIGIBILITY FOR PUBLIC OFFICE**

No person may be elected to or continue to serve in any office in the municipality unless possessed of the qualifications of an elector.

**Section 2.02.1 QUALIFICATIONS OF AN ELECTOR**

The qualifications of an elector are fixed as being a citizen of the United States, of the age of at least eighteen years, resident of the state for six months, of the county and municipality for thirty days.

**Section 2.02.02 EXCLUSIONS FROM OFFICES**

The following shall be ineligible for office in the municipality: Any person convicted of bribery; perjury; misfeasance, malfeasance, nonfeasance in office; other infamous crimes; and embezzlement of public funds.

**Section 2.03 TIME OF APPOINTMENT**

The time of appointment shall be as specified by this Charter or by the ordinance creating the office to which an appointment is to be made.

Section 2.04            TIME OF ELIGIBILITY

A public officer must be qualified when elected or appointed, and must continue to be qualified throughout his term of office.

Section 2.05            OATH OF OFFICE

All officers shall take an oath of office at the commencing of his or her term of such office. Such oath shall require the supporting and defending of the Constitution of the United States and the State of Ohio, and the laws and ordinances of the municipality. The oath of office shall be prepared by the legal counsel of the municipality.

Section 2.06            FAILURE OR REFUSAL OF OATH OF OFFICE

Any person who refuses or fails to take the prescribed oath of office, within thirty (30) days of that date which is the normal date for assumption of that office, shall not hold an elected or appointed office of the municipality, and the legislative authority shall declare the office vacant.

Section 2.07            OFFICIAL BOND OF MUNICIPAL OFFICER

The officers or employees shall give bond for the faithful performance of their duty in the amount as the legislative authority fixes, the premiums for such required bonds shall be paid by the municipality.

Section 2.07.1        FAILURE TO GIVE BOND

Any person elected or appointed shall within thirty (30) days of notice of election or appointment to such office give bond as required for that office. Failure to provide bond as required shall invalidate the election or appointment and the legislative authority shall declare vacant the office of that person failing to give the required bond.

Section 2.07.2        OFFICE DECLARED VACANT

The office declared vacant shall be filled as provided in this Charter, or by ordinance or law if not provided for in this Charter.

Section 2.08            RESIGNATIONS

Anyone elected or appointed may resign at any time. Such resignation shall be in writing and shall be submitted to the Clerk of the Council of the municipality, or it may be delivered verbally to the legislative authority at any regular meeting.

Section 2.08.1            ACCEPTANCE OF RESIGNATION

Acceptance of a resignation by the legislative authority shall create a vacancy in office, and said vacancy shall be filled as provided in this Charter, or by ordinance or law if not provided for in this Charter.

Section 2.09            ABANDONMENT OF OFFICE

A constructive resignation will be implied from an abandonment of a public office by acceptance of a second office incompatible with the office held, where such officer is eligible to election or appointment to such second office. A constructive resignation will be implied from a municipal position where an employee fails to report for duty when requested.

Section 2.10            REMOVAL FROM OFFICE

The removal of municipal elected officers will be as provided by this Charter, or by ordinance or law if not provided for by this Charter.

Section 2.11            RECALL OF PUBLIC OFFICER

The recall of any elected municipal officer may be accomplished by petition. The petition shall be given to the legislative authority and shall contain the authenticated signatures of sixty percent (60%) of the eligible voters from the last pervious general election. The authentication of the signatures shall be by the Clerk or Treasurer of the municipality. If upon authentication of the signatures the petition is found to contain the required numbers of signatures, the legislative authority shall remove the recalled officer from his or her respective office.

Section 2.11.1            RECALL OF PUBLIC OFFICER, VACATED OFFICE

An office vacated by recall shall be filled by the provision of this Charter, or by ordinance or law if not provided for in this Charter.

Section 2.12            REVOCATION OF APPOINTMENT

Neither the appointment to office can be recalled by the appointing authority once made, nor can the consent to such appointment required of the legislative body be revoked once it has been given.

Section 2.13            ABOLITION OF OFFICE

The repeal without reservation of the law, ordinance, or Charter provision which created or authorized creation of a municipal office results in the abolition of such office. In addition to abolition by repeal of the ordinance creating an office, the failure of the legislative authority to make the necessary appropriation for the expense of an office is equivalent to abolishing such office.



Section 2.14            COMPENSATION AND FEES

The salary and expenses of any office shall be fixed by the legislative authority by ordinance. The salary fixed for any elective officer shall not be decreased during the term of such elected officer, but may be increased by ordinance of the legislative authority; except the salary of the members of the legislative authority may not be increased during that term to which they were elected or appointed. The legislative authority may increase, decrease, or otherwise adjust the salary or emoluments of office for any appointive position at such time as the legislative authority may determine the necessity of such action.

Section 2.15            THE REMOVAL OF AN ELECTED OFFICIAL

The removal of an elected official may be by recall in the manner described in Section 2.11 of this Article, or by affirmative vote of the board of hearing.

Section 2.16            THE BOARD OF HEARING

The board of hearing shall be composed of all elected officials, except the one whose removal from office is in issue, and the director of law who shall serve as chairman of the board of hearing and may also cast a deciding vote in the event of a tie.

Section 2.16.1        REMOVAL FROM OFFICE - CHARGES THAT REQUIRE ACTION

Refusal to take the oath of office, refusal to give bond for office, loss of eligibility, failure to qualify as an elector, abandonment of office, or any other cause set forth in this Charter, shall subject an elected official to removal from office.

Section 2.16.2        FILING OF CHARGES AND HEARING OF CHARGES

1. Charges shall be filed with the director of law in such form as he or she may direct.
2. The director of law shall authenticate the charges filed, and may convene meetings of the hearing board at such times as may be necessary to render judgment on such charges.
3. Hearings shall be conducted in the municipal legislative chambers.

Section 2.16.3        REMOVAL FROM OFFICE

Upon conviction, an order from the Board of Hearing shall declare the office vacant and be filed with the legislative authority.

Section 2.16.4        APPEALS FROM AN ORDER OF THE BOARD OF HEARING

Appeals on questions of law and fact shall be to the common pleas court. Any elected officer convicted by the Board of Hearing shall be suspended from office during such appeal process. Appeals must be filed within 15 days of the filing of the order by the Board of Hearing.

## CASTALIA MUNICIPAL CHARTER

### ARTICLE III

#### MAYOR

Section 3.01	TERM OF OFFICE
Section 3.01.1	QUALIFICATIONS, NOMINATION AND ELECTION
Section 3.02	JUDICIAL POWERS
Section 3.03	LEGISLATIVE POWERS
Section 3.04	VETO POWERS OF THE MAYOR
Section 3.05	EXECUTIVE POWERS OF THE MAYOR
Section 3.05.1	MAYOR TO SUPERVISE CONDUCT OF OFFICERS AND EMPLOYEES
Section 3.05.2	APPOINTMENT, PROMOTIONS, TRANSFERS, REDUCTION, REMOVALS
Section 3.05.3	CONTRACTS, CONVEYANCES AND INSTRUMENTS
Section 3.05.4	OFFICIAL AND CEREMONIAL HEAD
Section 3.05.5	ADVICE OF DEPARTMENT HEADS
Section 3.05.6	MAYOR'S AUTHORITY TO FILL VACANCIES - ELECTIVE AND APPOINTIVE OFFICERS
Section 3.05.6.1	OFFICE OF THE MAYOR
Section 3.05.6.2	LEGISLATIVE AUTHORITY
Section 3.05.6.3	PRESIDENT PRO-TEMPORE
Section 3.05.6.4	CLERK OF THE TREASURER
Section 3.05.6.5	CERTIFICATION OF APPOINTMENTS
Section 3.05.7	MAYOR'S RULE MAKING AUTHORITY - CLASSIFICATION OF POLICE AND FIRE PERSONAL
Section 3.05.8	APPOINTMENTS, COMBINING OFFICES
Section 3.05.9	REPORTING FUNCTIONS OF THE MAYOR
Section 3.05.10	COMMUNICATIONS
Section 3.05.11	REPORT OF FINES AND COSTS
Section 3.05.12	ANNUAL REPORT
Section 3.05.13	PROTEST AGAINST EXCESS EXPENDITURES
Section 3.05.14	SPECIAL COUNCIL MEETINGS
Section 3.06	PREFERRING CHARGES
Section 3.06.1	HEARING - ACTION OF THE COUNCIL
Section 3.06.2	SUSPENSION DURING PENDANCE OF A HEARING
Section 3.06.3	PROCESS POWER OF COUNCIL
Section 3.06.4	OATHS AND COMPULSORY TESTIMONY OF WITNESSES AT COUNCIL HEARINGS

**ARTICLE III MAYOR continued**

- Section 3.07 MAYOR'S BOND
- Section 3.08 CONVENTION AND CONFERENCE EXPENSES -  
APPROVAL BY MAYOR
- Section 3.09 EXECUTIVE OFFICERS
- Section 3.10 ACTING MAYOR

**ARTICLE III**            **MAYOR**

**Section 3.01**            **TERM OF OFFICE**

The mayor shall be elected at the regular municipal election in the year 1981, and every fourth year thereafter, for a term of four years, commencing on the first day of January after such election. The candidate with the highest number of votes shall be elected.

**Section 3.01.1**            **QUALIFICATIONS, NOMINATIONS, AND ELECTION**

Each candidate for mayor shall have been a resident and qualified elector of the municipality for 30 days prior to his or her election, and shall not hold any other compensated elected public office, nor be interested in any contract with the municipality, nor hold employment with the municipality.

Nominations for mayor shall be made only by non-partisan petition, signed by at least 25 registered electors, but not more than 50; and shall be accompanied by the written acceptance of the nominee's nominating petitions and shall be filed with election authorities not sooner than 150 days nor later than 75 days before the date set for the election. The ballot used shall be without party mark or designation.

The mayor shall forfeit his office as mayor in the event he is called to full-time military service for a period exceeding sixty-one consecutive days.

A mayor who shall cease to possess, or who violates any of the qualifications herein enumerated may be removed from his office in the manner provided by the general law for the removal of municipal officers.

Amended November 2002

**Section 3.02**            **JUDICIAL POWERS**

Until such time as the Mayor's Court is abolished by law and/or its jurisdiction transferred to another court, the Mayor shall have all the judicial powers granted generally by the general law to the Mayors of Ohio Municipalities. The mayor shall exercise all or any such powers until other lawful provisions shall be made therefore.

**Section 3.03**            **LEGISLATIVE POWERS**

The mayor shall preside at all meetings of Council and may introduce ordinances and resolutions, take part in the discussion on all matters coming before the Council. The mayor shall appoint committees of council as required and shall coordinate the work of such committees. The mayor shall have no vote in council, except in case of a tie.

**Section 3.04**            **VETO POWERS OF THE MAYOR**

Every ordinance or resolution of the council shall be attested by the clerk of the council and promptly presented to the mayor. If the mayor approves such legislation he shall sign it and file it with the clerk. The mayor may approve or disapprove the whole or any part of any item of an ordinance appropriating money. The mayor may approve or protest the whole or any part of any ordinance or resolution.

When the mayor has disapproved an ordinance or resolution or item of it as herein provided, the council may, at its next regular meeting thereafter, reconsider it, and if upon such reconsideration of the ordinance, resolution or item is approved by a majority of the members elected to council it shall take effect notwithstanding the disapproval of the mayor.

Section 3.05            EXECUTIVE POWERS OF THE MAYOR

The mayor shall be the chief executive officer of the municipality. He shall supervise the administration of the municipal affairs, and shall exercise control of all departments and divisions. He shall be the chief conservator of the peace within the municipality, and shall see that all laws and ordinances are enforced therein. He shall be responsible for the preparation and submission of the annual estimates of receipts and expenditures, and all appropriation measures, and shall at all times keep the council fully advised as to the financial condition and needs of the municipality. He shall see that all terms and conditions imposed in favor of the municipality or its inhabitants in any franchise or contract to which the municipality is a party are faithfully kept and performed.

Section 3.05.1            MAYOR TO SUPERVISE CONDUCT OF OFFICERS AND EMPLOYEES

Except as to elected officials, the mayor shall supervise the conduct of all officers and employees of the municipal corporation, inquire into and examine the grounds of all reasonable complaints against any of such officers and employees, and cause their violations or neglect of duty to be promptly punished by suspension; and if punishment is more than three days suspension, it shall be reported to the legislative authority and a hearing held by it upon the prompt request by the officer or employee suspended. On hearing, the legislative authority may affirm, modify, or reverse the order of the mayor.

The power of the mayor in this Section is in addition to that granted in Section 3.05.2.

Section 3.05.2            APPOINTMENTS, PROMOTIONS, TRANSFER, REDUCTION, REMOVALS

The mayor shall have the power subject to the other provisions of this charter to appoint, promote, transfer, reduce or remove any officer or employee of the municipality, except those required by this charter to be elected, or those whose terms of office are fixed by this charter, other than the director of law, the clerk and the treasurer. The chief of police and the chief of the fire department may be transferred, reduced or removed by the mayor for any cause subject to the approval of the majority of the members elected to council, or by the majority of the members elected to council without the approval of the mayor.

Section 3.05.3            CONTRACTS, CONVEYANCES AND INSTRUMENTS

The mayor shall execute, on behalf of the municipality, all contracts, conveyances, evidences of indebtedness and all other instruments to which the municipality is a party. He shall have custody of the seal of the municipality and may affix it to all of the above mentioned instruments, but the absence of the seal shall not affect the validity of any such instrument.

Section 3.05.4      OFFICIAL AND CEREMONIAL HEAD

The mayor shall be recognized as the official and ceremonial head of the municipal government, by the governor for military purposes, and by the courts for the purpose of serving civil processes.

Section 3.05.5      ADVICE OF DEPARTMENT HEADS

When the mayor deems it necessary, the directors, or department heads of the municipality, shall meet with him at the time and place he designates, for consultation and advice upon the affairs of the municipality.

Section 3.05.6      MAYOR'S AUTHORITY TO FILL VACANCIES- ELECTIVE AND APPOINTIVE OFFICERS

Unless otherwise provided in this charter, vacancies arising in elective and the appointive offices of the municipality shall be filled by appointment by the mayor for the remainder of the unexpired term.

Section 3.05.61      OFFICE OF THE MAYOR

Vacancies in the office of the mayor shall be filled in the manner provided by Article VII, Section 7.01, President Pro-Tempore of Council.

Section 3.05.6.2      LEGISLATIVE AUTHORITY

Vacancies in the membership of the legislative authority shall be filled in the manner provided. Vacancies on council are to be filled by an election by the legislative authority for the unexpired term. If the council fails to fill a vacancy within 45 days, the mayor shall fill it by appointment.

Section 3.05.6.3      PRESIDENT PRO-TEMPORE

Vacancies in the office of President Pro-Tempore of the municipal legislative authority shall be filled in the manner provided in Article VII, Section 7.01.

Section 3.05.6.4      CLERK OR TREASURER

In the event of a vacancy in the office of municipal clerk or treasurer, the mayor may appoint a person to serve as an acting officer to perform the duties of the office until a permanent officer is appointed to fill the vacancy.

Section 3.05.6.5      CERTIFICATION OF APPOINTMENTS

Appointments described above, shall be certified by the appointing authority to the county Board of Elections and the Secretary of State.

Section 3.05.7      MAYOR'S RULE MAKING AUTHORITY - CLASSIFICATION OF POLICE AND FILE PERSONNEL

The mayor shall classify the service in the police and fire departments in conformity with the ordinance of the legislative authority thereof determining the number of persons to be employed in the departments, and shall make all rules for the regulation and discipline of such department, except as otherwise provided by this charter.

Section 3.05.8      APPOINTMENTS, COMBINING OFFICES

The mayor, when directed by ordinance or resolution, shall combine the duties of the various department heads under one such officer, and make such rules as are necessary for the operation of this combined office.

Section 3.05.9      REPORTING FUNCTIONS OF THE MAYOR

Submit to the council a complete report on the activities of the municipality at the end of each fiscal year. Make such other reports as the council may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his direction and supervision. Keep the council fully advised as to the present condition and future needs of the municipality, and make recommendations to the council concerning the affairs of the municipality.

Require reports and information of subordinate officers and employees of the municipality as he deems necessary in the orderly operation of the municipality, or when requested to do so by the council.

Section 3.02.10      COMMUNICATIONS

The mayor shall communicate to the legislative authority from time to time a statement of the finances of the municipality, and such other information relating thereto and to the general condition of the affairs of such municipality as he deems proper or as is required by the legislative authority.

Section 3.05.11      REPORT OF FINES AND COSTS

All fines, forfeitures, and costs in ordinance cases and all fees collected by the mayor, or which in any manner come into his hands, or which are due such mayor or marshal, chief of police, or other officer of the municipality, any other fees and expenses which have been advanced out of the treasury of the municipality, and all money received by such mayor for the use of such municipality, shall be paid by him into such treasury on the first Monday of each month.

Section 3.05.12      ANNUAL REPORT

At the first regular meeting in January of each year, and at such other times as the mayor deems expedient, he shall report to the legislative authority concerning the affairs of the municipality and recommend such measures as seem proper to him.



Section 3.05.13      PROTEST AGAINST EXCESS EXPENDITURES

If, in the opinion of the mayor, an expenditure, authorized by the legislative authority, exceeds the revenues of the municipality for the current year, he shall protest against such expenditure, and enter such protest, and the reason therefor, on the journal of the legislative authority.

Section 3.05.14      SPECIAL COUNCIL MEETINGS

The mayor or any three members of the council may call special meeting of council upon at least twelve hours notice to each member, served personally or left at his usual place of residence. The legislative authority shall provide rules for the manner of calling special meetings. Failure to leave notice of a special council meeting at an absent councilman's residence will not invalidate any ordinance passed at a special meeting, where leaving the notice would have been useless.

Section 3.06      PREFERRING CHARGES

The mayor of the municipality shall have general supervision over each department and the officers and other employees. When the mayor has reason to believe that the head of a department or such officer or employee has been guilty, in the performance of his official duty, of bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, gross immorality, or habitual drunkenness, he shall suspend the guilty party and if the suspension order by the mayor is for more than three days, he shall file with the legislative authority, except when the removal of such head department or officer or other employee is otherwise provided for, written charges against such person, setting forth in detail a statement of such alleged guilt, and, at the same time, or as soon thereafter as possible, serve a true copy of such charges upon the person against whom they are made. Such service may be made on the person or by leaving a copy of the charges at the normal place of residence or office of such person. Return thereof shall be made to the legislative authority, as provided for the return of the service of summons in a civil action.

Section 3.06.1      HEARING - ACTION OF THE COUNCIL

Charges filed with the legislative authority shall be heard at the next regular meeting thereof, unless the legislative authority extends the time for the hearing, which shall be done only on the application of the accused. The accused may appear in person and by counsel, examine all witnesses, and answer all charges against him. At the conclusion of the hearing, the legislative authority may dismiss the charges, suspend the accused from office for not more than 60 days, or remove the accused from office. The judgment or action of the legislative authority shall be final, but to remove such officer, the votes of the majority of all members elected thereto shall be required. In case of removal from office the person so removed may appeal on questions of law and fact the decision of the legislative authority to the court of common pleas. Such appeal shall be taken within ten days from the date of the finding of the legislative authority.



Section 3.06.2            SUSPENSION DURING PENDANCE OF HEARING

Pending any proceedings, an accused person may be suspended by a majority vote of all members elected to the legislative authority of the municipality, but such suspension shall not be for a longer period than 15 days, unless the hearing of such charges is extended upon the application of the accused, in which event the suspension shall not exceed 30 days.

Section 3.06.3            PROCESS POWER OF COUNCIL

For the purpose of investigating charges filed against the head of any department or officer or other employee not included within the civil service employment provisions of this charter, the legislative authority of the municipality may issue subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before it, and such legislative authority may provide by ordinance for exercising and enforcing this section.

Section 3.06.4            OATHS AND COMPULSORY TESTIMONY OF WITNESSES AT COUNCIL HEARING

In all cases which the attendance of witnesses may be compelled for an investigation, any member of the legislative authority of the municipality may administer the requisite oaths, and such legislative authority has the same power to compel the giving of testimony by attending witnesses as is conferred upon courts. In all such cases, witnesses shall be entitled to the same privileges, immunities, and compensation as are allowed witnesses in civil cases, and the costs of all such proceedings shall be payable from the general fund of the municipality.

Section 3.07            MAYOR'S BOND

The form of the official bonds of all officers of the municipality shall be approved by its director of law. Such bonds shall be in such sum as the legislative authority of the municipality prescribes by general or special ordinance and shall be subject to the approval of the mayor. The mayor's bond shall be approved and the premium paid by the legislative authority.

Amended November 2002

Section 3.08            CONVENTION AND CONFERENCE EXPENSES - APPROVAL BY MAYOR

Any elected or appointed municipal officer, deputy, assistant, or an employee may attend, at the expense of the municipality, any conference or convention relating the municipal affairs, if authorized by the mayor, and if the fiscal officer of the municipality certifies that funds are appropriated and available for such purpose, such person shall be reimbursed for his expense so incurred.

A request for such allowance shall be made in writing to the mayor, showing the necessity for such attendance and an estimate of the costs thereof to the municipality.

Section 3.09            EXECUTIVE OFFICERS

The executive power of the municipality shall be vested in the mayor, clerk, treasurer, director of law, and such other officers and departments as are provided by ordinance.

Section 3.10            ACTING MAYOR

See Article VII, President Pro-Tempore of Council.

## **CASTALIA MUNICIPAL CHARTER**

### **ARTICLE IV THE COUNCIL**

- Section 4.01 COMPOSITION AND TERM
- Section 4.02 QUALIFICATIONS, NOMINATION, AND ELECTION
- Section 4.03 ORGANIZATION
- Section 4.04 FORM OF GOVERNMENT AND MUNICIPAL POWERS
- Section 4.05 COUNCIL MEETINGS
- Section 4.06 QUORUM, VOTING AND PUBLICATION
- Section 4.07 REMOVALS AND VACANCIES
- Section 4.08 ACTION REQUIRING AN ORDINANCE
- Section 4.09 EMERGENCY ORDINANCES
- Section 4.10 CODES OF TECHNICAL REGULATIONS
- Section 4.11 COUNCIL RULES OF MEETINGS
  - Section 4.11.1 RULES ADOPTED BY MOTION
  - Section 4.11.2 TERM OF RULES OF MEETINGS
  - Section 4.11.3 INCONSISTENT PROVISIONS
- Section 4.12 PRESIDENT PRO-TEMPORE OF COUNCIL

ARTICLE IV THE COUNCIL

Section 4.01 COMPOSITION AND TERM

The council shall consist of five member, elected at large for a term of four years, beginning on the first day of January next following their election; except that of the five members elected at the regular municipal election in 1981 the three receiving the highest number of votes shall each serve for four years and the remaining two shall each serve for two years.

Section 4.02 QUALIFICATION, NOMINATION, AND ELECTION

Each candidate for member of council shall have been a resident and qualified elector of the municipality for 30 days prior to his election and shall hold no other public office, nor be interested in any contract with the municipality, nor hold employment with the municipality.

Nominations for member of council shall be made only by non-partisan petition, signed by at least 25 registered electors, but not more than 50; and shall be accompanied by the written acceptance of the nominee's nominating petitions and shall be filed with election authorities not sooner than 150 days nor later than 75 days before the date set for the election. The ballot used shall be without party mark or designation.

Amended November 2002

Section 4.03 ORGANIZATION

In January, 1982, and in January of each second year thereafter, the council shall meet in the council chamber and organize. At such organization meetings, or as soon as practicable thereafter, the council shall elect one councilman as President Pro-Tempore and one councilman as a member of the Municipal Planning Commission, each to serve for the balance of that year and the next year, unless he shall cease to be a councilman, or until his successor shall have been elected.

Section 4.04 FOR OF GOVERNMENT AND MUNICIPAL POWERS

Under the Council-Mayor form of government provided by this charter, all legislative powers of the municipality, except as reserved by this charter to the electors, shall be vested in an elected council, and the administrative powers of this municipality shall be vested in the mayor. Under this charter, the municipality shall have home rule and all powers of local self-government and all other powers possible for it to have under the Constitution of the State of Ohio, and all powers that now are, or may be, hereafter granted it by the laws of the State of Ohio. Except in those cases in which the manner of the exercise of such powers may not be modified by or pursuant to chargers or ordinances, they shall be exercised in the manner prescribed, by ordinance, or if not prescribed by ordinance in such manner as may be prescribed by general law.

Section 4.05            COUNCIL MEETINGS

Council shall hold not less than two meetings in each calendar month as such time and place as may be designated for its regular meetings by rule or ordinance. Special meetings may be called by the mayor or by and 3 members of council, upon a 12 hour notice.

Section 4.06            QUORUM, VOTING AND PUBLICATION

A majority of the members of council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members as provided by ordinance. Every ordinance and every resolution having the force or effect of law shall be read on 2 separate days before its passage, unless such requirement is dispensed with by affirmative vote of at least four members of council. The affirmative vote of at least 3 members, except as otherwise prescribed in this charter, shall be necessary to the passage of any such measure having the force or effect of law, and all votes thereon shall be taken by roll call and the yeas and nays entered upon the journal.

Each ordinance shall be read by title only, provided the council may require any reading to be in full by a majority vote of its members. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein. The term "publish" means to post the ordinance in its entirety in 5 public places in the municipality which have been prescribed by ordinance.

Council may adopt rules, not inconsistent with this charter, governing its own proceedings and other matters pertaining to the exercise of its powers and performance of its duties.

Section 4.07            REMOVALS AND VACANCIES

Member of council may not hold any appointive office in or employment with this municipality not required by this charter to be held by a member of council, but may hold any other compatible public office or employment. Any member who ceases to be a resident of this municipality shall thereby forfeit his office as such. Council may, after notice and hearing, and with the concurrence of 3 of its members, declare vacant the seat of any member who at any time fails, for 60 days and without reasonable cause, to attend regular meetings of council or who is guilty of misconduct in his office as councilman. When the seat of any member becomes vacant, it shall be filled for the unexpired term by council, at least 3 of its members concurring in the election of the successor. If council fails within 45 days to fill such vacancy, the mayor shall select the successor.

Section 4.08            ACTION REQUIRING AN ORDINANCE

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the municipal council shall be by ordinance which:

- A) Adopt or amend an administrative code or establish, alter or abolish any municipal department, office or agency;
- B) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

- C) Levy taxes, except as otherwise provided with respect to the property tax levied by adoption of the budget;
- D) Grant, renew or extend a franchise;
- E) Regulate the rate charged for its services by a public utility;
- F) Authorize the borrowing of money;
- G) Convey or lease or authorize the conveyance or lease of any lands of the municipality;
- H) Adopt with or without amendment ordinances proposed under the initiative power;
- I) Amend or repeal any ordinance previously adopted, except as to repeal of ordinances disapproved by the mayor and not adopted after reconsideration;
- J) To adopt the municipal budget and appropriation of funds.

Section 4.09                    EMERGENCY ORDINANCES

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, zone land, regulate the rate charged by any public utility for its services. An emergency ordinance shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a statement that an emergency exists. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but four affirmative votes shall be required for adoption. After its adoption the ordinance shall be posted as other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

Section 4.10                    CODES OF TECHNICAL REGULATIONS

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally.

Section 4.11                    COUNCIL RULES OF MEETINGS

The legislative authority of the municipality may formulate the necessary rules governing the conducting of meetings of the legislative authority.

Section 4.11.1                RULES ADOPTED BY MOTION

Rules for the conducting of legislative meetings may be adopted by motion and majority vote of the legislative authority.

Section 4.11.2                TERM OF RULES OF MEETINGS

Rules of procedure for meetings of the legislative authority are not binding from term to term, but must be readopted by succeeding councils. However, adopted rules shall remain in full force and effect until amended or repealed by council.

Section 4.11.3      INCONSISTENT PROVISIONS

Where the legislative rules of procedure for the conducting of meetings is inconsistent with statutory provisions, the legislative rules of procedure will prevail.

Section 4.12      PRESIDENT PRO-TEMPORE OF COUNCIL

See Article VII, President Pro-Tempore of Council.

## CASTALIA MUNICIPAL CHARTER

### ARTICLE V      CLERK

- Section 5.01      TERM OF OFFICE
- Section 5.01.1      QUALIFICATIONS, NOMINATION, AND ELECTION
  
- Section 5.02      OFFICES OF CLERK AND TREASURER MAY BE COMBINED
  
- Section 5.03      LEGISLATIVE DUTIES OF THE CLERK
  
- Section 5.04      THE CLERK AS CHIEF FISCAL OFFICER
  
- Section 5.05      BOND AND COMPENSATION
  
- Section 5.06      VACANCY IN OFFICE - HOW FILLED
  
- Section 5.07      INITIATIVE AND REFERENDUM PETITIONS TO BE FILED WITH CLERK
  
- Section 5.08      NOTICE TO BE GIVEN BY CLERK WHEN VACANCIES IN OFFICE, CHANGES IN MUNICIPAL BOUNDARIES, OR UPON ANNEXATION
  
- Section 5.09      PRESERVATION OF MUNICIPAL RECORDS
  
- Section 5.10      AUDITING ACCOUNTS - CLERK TO PRESCRIBE FORMS
  
- Section 5.11      ANNUAL FINANCIAL REPORT: PUBLICATION REQUIRED
  
- Section 5.12      MONTHLY STATEMENTS OF FUND ACCOUNTS
  
- Section 5.13      VILLAGE FISCAL OFFICER



**ARTICLE V CLERK**

**Section 5.01 TERM OF OFFICE**

The clerk shall be elected at the regular municipal election in the year 1981, and every fourth year thereafter, for a term of four years, commencing on the first day of January after such election. The candidate with the highest number of votes shall be elected.

**Section 5.01.1 QUALIFICATIONS, NOMINATION, AND ELECTION**

Each candidate for clerk shall have been a resident and qualified elector of the municipality for 30 days prior to his or her election, and shall not hold any other compensated elected public office, nor be interested in any contract with the municipality, nor hold employment with the municipality.

Nominations for clerk shall be made only by non-partisan petition, signed by at least 25 registered electors, but not more than 50; and shall be accompanied by the written acceptance of the nominee's nominating petitions and shall be filed with election authorities not sooner than 150 days nor later than 75 days before the date set for the election. The ballot used shall be without party mark or designation.

Amended November 2002

**Section 5.02 OFFICES OF CLERK AND TREASURER MAY BE COMBINED**

The legislative authority may, by a majority vote, combine the duties of the clerk and the treasurer into one office, to be known as the clerk-treasurer. Such combination shall be effective on the first day of January following the next regular municipal election at which the clerk is to be elected. The legislative authority shall file certification of such action with the board of elections not less than one hundred five days before the day of the next succeeding municipal primary election at which the clerk is to be elected. If the offices were combined prior to the first of January 1982, they shall remain combined until separated as herein after provided.

The clerk-treasurer shall perform the duties provided by this charter and by law for the clerk and the treasurer. All law pertaining to the clerk and to the treasurer shall be construed to apply to the clerk-treasurer.

The legislative authority may separate such offices by a majority vote certified to and filed with the board of elections not less than one hundred fifty days before the day of the next succeeding election at which the clerk and treasurer are to be elected.

**Section 5.03 LEGISLATIVE DUTIES OF THE CLERK**

The clerk shall attend all meetings of the legislative authority of the municipality, and keep a record of its proceedings and of all rules, bylaws, resolutions, and ordinances passed or adopted, which shall be subject to the inspection of all persons interested. In case of the absence of the clerk, such legislative authority shall appoint one of its member to perform his duties.

Section 5.04

THE CLERK AS CHIEF FISCAL OFFICER

The clerk is the chief fiscal officer of the municipality. The municipal fiscal year shall be from January 1 until December 31. He or she shall keep the books of the municipality, exhibit accurate statements of all monies received and expended, of all the property owned by the municipality and the income derived therefrom, and all taxes and assessments. The municipal clerk shall be provided with an official Seal, an impression of which shall be affixed to all transcripts, orders, certificates or other papers requiring authentication.

The clerk shall prohibit the overdrawing of appropriations, and require proof of any claim before payment is made.

Where the clerk is charged with performing the duties of the treasurer, the clerk should see to it that the council adopts an ordinance, or resolution, directing the place where the municipal funds shall be deposited. Where such an ordinance or resolution has been adopted, neither the clerk-treasurer, nor his or her bondsman, if the clerk-treasurer has exercised due care, is liable for any loss occasioned by failure of such depository.

Section 5.05

BOND AND COMPENSATION

The clerk's bond shall be approved by the law director in such sum as the council prescribes by ordinance. The premium on any public official surety bond required by the municipality shall be paid from the municipal treasury.

Amended November 2002

Section 5.06

VACANCY IN OFFICE - HOW FILLED

A vacancy in the office of the clerk is filled by the mayor for the unexpired term. In the case of a vacancy in the offices of municipal clerk or treasurer the mayor may appoint a person to serve as an acting clerk or treasurer until a permanent office is appointed to fill the vacancy.

Section 5.07

INITIATIVE AND REFERENDUM PETITIONS TO BE FILED WITH CLERK

The provisions for exercise of the power of the "Initiative and Referendum" shall be filed with the clerk. The clerk shall, after ten days, certify the text of the proposed ordinance or other measure to the board of elections. The clerk should retain the original petition in his or her files.

Section 5.08

NOTICE TO BE GIVEN BY CLERK WHEN VACANCIES IN OFFICE, CHANGES IN MUNICIPAL BOUNDARIES, OR UPON ANNEXATION

The clerk shall notify the county board of elections in writing of all vacancies in office caused by death, resignation or otherwise, not later than ten days after such vacancy occurs. The clerk is also required to notify the county board of elections in writing of all changes in boundaries of the municipal corporation, together with a plat clearly showing such boundary changes, within 30 days after the changes.

The clerk of the legislative authority is required to certify two transcripts of all ordinances, abstracts of the returns of the votes and other papers relating to the annexation proceedings, and file the same in the office of the county recorder.

Section 5.09                    PRESERVATION OF MUNICIPAL RECORDS

The clerk, by reason of the nature of that office and its multiplicity of duties, usually becomes the custodian of the majority of municipal records. The accumulation of records and supplementary data, incident to the operation of a municipality, will over a period of years, assume such proportions that the problem of providing storage space may become difficult. Valuable records may be preserved by the photostatic, photographic or microfilm process.

Section 5.10                    AUDITING ACCOUNTS - CLERK TO PRESCRIBE FORMS

It is the duty of the clerk to examine and audit the accounts of all officers and departments at the end of each fiscal year, or oftener if required by the council.

Section 5.11                    ANNUAL FINANCIAL REPORT: PUBLICATION REQUIRED

The municipal clerk is required to prepare and publish, within ninety days after the close of the fiscal year, a financial report for the preceding fiscal year in such form as will comply with the requirements of the Bureau of Inspection and Supervision of Public Offices.

Section 5.12                    MONTHLY STATEMENTS IF FUND ACCOUNTS

The municipal clerk should close and balance all funds and accounts at the end of each month, and prepare a statement showing the previous balance, receipts and expenditures for the current month, and balance as of the last day of the month, for all municipal funds. Copies of said statement should be furnished to each member of council, the mayor, and the treasurer.

Section 5.13                    VILLAGE FISCAL OFFICER

(A) In lieu of having the elected office of village clerk and the office of village treasurer, or the combined elected office of village clerk-treasurer, council may combine the duties of the clerk and treasurer into one appointed office, to be known as the village fiscal officer. To make this change, council shall pass, by a two-thirds vote, an ordinance or resolution proposing to make the change effective on the first day of January following the next regular municipal election at which the village clerk or village clerk-treasurer is to be elected.

So that no election for the office of village clerk or village clerk-treasurer is held after the passage of the ordinance or resolution, the council shall file a certified copy of the ordinance or resolution with the board of elections not less than one hundred five days before the day of the next succeeding municipal primary election at which candidates for the office of village clerk or village clerk-treasurer are to be nominated, or, in villages with

a population of under two thousand in which no petition for a primary election is filed under section 3513.01 of the revised code or in villages in which no primary is held under section 3513.02 of the revised code, not less than one hundred five days before the next succeeding regular municipal election at which the village clerk or village clerk-treasurer is to be elected.

(B) In addition to the circumstances described in division (A) of this section, when a vacancy exists in the office of village clerk or village clerk-treasurer, the council may pass, by a two-thirds vote, an ordinance or resolution to combine the duties of the clerk and the treasurer into the appointed office of village fiscal officer. That change shall take effect on the effective date of the ordinance or resolution.

(C) A village fiscal officer appointed under this section shall perform the duties provided by law for the village clerk and treasurer and any other duties consistent with the nature of the office that are provided for by municipal ordinance and this charter.

(D) A village fiscal officer shall be appointed by the mayor of the village, but that appointment does not become effective until it is approved by a majority vote of the village council. The village fiscal officer need not be an elector of the village or reside in the village at the time of appointment; however, the fiscal officer shall become a resident of the village within six months after the appointment takes effect, unless an ordinance is passed approving the fiscal officer's residence outside of the village.

The village fiscal officer may be removed without cause either by the mayor with the consent of a majority of the members of the village council or by a three-fourths vote of the village council with or without the consent of the mayor.

(E) The village council may abolish the appointed office of village fiscal officer and return to an elected office of village clerk-treasurer by passing an ordinance or resolution by a two-thirds vote.

If a vacancy exists in the office of village fiscal officer when this ordinance or resolution is passed, the abolition shall take effect on the effective date of the ordinance or resolution, and the mayor shall appoint a village clerk-treasurer to serve until the first day of April following the next regular municipal election at which a clerk-treasurer can be elected. So an election can be held, the village council shall file a certified copy of the ordinance or resolution with the board of elections not less than one hundred five days before the day of the next succeeding municipal primary election.

If a vacancy does not exist in the office of village fiscal officer when the abolishing ordinance or resolution is passed, the village council shall certify a copy of the ordinance or resolution to the board of elections not less than one hundred five days before the day of the next succeeding municipal primary election.

The person elected at the next regular municipal election as village clerk-treasurer under the circumstances described in this division shall serve a four-year term commencing on the first day of April following that election.

Amended November 2002

**CASTALIA MUNICIPAL CHARTER**

**ARTICLE VI TREASURER**

- Section 6.01 TERM OF OFFICE
- Section 6.01.1 QUALIFICATIONS, NOMINATION, AND ELECTION
- Section 6.02 RECORDS OF TREASURER
- Section 6.03 DUTIES OF TREASURER
- Section 6.04 REPORTS OF TREASURER
- Section 6.05 TREASURER TO RECEIVE AND DISBURSE FUNDS
- Section 6.06 TRANSFER OF TREASURER'S ACCOUNTS

**ARTICLE VI TREASURER**

**Section 6.01 TERM OF OFFICE**

The treasurer shall be elected at the regular municipal election in the year 1981, and every fourth year thereafter, for a term of four years, commencing on the first day of January after such election. The candidate with the highest number of votes shall be elected.

**Section 6.01.1 QUALIFICATIONS, NOMINATION, AND ELECTION**

Each candidate for treasurer shall have been a resident and qualified elector of the municipality for 30 days prior to his or her election, and shall not hold any other compensated elected public office, nor be interested in any contract with the municipality, nor hold employment with the municipality.

Nominations for treasurer shall be made only by non-partisan petition, signed by at least 25 registered electors, but not more than 50; and shall be accompanied by the written acceptance of the nominee's nominating petitions and shall be filed with election authorities not sooner than 150 days nor later than 75 days before the date set for the election. The ballot used shall be without party mark or designation.

Amended November 2002

**Section 6.02 RECORDS OF TREASURER**

The treasurer of the municipality shall keep an accurate account of:

- A) All monies received by him, showing the amount thereof, the time received, from whom, and on what account received;
- B) All disbursements made by him, showing the amount thereof, the time made, to whom, and on what account paid.

**Section 6.03 DUTIES OF TREASURER**

The treasurer of the municipality shall demand and receive from the county treasurer taxes levied and assessments made and certified to the county auditor by the legislative authority of the municipality and placed on the tax list by such auditor for collection, monies from persons authorized to collect or required to pay them accruing to the municipality from judgment, fines, penalties, forfeitures, licenses, and costs taxed in mayor's or police courts, and debts due the municipality. Such funds shall be disbursed by the treasurer on the order of any person authorized by law or ordinance to issue orders therefore.

**Section 6.04 REPORTS OF TREASURER**

The treasurer of the municipality shall settle and account with the legislative authority, quarterly, and at any other time which it by resolution or ordinance requires. At the first regular meeting of such legislative authority in February, each year, the treasurer shall report to it the condition of the finances of the municipality, the amount received by him, the sources of such receipts, the disbursements made by him,

and on what account, during the year preceding. Such account shall exhibit the balance due on each fund which as come into the treasurer's hands during the year.

Section 6.05            TREASURER TO RECEIVE AND DISBURSE FUNDS

The treasurer of the municipality shall receive and disburse all funds of the municipality and such other funds as arise in or belong to any department or part of the municipality.

Section 6.06            TRANSFER OF TREASURER'S ACCOUNTS

The treasurer of the municipality, at the expiration of his or her term of office, or on his or her resignation or removal, shall deliver to his or her successor, all monies, books, papers, and other property in his possession as treasurer. In the case of the death or incapacity of such treasurer, his or her legal representatives shall, in like manner, deliver the money and property which were in the treasurer's hands to the person entitled thereto.

**CASTALIA MUNICIPAL CHARTER**

**ARTICLE VII PRESIDENT PRO-TEMPORE OF COUNCIL**

Section 7.01      PRESIDENT PRO-TEMPORE OF COUNCIL



**ARTICLE VII PRESIDENT PRO-TEMPORE OF COUNCIL**

**Section 7.01 PRESIDENT PRO-TEMPORE OF COUNCIL**

The President Pro-Tempore, during any period when the mayor shall be absent or unavailable or unable for any cause to perform his duties, shall be the acting mayor and shall also continue as a councilman. In case the office of mayor shall become vacant, the President Pro-Tempore shall thereupon become mayor, and his office as councilman shall become vacant, and he shall serve as mayor for the unexpired term; and if both the office of mayor and the office of President Pro-Tempore shall become vacant at the same time, the council shall elect a President Pro-Tempore who shall thereupon become mayor.

**CASTALIA MUNICIPAL CHARTER**

**ARTICLE VIII BOARDS AND COMMISSIONS**

Section 8.01 CONTINUATION OF EXISTING BOARDS AND COMMISSIONS

Section 8.02 CREATING ADDITIONAL BOARDS AND COMMISSIONS

Section 8.03 BOARD OF HEALTH

**ARTICLE VIII BOARDS AND COMMISSIONS**

**Section 8.01 CONTINUATION OF EXISTING BOARDS AND COMMISSIONS**

All boards and commission in existence at the time of the adoption of this charter until replaced or abolished by the legislative authority shall continue with the same membership composition and duties as these boards and commissions exercised prior to the adoption of this charter.

**Section 8.02 CREATING ADDITIONAL BOARDS AND COMMISSIONS**

In exercise of its legislative powers, the legislative authority of the municipality may by ordinance create such boards or commission as may be necessary to perform such obligations and duties as required by ordinance or by law.

**Section 8.03 BOARD OF HEALTH**

The municipality as a village shall remain a member of the general health district. Upon attainment of city status, the legislative authority may, unite with the general health district, form a city health district, contract for public health services with the general health district or another city health district, or combine with another city health district.

CASTALIA MUNICIPAL CHARTER

ARTICLE IX FINANCING MUNICIPAL OPERATIONS

Section 9.01 REVENUE SOURCES

**ARTICLE IX FINANCING MUNICIPAL OPERATIONS**

**Section 9.01 REVENUE SOURCES**

In providing for the financing of municipal operations the municipality reserves all rights granted under the Constitution of the State of Ohio, and by general law, and any additional authority which has been or may be granted at other times to municipalities to levy taxes and incur debts for local purposes.

**CASTALIA MUNICIPAL CHARTER**

**ARTICLE X GENERAL PROVISIONS**

Section 10.01 AMENDMENTS TO THE CHARTER

Section 10.02 CHARTER REVIEW COMMISSION

**ARTICLE X      GENERAL PROVISIONS**

**Section 10.01      AMENDMENTS TO THE CHARTER**

Any provision of this Charter may be amended as provided in Article XVIII, Section 9 of the Ohio Constitution, by submission of a proposed amendment to the voters of the municipality and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a two-thirds vote of the Council, or by petition to the Council signed by ten percent of the electors.

**Section 10.02      CHARTER REVIEW COMMISSION**

Not later than the last day of March in the fifth calendar year following the adoption of this Charter and every fifth year thereafter, the Council shall appoint a Charter Review Commission consisting of not less than five electors of the municipality. Such commission shall review the Charter of the municipality and, within the time designated by the Council at the time the members are appointed, or within any extension thereof granted by the Council, recommend to Council such alterations, revisions and amendments, if any, to this Charter, as in its judgment are desirable. After consideration of the recommendations of the Charter Review Commission, the Council may submit any or all of such proposed alterations, revisions or amendments to this Charter to the electors of the municipality in the manner provided by Article XVIII, of the Constitution of Ohio. The terms of the members of the Commission shall terminate at the end of the period designated at the time of their appointment, or any extension thereof, by the Council.

**CASTALIA MUNICIPAL CHARTER**

**ARTICLE XI CIVIL SERVICE AND OTHER MUNICIPAL EMPLOYMENT**

- Section 11.01 DATE OF IMPLEMENTATION
- Section 11.02 CIVILE SERVICE EMPLOYMENT
- Section 11.03 EXEMPTIONS TO EXAMINATIONS
- Section 11.04 APPOINTMENT: TO THE CIVIL SERVICE COMMISSION
- Section 11.05 TERM OF OFFICE - CIVIL SERVICE COMMISSION
- Section 11.05.1 FAILURE TO PERFORM DUTIES
- Section 11.06 PURPOSE: CIVIL SERVICE COMMISSION
- Section 11.07 ELIGIBILITY LISTS: PROMOTIONAL EXAMS
- Section 11.07.1 PROMOTIONAL EXAMS: ADDITIONAL CONSIDERATIONS
- Section 11.08 PROMOTIONAL LISTS
- Section 11.09 APPOINTING AND CLASSIFYING AUTHORITY
- Section 11.10 SUSPENSION, REDUCTIONS AND REMOVALS: CLASSIFIED SERVICE
- Section 11.11 RULE MAKING POWER: CIVILE SERVICE COMMISSION
- Section 11.12 UNCLASSIFIED SERVICE OF THE MUNICIPALITY
- Section 11.13 THE CHIEF OF POLICE AND CHIEF OF FIRE DEPARTMENTS
- Section 11.14 EXAMINATIONS
- Section 11.15 PROBATIONARY PERIODS: CLASSIFIED OR UNCLASSIFIED SERVICE
- Section 11.16 REMOVAL DURING OR AT THE END OF PROBATION PERIOD: CLASSIFIED OR UNCLASSIFIED SERVICE



Section 11.17	CIVIL SERVICE: RESIDENCY REQUIREMENTS
Section 11.18	CLASSIFIED POSITIONS FILLED WITHOUT COMPETITION
Section 11.19	PROMOTIONS IN THE CLASSIFIED SERVICE
Section 11.20	TRANSFERS
Section 11.21	REINSTATEMENT IN THE CLASSIFIED SERVICE
Section 11.22	LAY-OFF IN THE CLASSIFIED SERVICE
Section 11.23	UN-AMERICAN ACTIVITIES CAUSE FOR REMOVAL CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.24	LEAVE OF ABSENCE, CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.25	SICK LEAVE, CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.26	LEAVE OF ABSENCE-MILITARY SERVICE, CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.27	VACATION PAY, CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.28	COMPENSATION OF EMPLOYEES, CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.29	COMPENSATION FOR WRONGFULLY SUSPENDED EMPLOYEES, CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.30	TENURE IN THE CLASSIFIED SERVICE
Section 11.31	TENURE IN THE UNCLASSIFIED SERVICE
Section 11.32	REMOVAL OF OFFICERS OR EMPLOYEES, CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.33	PAYROLL CERTIFICATION, CLASSIFIED OR UNCLASSIFIED SERVICE

Section 11.34	POLITICAL ACTIVITY, CLASSIFIED OR UNCLASSIFIED SERVICE
Section 11.35	PAYMENT FOR APPOINTMENT OR PROMOTION
Section 11.36	ABUSE OF OFFICIAL POWER
Section 11.37	ABUSE OF OFFICIAL INFLUENCE
Section 11.38	FRAUD IN CIVIL SERVICE EXAMINATIONS
Section 11.39	VIOLATION OF CIVIL SERVICE RULES, CITY
Section 11.40	VOLUNTARY DEDUCTIONS FROM SALARY, WAGES
Section 11.41	PUBLIC EMPLOYEES RETIREMENT SYSTEM
Section 11.42	POLICE AND FIRE PENSION FUND
Section 11.43	COMPULSORY RETIREMENT, CLASSIFIED AND UNCLASSIFIED SERVICE
Section 11.44	VOLUNTARY RETIREMENT
Section 11.45	WORKMEN'S COMPENSATION - UNEMPLOYMENT COMPENSATION
Section 11.46	STRIKES BY PUBLIC EMPLOYEES
Section 11.46.1	NOTICE OF STRIKE
Section 11.46.2	TERMINATION OF EMPLOYMENT

**ARTICLE XI CIVIL SERVICE AND OTHER MUNICIPAL EMPLOYMENT**

**Section 11.01 DATE OF IMPLEMENTATION**

At the time that the Bureau of the Census shall determine that Castalia has gained sufficient population to attain city status, the mayor and the legislative authority shall implement the requirements of Civil Service, and by majority vote of the legislative authority, activate the provisions of this article of the charter. And, where such rules, regulations and jurisdiction of the mayor, legislative authority or civil service commission, modify, supplement or supersede the laws of the State of Ohio, and in case of conflict shall prevail over the laws of the State of Ohio. Those sections not applicable to civil service employment shall take effect immediately upon adoption of this charter.

**Section 11.02 CIVIL SERVICE EMPLOYMENT**

The civil service employment within the city shall be extended only to those positions of employment required to be included in civil service by law, including the members not excepted of the city police and fire departments. The term of civil service coverage of employment shall cease at anytime the law is modified, repealed or otherwise amended to allow the charter to prevail over existing law.

**Section 11.03 EXEMPTIONS TO EXAMINATIONS**

When Castalia becomes a city, the otherwise nonexempt incumbent personnel thereof required by law to be included within the civil service provisions and, who have then been in its employment continuously since prior to the adoption of this charter shall not be required to take an examination or test or to furnish evidence of qualification in order to be retained in such employment, but shall thereafter be subject in all respects to the civil service provisions established under this charter.

**Section 11.04 APPOINTMENT: TO THE CIVIL SERVICE COMMISSION**

No later than sixty days after notification of the municipality of the attainment of city status, the mayor shall appoint three persons to positions on the civil service commission. No more than two of the three members of the commission shall be of the same political party. Each member appointed shall be possessed of the requirements of an elector of the city, and not holding other municipal office.

**Section 11.05 TERM OF OFFICE - CIVIL SERVICE COMMISSION**

The civil service commission members shall be appointed for a term of four years except that, of the tree initial appointments to the commission one shall be appointed for a term of four years, one for a term of three years, and one for a term of two years. A vacancy occurring during the term of any member of the civil service commission shall be filled for the unexpired term in the manner authorized for the original appointment.

Section 11.05.1      FAILURE TO PERFORM DUTIES

If the members of the civil service commission are violating or failing to perform the duties imposed upon it by state law or this charter, the mayor shall remove such member from office, and fill the vacancy created by appointment for the remainder of the unexpired term.

Section 11.06      PURPOSE: CIVIL SERVICE COMMISSION

The civil service commission shall be formed to administer Article XV, Section 10 of the Ohio Constitution. The commission shall administer tests, and prepare promotional lists free from discrimination because of religious, political or racial affiliation. And for appeals from the action of the mayor in any case of transfer, reduction or removal, except as otherwise provided in this charter. The action of the commission on any such appeal shall be final, except as otherwise provided by the laws of Ohio.

Section 11.07      ELIGIBILITY LISTS: PROMOTIONAL EXAMS

Eligibility lists prepared by the commission shall be determined by merit and fitness, by the use of competitive examination, and by the additional rules of this charter, which rules, regulations and jurisdiction may modify, supplement or supersede the laws of the State of Ohio, and in the case of conflict shall prevail over the laws of the State of Ohio.

Section 11.07.1      PROMOTIONAL EXAMS: ADDITIONAL CONSIDERATIONS

In addition to merit and fitness, the civil service commission shall apply additional credit to an applicant or original appointment or promotion in the municipal classified service for:

- A) Prior service within the department
- B) Service in one of the established branches of the armed forces, attested to by an honorable discharge certificate
- C) Meritorious service awards, given by the legislative authority for exceptional service to the community
- D) Credit for efficiency in previous service to the municipality

Section 11.08      PROMOTIONAL LISTS

The eligibility list prepared by the civil service commission for each appointment or promotion in the classified service, shall contain a minimum of two names, and not more than three names for each position to be filled, and such names shall be listed alphabetically when presented to the appointing authority.

Section 11.09            APPOINTING AND CLASSIFYING AUTHORITY

The mayor of the municipality shall serve as the classifying and appointing authority for all civil service positions, as provided in Article III, Sections 3.05.2, 3.05.7, 3.05.8 and 3.06 of this Charter.

Section 11.10            SUSPENSION, REDUCTIONS AND REMOVALS; CLASSIFIED SERVICE

Suspension, reduction or removals of employees in the classified service of the municipality shall be accomplished by the procedure outlined in this charter in Article III, Section 3.05.2 and such other sections as may be applicable. And, where the rules of this charter conflict with the laws of the State of Ohio, shall prevail over the laws of the State of Ohio.

Section 11.11            RULE MAKING POWER: CIVIL SERVICE COMMISSION

The civil service commission may make such rules as are necessary for the orderly conducting of their business and to attain the goals of the commission as outlined in Section 11.06 of this civil service article. Such rules shall be known as the rules of procedure of the civil service commission but shall not be inconsistent with nor contrary to the other rules of the State Constitution and this Charter.

Section 11.12            UNCLASSIFIED SERVICE OF THE MUNICIPALITY

All compensated positions in the municipal service not required by law or this charter or an ordinance creating a compensated position to be in the classified service, shall be in the unclassified service of the municipality. The following positions will be exempted from the classified service in every instance, and may not by any ruling, law or ordinance be included in the classified service of the municipality.

- A) All officers elected by the people.
- B) The clerk of council.
- C) The department heads.
- D) Members of boards, commissions, agencies, and authorities appointed by the mayor and by this charter.
- E) Employees of exceptional professional or scientific qualification engaged as consultants.
- F) The office of solicitor, assistance solicitor, and special council.
- G) Volunteer personnel in the department of fire and auxiliary police, special police and emergency police within the division of police.
- H) The secretary of each board and commission established by this charter or council.
- I) Temporary employees who are not employed for more than one hundred twenty continuous days or for more than 120 work days in one year.
- J) Unskilled laborers as defined and authorized by council.
- K) The secretary to any exempted officer or position.
- L) Civil service shall be extended only to those positions designated by the legislative authority as included in the classified service, in the ordinance creating those positions; all other paid positions existing or created not so designated are exempt from the classified service.

Section 11.13            THE CHIEF OF POLICE AND CHIEF OF FIRE DEPARTMENT

The chief of police and the chief of the fire department shall not be included in the classified service of the municipality and shall be appointed, transferred, suspended, reduced or removed as provided in Article III, Section 3.05.2 of this Charter.

Section 11.14            EXAMINATIONS

The holding of competitive examinations must be public and open to all citizens of the United States, with certain limits as to residency, age, sex, experience, health, habits and moral character, written or oral, and must relate to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position, and such examination may include physical examinations and tests of manual skill. The commission may adopt rules determining or limiting eligibility for examination to employees permanently appointed to, or serving for a specific period of time in a lower rank or grade.

Section 11.15            PROBATIONARY PERIODS: CLASSIFIED OR UNCLASSIFIED SERVICE

All probationary periods in the classified and unclassified service shall be for a period of six calendar months, from the date of hiring and no appointment shall be final until the appointee has satisfactorily served his probationary period. At the conclusion of the probationary period, if appointee is satisfactory in the performance of his duties, the mayor may recommend his permanent appointment to the legislative authority for confirmation.

Section 11.16            REMOVAL DURING OR AT THE END OF PROBATION PERIOD:  
CLASSIFIED OR UNCLASSIFIED SERVICE

If the service of a probationary employee is unsatisfactory, he may be removed or reduced at any time during his probationary period after thirty calendar days. If the decision by the appointing authority is to remove the appointee, his reason for such removal shall be communicated in writing to the civil service commission and to the legislative authority, and such removals, if for a valid reason, shall be final.

Section 11.17            CIVIL SERVICE: RESIDENCY REQUIREMENTS

No person may be appointed to the classified service of the municipality who is not a resident of the municipality at the time of such appointment. the legislative authority may grant by ordinance a waiver of not more than six months to the residency requirement.

Section 11.18            CLASSIFIED POSITIONS FILLED WITHOUT COMPETITION

The provisions of the requirement for competitive examinations may be suspended in the case of a vacancy in a position in the classified service where peculiar or exceptional qualifications of a scientific, managerial, professional or educational character are required. The reason for such suspension shall be set forth in the minutes of the commission.

Section 11.19            PROMOTIONS IN THE CLASSIFIED SERVICE

Promotions shall be determined by the rules in Section 11.07, 11.07.1, and Section 11.08 of this civil service article.

The municipal appointing officer may be given authority by the civil service commission to determine the class or classes of employment from which applicants for a promotional examination may be accepted, and applications from applicants not included in those classes so designated may be rejected by the civil service commission.

Section 11.20            TRANSFERS

With the consent of the civil service commission, an officer or employee in the classified service may be transferred to a similar position having the same pay and similar duties.

Section 11.21            REINSTATEMENT IN THE CLASSIFIED SERVICE

It is provided that any person who, without delinquency or misconduct on his part, may with the consent of the civil service commission be reinstated within one year to a vacancy in the same department, and if physical injury or disability is the cause of separation, he shall be reinstated within thirty days to the same office or similar position he held at the time of separation, upon written application for reinstatement filed within five years after the date of separation and prior to eligibility for retirement, provided he passes a physical examination showing he has recovered from such disability.

Section 11.22            LAY-OFF IN THE CLASSIFIED SERVICE

The legislative authority will not be limited by civil service laws and rules in their efforts to effect necessary and desirable economies, or to prevent the lay-off of unessential employees for reasons of economy.

Section 11.23            UN-AMERICAN ACTIVITIES CAUSE FOR REMOVAL CLASSIFIED OR UNCLASSIFIED SERVICE

Any employee who advocates or willfully retains membership in an organization which advocates overthrow on the government of the United States or the State, by force, violence or other unlawful means, and failure to testify concerning membership in such organization in any hearing on fitness and continued public employment constitutes unfitness for holding such position, job or office.

Section 11.24            LEAVE OF ABSENCE, CLASSIFIED OR UNCLASSIFIED SERVICE

To grant or not grant a leave of absence shall be considered in each instance or written request for such leave, and may be granted or not granted by the civil service commission or other proper authority.

Section 11.25            SICK LEAVE, CLASSIFIED OR UNCLASSIFIED SERVICE

Sick leave is a privilege granted by the legislative authority by ordinance, and such ordinance shall determine the days granted and the total days that may be accumulated.

The employer may request an employee to furnish a satisfactory written statement to justify the use of sick leave, and where medical attention is required a statement from a licensed physician, stating the nature of the illness must be furnished. The municipality may request at the municipality's expense a second physicians' opinion on any extended or reoccurring illness for any employee. Falsification of such statement or physicians' statement is grounds for disciplinary action, including dismissal.

Section 11.26            LEAVE OF ABSENCE-MILITARY SERVICE, CLASSIFIED OR UNCLASSIFIED SERVICE

Leave of absence for military service shall be determined by municipal ordinance. Such ordinance shall determine the extent of leave if any, and pay or loss thereof to be granted or withheld.

Section 11.27            VACATION PAY, CLASSIFIED OR UNCLASSIFIED SERVICE

Vacation leave with pay is a privilege granted by the legislative authority by ordinance, and such ordinance shall determine the days granted.

Section 11.28            COMPENSATION OF EMPLOYEES, CLASSIFIED OR UNCLASSIFIED SERVICE

The salaries and compensation of officers and employees in each department shall be fixed by the legislative authority by ordinance, and the increase or reduction of such compensation for economic reasons by the legislative authority shall not be impugnable.

Section 11.29            COMPENSATION FOR WRONGFULLY SUSPENDED EMPLOYEES, CLASSIFIED OR UNCLASSIFIED SERVICE

Any suspension or attempted removal, or any refusal to grant sick leave approval and disallowing compensation in any instance may be appealed. For classified service employees, such appeal shall be to the civil service commission. For unclassified service employees, such appeal shall be to the legislative authority.

Section 11.30            TENURE IN THE CLASSIFIED SERVICE

No property right to a position in the classified service, nor to promotions therein, exists in favor of a civil service employee. It is provided that the tenure of every officer or employee in the classified service shall be during good behavior and efficient service, but any such officer or employee may be removed for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, violation of the rules of the civil service commission or any other failure of good behavior, or other acts of misfeasance, malfeasance or nonfeasance in office. Tenure may



be terminated for cause by the civil service commission, by abolishment of the position for economic reasons, or by acceptance of an elective office, or by violating the provisions of Section 11.46 of this charter.

Section 11.31            TENURE IN THE UNCLASSIFIED SERVICE

Then tenure of persons in the unclassified service not elected or appointed for a definite term is at the pleasure of the appointing authority.

Section 11.32            REMOVAL OF OFFICERS OR EMPLOYEES, CLASSIFIED OR UNCLASSIFIED SERVICE

In the case of removal of a classified employee, such employee shall be given a copy of the removal order and the reason for such removal. The removed employee has ten days to appeal such removal to the civil service commission. The commission shall forthwith notify the appointing authority of such appeal, and hear such appeal within thirty days after its filing.

Persons not in the classified service may be dismissed summarily at the will of the appointing authority.

Section 11.33            PAYROLL CERTIFICATION, CLASSIFIED OR UNCLASSIFIED SERVICE

Each department head shall furnish the municipal treasurer with a payroll certification for all applicable employees, the department head shall also furnish the treasurer with a copy of each appointment, promotion, reduction, suspension or lay-off notice. This section provides for recovery of any sum paid contrary to the foregoing provisions by any officer making or authorizing such payment.

Section 11.34            POLITICAL ACTIVITY, CLASSIFIED OR UNCLASSIFIED SERVICE

Every full time officer or employee not holding elective office, is prohibited from taking part in politics other than to vote as he pleases, and to freely express his political opinion. They are prohibited specifically from being an officer in any political party or political candidate for public office.

Section 11.35            PAYMENT FOR APPOINTMENT OR PROMOTION

This section expressly prohibits the payment or promise to pay of any money or valuable thing for appointment or promotion.

Section 11.36            ABUSE OF OFFICIAL POWER

Abuse of official power is prohibited in reference to appointments, promotion, threats to reduce, suspend, discharge, lay-off or in any manner change the official rank or compensation of any officer or employee by any official for giving, withholding, or neglecting to make any contribution of money or valuable thing to any party or political purpose.

Section 11.37            ABUSE OF OFFICIAL INFLUENCE

This section expressly prohibits the inducing or seeking to induce any person in any section of municipal service by threat or coercion to resign his position or to waive his right to certification, or appointment, or promotion.

Section 11.38            FRAUD IN CIVIL SERVICE EXAMINATIONS

This is prohibited, and shall be cause for removal from the eligibility list for those permitted to take an examination, or termination of employment if evidence and conviction of fraud are found after the taking of an examination and a subsequent appointment.

Section 11.39            VIOLATION OF CIVIL SERVICE RULES, CITY

Violations of the civil service section of this charter, or rules of the civil service commission not inconsistent with the charter provision is prohibited. Violations of these provisions may be punished by suspension, removal from office, fines of not less than fifty dollars, nor more than five hundred dollars, or imprisonment not more than six month, or both.

Section 11.40            VOLUNTARY DEDUCTIONS FROM SALARY, WAGES

Voluntary deductions from salaries and wages may be authorized by the legislative authority for various purposes, when requested by the employees, and upon written authorization by the public employee for such deduction.

Section 11.41            PUBLIC EMPLOYEES RETIREMENT SYSTEM

All public employees upon appointment become members of the public employees retirement system and must remain so the duration of their public employment. Exceptions to membership shall be a student whose employment does not exceed eight hundred house per year, and new employees who do not work more than twenty hours per week.

Section 11.42            POLICE AND FIRE PENSION FUND

Police and fire personnel may participate in the state wide police and fire pension fund.

Section 11.43            COMPULSORY RETIREMENT, CLASSIFIED AND UNCLASSIFIED SERVICE

The legislative authority may, by ordinance, prescribe rules and regulations mandating compulsory retirement.

Section 11.44            VOLUNTARY RETIREMENT

Voluntary retirement shall be governed by the rules of the public employees retirement system.

Section 11.45      WORKMAN'S COMPENSATION-UNEMPLOYMENT COMPENSATION

Workman's compensation for municipal purposes shall be governed by the applicable rules of the Ohio Revised Code. Unemployment compensation shall be by payment, in lieu of contributions to the unemployment compensation fund when necessary.

Section 11.46      STRIKES BY PUBLIC EMPLOYEES

Strikes by public employees are prohibited and strikes by public employees and the authorization, approval or consent by any person exercising any authority, supervision or direction over any public employee to a strike by one or more public employees is prohibited.

A public employee is on strike within the meaning of this section, who, without the approval of his superior, unlawfully fails to report for duty, absents himself from his position or abstains in whole or in part from full, faithful and proper performance of his position for the purpose of inducing, influencing or coercing a change in conditions, or obligations of employment, or of intimidating, coercing or unlawfully influencing others from remaining in or from assuming such public employment.

Section 11.46.1      NOTICE OF STRIKE

Notice is required to be sent to the employee by his superior by mail addressed to his residence that such employee is on strike.

Section 11.46.2      TERMINATION OF EMPLOYMENT

Termination for striking employees shall be governed by Section 11.30 of this charter. Any public employee who violates Section 11.46 of this strike, shall thereby be considered to have abandoned and terminated his appointment or employment and shall no longer hold such position or be entitled to any of the rights or emoluments thereof, except if appointed or reappointed.

**CASTALIA MUNICIPAL CHARTER**

**ARTICLE XII PURCHASING AND CONTRACTING**

- Section 12.01 BIDDING REQUIREMENTS FOR MUNICIPAL CONTRACTS
- Section 12.02 MODIFICATIONS OF CONTRACT
- Section 12.03 EMERGENCY PURCHASES
- Section 12.04 USED EQUIPMENT
- Section 12.05 INTERGOVERNMENTAL CONTRACTS
- Section 12.06 AWARDING OF CONSTRUCTION CONTRACTS
- Section 12.07 DELAY COSTS
- Section 12.08 PRICE IN EXCESS OF ESTIMATE
- Section 12.09 CERTIFICATE OF FISCAL OFFICER
- Section 12.10 CENTRAL PURCHASING
- Section 12.11 CONTRACTING OFFICER

## ARTICLE XII PURCHASING AND CONTRACTING

### Section 12.01 BIDDING REQUIREMENTS FOR MUNICIPAL CONTRACTS

- A) All contracts for an expenditure in excess of 15,000.00 shall be by competitive bidding. All contracts shall be made by the legislative authority, and shall be executed in the name of the municipality and signed by the Mayor and Clerk.
- B) All contracts shall be in writing, and shall be made with the lowest and/or best bidder. Bids shall be advertised at least once in a newspaper of general circulation.
- C) The bids shall be opened and publicly read by the Fiscal Officer or a person designated by the Fiscal Officer at the time, date, and place specified in the advertisements to bidders, or specifications.
- D) The time, date, and place of bid opening may be changed or extended by the legislative authority, providing written or oral notice is given to each person receiving plans and specifications no later than 48 hours prior to the original specified opening time and date.
- E) Each bid shall contain the full name of every person and company interested in the bid. Each bid shall be accompanied by sufficient bond or certified check on a solvent bank that if the bid is accepted, the contract will be entered into and its performance properly secured. The amount of bond or certified check to be determined by the legislative authority.
- F) The legislative authority of the municipality may reject any or all bids. If there is reason to believe there is collusion or a combination among bidders, the bids of those concerned shall be rejected.

Amended November 2002

### Section 12.02 MODIFICATIONS OF CONTRACT

Modifications or alterations in contracts may be made only upon the order of the Mayor, but shall have no effect until the price to be paid for the work and material under the altered contract have been agreed upon in writing and signed by the Mayor on behalf of the municipality, and by the contractor. The Mayor may modify or write a contract in an amount not to exceed 1,000; any modification or alteration of a contract amount in excess of 1,000 must be approved by the legislative authority.

Amended November 2002

### Section 12.03 EMERGENCY PURCHASES

In the case of a real and present emergency arising in connection with the operation of the municipality and maintenance of its property, or any other department, division, commission, bureau, or board of the municipality, the legislative authority of the municipality may be a two-thirds vote of all the members elected thereto, authorize the Mayor or other duly authorized contracting officer, commission, board, or authority, to enter into a contract for work to be done or for the purchase of supplies or materials without formal bidding and advertising.

Section 12.04            USED EQUIPMENT

Used equipment or supplies may be purchased at a public auction, or a sale by written bids to be submitted to the vendor without advertising and bidding. The purchase must be authorized by an ordinance that: designates the officer to make the purchase, sets the maximum amount that may be bid as the purchase price, describes the equipment or supplies to be purchased, and appropriates the money to meet the maximum amount that may be bid, unless funds have been previously appropriated.

Section 12.05            INTERGOVERNMENTAL CONTRACTS

Contracts for services, material, equipment or supplies may be made with any agency, department, division, or political subdivision of the State without advertising and bidding. The council must authorize the contract by an ordinance that: designates the officer to execute the contract; sets the maximum amount that may be expended under the contract; describes the services, material, equipment or supplies that may be purchased; and appropriates funds to meet the maximum amount that may be expended under the contract.

Section 12.06            AWARDING OF CONSTRUCTION CONTRACTS

Construction and other similar contracts must be awarded and executed within sixty days after bids are opened. Failure to award within that period invalidates the entire bid proceedings and all bids submitted, unless the time for awarding and executing the contract is extended by mutual consent.

Section 12.07            DELAY COSTS

Upon execution of a contract, the contractor is entitled to receive a notice to proceed, upon the contractor's request. The amount of delay costs is determined by either:

- a) As determined in the contract (specifications) for change orders or force accounts, or
- b) If no such contract provision exists, the delay costs shall be the contractor's actual costs, including wages, labor costs other wages, wage taxes, materials, equipment costs and rentals, insurance and subcontractors attributable to the delay, plus a reasonable sum for overhead.

Section 12.08            PRICE IN EXCESS OF ESTIMATE

Contracts may not be entered into where the price of the contract, or if a multiple contract project, where the price of all contracts exceeds the estimated cost by more than ten percent.

Section 12.09            CERTIFICATE OF FISCAL OFFICER

A certificate of the fiscal officer as to the availability of funds is a prerequisite to the validity of any contract. No expenditure of money shall be made unless a certificate of the fiscal officer is attached that the amount of money required to meet the obligation under the contract has been lawfully appropriated and

is in the treasure or in the process of collection to the credit of the appropriate fund, free from any previous encumbrances. A contract which is not so certified is invalid, and the contractor cannot recover: 1) the contract price with the municipal corporations, or 2) on a cause of action in quantum meruit, since in Ohio there is no implied liability on the part of the municipal corporation for work done or services rendered or materials furnished.

In the case of a continuing contract performed in whole or in part in the ensuing fiscal year, the amount required to meet the same in the current fiscal year in which the contract is made, must be certified as being appropriated for such purpose and being in the treasury or in the process of being collected to the credit of the appropriate fund free from any previous encumbrances. A contract made without the certificate required by statute shall be void and no warrant shall be issued in payment of any amount due thereon. The legislative authority may authorize the issuance of a warrant in payment of the contract by a resolution or ordinance passed within 30 days of the receipt of the certificate, even though a certification of funds was not attached to the original contract.

It is also provided by which an amount of less than 100.00 may be authorized by the fiscal officer to be paid without the affirmation of the legislative authority if the expenditure is otherwise valid.

Section 12.10            CENTRAL PURCHASING

The legislative authority of the municipality may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards and commission, of the municipality under the direction of the Mayor, who shall make contracts, purchase supplies or materials, provide labor for any work of the municipality in the manner provided by the authorizing ordinance of the legislative authority.

Section 12.11            CONTRACTING OFFICER

The Mayor of the municipality or his designated representative shall serve as the contracting officer of the municipality.

**CASTALIA MUNICIPAL CHARTER**

**ARTICLE XIII TRANSITIONAL PROVISIONS**

- Section 13.01 EFFECTIVE DATE OF CHARTER
- Section 13.02 SUCCESSION
- Section 13.03 CONTINUATION OF ORDINANCES
- Section 13.04 CONTINUATION OF OFFICERS
- Section 13.05 CONTINUATION OF EMPLOYEES
- Section 13.06 TRANSFER OF RECORDS AND PROPERTY
- Section 13.07 CONTINUATION OF CONTRACTS AND IMPROVEMENTS
- Section 13.08 PENDING ACTIONS AND PROCEEDINGS



**ARTICLE XIII      TRANSITIONAL PROVISIONS**

Section 13.01              EFFECTIVE DATE OF CHARTER

This charter shall be submitted to the electors of the Village of Castalia at the regular election to be held November 4, 1980, and if approved by the electors shall, for the purpose of nominating and electing officers of the municipality and conducting municipal elections, take effect from the time of its approval by the electors of the Village; and for all other purposes it shall take effect on the first day of January in the year nineteen hundred eighty-one, (January 1, 1981).

Section 13.02              SUCCESSION

The municipality of Castalia under this charter is hereby declared to be the legal successor of the Village of Castalia, under the laws of the State of Ohio, and as such it has title to all property, real, personal and mixed, owned by its predecessor, including all monies on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The municipality 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.

Section 13.03              CONTINUATION OF ORDINANCES

All ordinances, resolution and other acts of the Village of Castalia 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.

Section 13.04              CONTINUATION OF OFFICERS

All persons holding office at the time this charter takes effect shall continue in office (except as specifically provided otherwise in this charter) until provision shall have been made, in conformity with this charter, for the performance of their duties by a successor, or the office is abolished.

Section 13.05              CONTINUATION OF EMPLOYEES

Every employee of the municipality when this charter takes effect shall be retained in his employment with the same status, rights and privileges as before, but shall thereafter be subject in all respects to the provisions of this charter.

Section 13.06              TRANSFER OF RECORDS AND PROPERTY

All public records and property in the custody of officers and employees of the municipality at the time this charter becomes effective shall be transferred and delivered promptly to their successors.

Section 13.07

CONTINUATION OF CONTRACTS AND IMPROVEMENTS

All contracts entered into by the municipality for its benefit, prior to the taking 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.

Section 13.08

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 municipality or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they are filed.