



THE CITY OF
COLUMBUS
CHARTER REVIEW
COMMISSION

Report of the Commission
to the Mayor and City Council
July 7, 2014



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The members of this commission are honored to follow a long line of Columbus' leaders in reviewing the city's charter in light of changing laws, technologies and societal standards. On the centennial anniversary of our charter's adoption, we set out to conduct a comprehensive review of the charter and make thoughtful recommendations for modernizing our city's constitution.

This report represents the culmination of that work – a summary of the issues we've considered and a compilation of our citizens' recommendations for change. While each issue was thoroughly reviewed, and many vigorously debated, we present in this report the unanimous recommendations of our commission.

As a commission, we offer our thanks to Mayor Michael B. Coleman and Council President Andrew J. Ginther for entrusting us with the authority and responsibility to weigh in on the document that establishes the powers and limitations of our city government, and governs, in so many important ways, the responsibilities of our government to the people.

The commission extends its thanks to the many city residents who provided feedback – both formal and informal – on our charter and other city issues. We are grateful for the support and suggestions of city staff throughout this process as well.

We are also thankful for the Columbus citizens who, 100 years ago, adopted our first home rule city charter. They did so at a pivotal moment for our city. At that time, citizens and elected officials alike reeled from decades of instability in our form of government, which used city government as a proxy for political battles in the state. The city was rocked by political scandals, widespread graft, and rancorous partisan conflict. The west side of Columbus had not yet recovered from a devastating flood the previous year. And residents would, in mere weeks, witness the first shots of the Great War.

Against this backdrop, the 1914 Columbus City Charter, drafted by an elected commission of Columbus residents, established a balanced, accountable form of government that stands strong 100 years later.

It is our hope that our recommendations maintain that critical framework, while modernizing our charter in preparation for the challenges and opportunities of the next 100 years.



Marchelle E. Moore, Esq., Co-Chair



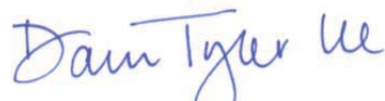
State Representative Michael F. Curtin, Co-Chair



Jeff Cabot, Commissioner



City Auditor Hugh J. Dorrian, Commissioner



Dawn Tyler Lee, Commissioner

On April 4, 2014, Mayor Michael B. Coleman and Council President Andrew J. Ginther convened and appointed a Charter Review Commission. The mayor and council president charged the commission with conducting a comprehensive review of the Columbus City Charter and making recommendations for potential revisions. The five-member commission was composed of the following members:

- The Honorable Michael F. Curtin, State Representative, Co-Chair
- Marchelle E. Moore, Vice President of Legal & Government Affairs and General Counsel for the Central Ohio Transit Authority, Co-Chair
- Jeff Cabot, Executive Director of Kids Voting Central Ohio, Commissioner
- The Honorable Hugh J. Dorrian, Columbus City Auditor, Commissioner
- Dawn Tyler Lee, Senior Vice President of Community Impact for United Way of Central Ohio, Commissioner

The Charter Review Commission held nine meetings, including seven working meetings and two public hearings.¹ The commission widely distributed notices, videos, and materials of each meeting, as well as links to an online form and an email address for public comment. Staff posted all commission presentations, background documents, draft amendments, meeting minutes, meeting videos, public comment summaries, and bylaws on the Charter Review Commission's webpage.²

To support the work and meetings of the Charter Review Commission, Mayor Coleman, Council President Ginther, and City Attorney Richard C. Pfeiffer, Jr. provided resources and staff, including the following:

- Andrea Blevins, Columbus City Clerk, Commission Secretary
- Cheryl Austin, Administrative Analyst for the City Clerk, Support Staff
- Bryan M. Clark, Senior Legislative Advisor, Columbus City Council's Liaison to the Commission
- Joshua T. Cox, Chief Counsel, City Attorneys' Liaison to the Commission
- Sherry R. Kish, Deputy Chief of Staff, Mayor's Liaison to the Commission

On Monday, June 30, 2014, the members of the Columbus Charter Review Commission voted to forward 21 recommendations to Columbus City Council for consideration. These recommendations arose from the commissioners' review of all 235 sections of the Columbus City Charter.

This report includes a summary of the Charter Review Commission's recommendations, proposed language for those charter amendments, and ancillary materials associated with the commission's work.

¹ See Appendix for a list of meeting dates and locations.

² www.columbus.gov/charterreviewcommission

Annual Reports of the City of Columbus

Section 231.

The Charter Review Commission recommends amending the charter to establish that annual reports of the city are public records that must be retained permanently and electronically.

The Columbus City Charter currently requires the compilation of an annual report of the city. The charter stipulates that the annual report must “...be grouped and published in book form...” The commission recognizes the framers’ intent that critical city records be widely available, but finds that the current language does not reflect the common means of information sharing at this time.

Charter Review Commissions

Section ---

The Charter Review Commission recommends an addition to the charter to establish decennial Charter Review Commissions, commencing in 2022.

In reviewing the city charters of 33 Ohio cities where comparison would be appropriate, this commission found that 82% required the holding of periodic Charter Review Commissions. Further research identified several common practices, which have been included in our recommendations: balanced appointment mechanisms; limitation of appointees to Columbus residents who hold no office or employment with the city; broad discretion to conduct the review; a time limit for submitting a report; and council discretion in acting on any recommendations. This commission finds that the foregoing would well serve Columbus residents for future decennial Charter Review Commissions.

Charter Technical Changes

Section ---

The Charter Review Commission recommends an addition to the charter to provide council with very limited authority to make technical changes to the charter.

Given the difficulty of amending a city charter, many cities have attempted to craft a process to make technical changes – such as correcting punctuation or misspellings, or renumbering sections – without resorting to a lengthy and potentially expensive ballot process. Columbus previously dealt with a subset of this issue with a charter amendment allowing the city clerk to make certain gender-specific pronouns gender-neutral. This commission finds that it would be beneficial to provide a strictly limited authority to make technical changes. However, to safeguard the use of this authority, the commission recommends the following: the ordinance may not be passed as emergency; the vote must be unanimous; the ordinance must be subject to referendum; changes may not alter the intent or purpose of any provision; and changes must strictly adhere to a list of technical items.

The City Clerk

Sections 11, 14, 145.

The Charter Review Commission recommends the reordering and amendment of three charter sections to provide consistency, clarity, and logical sequencing for the city clerk's powers and duties.

Currently, the charter scatters the city clerk's powers and duties throughout three sections. One section, which establishes a "bureau of information and publicity," references a city publication which the charter does not establish or define, devolves key city clerk duties to an unnecessary bureau within the clerk's office, and does not fully reflect contemporary methods of communication. Two additional sections combine the city clerk's powers and duties with unrelated subject matter. This commission finds that the citizens of Columbus will be best served by the repeal of Sec. 145, and the reordering and amendment of Sections 11 and 14 to remedy these issues.

Civil Service Re-instatement to the Eligible List

Section 149(k).

The Charter Review Commission recommends amending from one year to three years the time-frame for current and former city employees to be reinstated to the eligibility list for a classification without the need for redundant testing.

Although potentially contrary to existing charter language, for the past seven years the Civil Service Commission has afforded employees the opportunity to reinstate to and remain on an eligible list for a job classification to which they were previously appointed for up to three years following their separation from city employment. They may do so without the cost and redundancy of new testing. Because the Civil Service Commission finds that this "three-year rule" has well served the city, this commission finds it appropriate to amend the charter to authorize current practice.

The Council

Sections 3-19, 33, 34.

The Charter Review Commission recommends numerous amendments to reorder, in logical sequence, the charter provisions for the council; reflect modern organization of the council; and clarify select provisions of the charter relative to the council.

The Columbus City Charter provisions regarding the council were heavily amended before adoption by the Columbus Charter Commission in 1914. Six subsequent amendments have further complicated these sections. As a result, the council section of the charter lacks the coherence and clarity of those related to the mayor, auditor, and city attorney.

This commission finds that clarifying amendments, together with additions that reflect council's operations and are in line with other city charters, will provide citizens a clear, logical sequence of powers and duties applicable to the legislative branch of city government; reflect current practice for council; and address select areas where the charter is currently silent and that silence may lead to disruption or lack of continuity in the council.

Council Wards

Sections 3-19.

The Charter Review Commission does not recommend abandoning the city's current form of legislative governance by adopting ward elections for members of city council.

This is not the first charter review commission to address the question of returning to the pre-charter process of electing councilmembers by ward, or by some hybrid of ward and at-large representation. The 1998 Charter Review Committee most recently considered this question and concluded, "The Committee felt Council Members should come with a citywide perspective rather than with parochial interests which could lead to political "horse-trading" for district advantage. The Council appears to work well as it is presently structured and should remain in its present form."

The 1998 committee's findings are well-founded. Contemporary descriptions of Columbus' pre-charter ward system demonstrate the instability and partisan environment that pervaded city government. For example, one contemporary account stated, "...a councilman, however, derelict in conserving the interests of the city at large, was amendable for his conduct only to the electors of his own ward. Such were some of the leading, and as experience has abundantly shown, mischievous characteristics of this law [the legislative city charter], most of which, with variations chiefly in mischievousness by partisan or State meddling, have been perpetuated in the government of Columbus to the present time." Alfred E. Lee. History of the City of Columbus, Capital of Ohio, Volume II. Munsell and Co, New York, 1892.

Based on our city's history and our belief that Columbus citizens have been well served by the current council model, this commission concurs with the 1998 Charter Review Committee and does not recommend change to the process of electing or appointing members of Columbus City Council.

Elected Official Compensation

Sections 7, 15, 59.

The Charter Review Commission recommends a charter amendment creating a Citizens' Commission on Elected Official Compensation, with salaries established by ordinance of council based on the recommendations of such commission.

Throughout the country, citizens have grappled with two competing goals – removing a perception of politics in setting elected official compensation and maintaining accountability to voters once the salaries are set. For this reason, a majority of the nation’s 30 largest cities, plus Ohio’s largest cities, institute salaries by a method other than discretionary ordinance of council. Reliance on a citizens’ commission has emerged as a leading common practice in those cities.

This commission finds that the city would be well served by shifting from the discretionary ordinance approach and embracing a citizens’ commission to study and recommend salaries; convening a commission every four years; limiting raises to cost of living adjustments; and requiring council approval based on – but not to exceed – the recommendations.

Elections

Sections 41-56, 200-223, 234.

The Charter Review Commission recommends modernization of the charter’s elections provisions, including nominations, initiative, referendum, the recall, ballots, petitions, and charter amendments.

After extensive research and investigation, this commission finds that the elections provisions of the charter can be modernized to provide consistent, uniform, and voter-friendly standards to fully exercise the elective franchise. Because state law for many municipal issues has not been updated since the 1950s, the commission does not support abandoning Columbus’ tradition of home rule elections provisions.

This commission finds that voters will be best served by modernizing all charter sections relating to elections. A summary of commission recommendations may be found in the appendix.

Equal Rights and Non-Discrimination

Section ---.

The Charter Review Commission recommends that the fundamental rights of equality and non-discrimination be protected in the charter through the adoption of an Equal Rights Amendment.

Today, we pride ourselves on the openness and inclusiveness of our city. Unfortunately, the history of our nation, state, and city demonstrate the volatile and often incomplete nature of legislative civil and political protections, while there is ample evidence of other cities addressing equality and non-discrimination in their charters. No city ordinance or charter provision can change hearts and minds – but our charter can reflect our fundamental value of equal protection in the most permanent form available to our local government.

This commission proudly finds that the charter should offer clear protections against discrimination in city services and employment based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, or any other status that is protected by federal, state, or local law or ordinance.

Ethics and Prohibited Acts for Public Officials

Sections 6, 227.

The Charter Review Commission recommends a streamlined, uniform approach to public official ethics and prohibited acts in the charter, while retaining the enhanced penalty for violation currently in the charter.

Under two charter provisions and general laws of the state, three separate standards apply to the same offense of unlawful interest in public contracts. The charter provisions establish different standards for different elected officials when determining if a violation exists, and neither standard comports with state law. Because state law uses an appropriate criminal standard for a criminal offense, this commission finds that the city should rely on state law, referenced in the charter, for prohibited acts by public officials. However, this commission finds that the current charter provision appropriately applies a stiffer penalty for violation and recommends retaining that penalty in addition to any penalties under state law.

Inability of Officeholders, Temporary and Permanent

Sections 5, 64, 67, 78, 87.

The Charter Review Commission recommends establishing a clear process to declare an elected official temporarily or permanently unable to discharge the powers and duties of office.

While the charter currently addresses, in a limited and ambiguous fashion, the temporary or permanent inability of the mayor to serve, it does not extend this provision to other city officials. Based in part on the US Constitution and keeping in mind the critical separation of powers in city government, this commission finds that each official should have separate processes to declare him/her temporarily or permanently unable to discharge the powers and duties of office. These sections would be in addition to provisions for resignation and recall.

Mayor's Budget Estimate

Section 26.

The Charter Review Commission recommends numerous updates to modernize the mayor's budget estimate, to better reflect contemporary budget development and dissemination practices.

Section 26 of the charter requires the mayor to prepare the mayor’s budget estimate on “uniform blanks prepared by the auditor,” yet this process has not been used or needed for decades. Further, this section requires the printing and distribution of 200 copies of the estimate, reflecting the intent of the framers that information be easily accessible. This commission finds that both provisions, while helpful in 1914, no longer serve their intended purposes and should be updated.

Open Meetings

Section ---.

The Charter Review Commission recommends inclusion of an affirmative reference to state laws governing open meetings, while expanding the state law requirements to include purely advisory bodies of the city.

In 2010, Columbus voters approved inclusion of a state law reference for open meetings, but this was limited to council. In addition, purely advisory bodies may or may not be subject to open meetings laws. This commission finds that Columbus citizens will benefit from an affirmation that all public bodies of the city operate in the open by enhancing state law to expressly include purely advisory bodies in the definition of public bodies.

Prohibited Use of Public Funds

Section ---.

The Charter Review Commission recommends that the charter include a general prohibition on use of public funds in any manner contrary to the charter, ordinance of council, or general laws of the state; and that the charter require council to establish by ordinance prohibited uses of public funds.

While the Columbus City Charter contains numerous safeguards for the appropriation and expenditure of public funds, it is silent on prohibited uses. The state law governing prohibited uses excludes charter municipalities. Fortunately for Columbus residents, the city currently follows state law regarding prohibited uses of public funds, even with this exclusion.

This commission finds that the charter should require adoption of an ordinance governing prohibited uses of public funds, but do so in a flexible manner.

Public Records

Section ---

The Charter Review Commission recommends an affirmation, in the charter, of the city’s responsibility to provide records of the city to the public pursuant to general laws of the state.

Unlike many Ohio charters, the Columbus City Charter does not reference public records, though it does require several publications and journals that give the public ready access to the actions of their government. As the old adage says, “Sunlight is said to be the best of disinfectants.”

This commission finds that citizens will benefit from an affirmation of the city’s responsibility to follow state laws pursuant to public records.

Qualifications for City Elected Officials

Sections 4, 5, 6, 58, 64, 66, 79.

The Charter Review Commission recommends creating uniform qualifications for city elected officials, with distinct, but appropriate, additions for the mayor and city attorney.

Currently, qualifications for office vary in the city charter – usually with little apparent reason. For example, only the mayor may serve as a member in the reserves of the US Armed Forces; only council members are subject, as a qualification of office, to the requirement that they have no interest “...in the profits of emoluments of any contract, job, work or service for the municipality”; and the city attorney and auditor have neither the authority or prohibition to hold other public office.

This commission finds that prospective candidates would benefit from more consistent, uniform standards; however, the commission recommends retention of the prohibition on other public employment by the mayor and the requirement that the city attorney be an attorney-at-law admitted to practice in Ohio.

Recreation and Parks Commission

Section 128.

The Charter Review Commission recommends modernizing the qualifications for and composition of the Recreation and Parks Commission.

Under current charter provisions, citizens of Columbus who live outside Franklin County are barred from serving on the Recreation and Parks Commission. In addition, numerous organization and trade references are no longer relevant to the commission. Two charter changes can help provide the broadest pool of qualified applicants, while remaining responsive to Columbus residents – first, eight members of the commission would be appointed by the mayor with concurrence of council, while a ninth member would be appointed upon recommendation of the Columbus and Franklin County Metropolitan Park Board with concurrence of council and the mayor; and second, members may live in Columbus, Franklin County, or counties contiguous thereto, but a majority of the commission members must live in Columbus.

This commission finds that Columbus residents will benefit from the aforementioned changes to the composition of the Recreation and Parks Commission.

Residency for City Employees

Section 158-1.

The Charter Review Commission recommends no action on Section 158-1 at this time, but endorses the proposal of the Civil Service Commission and the mayor's administration to begin an 18-24 month process of evaluating this section and developing a solution to this moot provision of the city charter.

In *Lima v. State of Ohio*, 2009-Ohio-2597, the Supreme Court upheld Ohio Revised Code Section 9.481 which states "no political subdivision shall require any of its employees, as a condition of employment, to reside in any specific area of the state" but includes an exception for emergency personnel. Because of that ruling, Section 158-1 of the Columbus City Charter is currently inoperative. However, this commission understands that merely repealing the provision may not meet the city's public policy goals and that significant stakeholder outreach, internal dialogue, and public participation should take place before acting on this section of the charter. While, as a general rule, this commission does not support leaving a moot section of the charter intact, the special circumstances regarding this provision necessitate a different approach.

Based on the foregoing, this commission finds that the proposed evaluation, as presented by the Civil Service Commission and the mayor's administration, and support by city council, will best address this complex issue.

The Sinking Fund

Sections 15, 26, 32, 61, 93120, 121, 123, 133-141.

The Charter Review Commission recommends repeal of the Sinking Fund and redistribution of responsibilities and duties of that archaic office among the auditor, mayor's administration, and city treasurer, while maintaining council's role in those processes.

It is a rare public servant who recommends eliminating a city board and, in the process, the employee's own job. However, the current secretary of the Trustees of the Sinking Fund did just that – and Mr. David Irwin is to be commended for his recommendation. This commission finds that the Sinking Fund, while an appropriate mechanism to ensure payment of the city's debt obligations in 1914, now duplicates processes and procedures that may be appropriately handled by other entities and, as a result, should be repealed from the charter. However, this commission further finds that, to ensure checks and balances, the division of current duties should include the auditor, the mayor's administration, the city treasurer, and city council, and key elements should be retained in the charter.

Utilities

Sections 118-124, 194.

The Charter Review Commission recommends modernizing the charter’s provisions regarding city utilities and franchises, to reflect the changing landscape of utilities over the last 100 years.

While the charter sets forth strong protections for city utility customers, bondholders, and taxpayers, it does not adequately reflect the utilities practices of 2014. For example, the charter limits references to “water” and the “water department,” with a catch-all provision to attempt some reference to other utilities.

This commission finds that, in the interest of city utility ratepayers and taxpayers and utilities administrators, the utilities section of the charter should be overhauled to address all potential utilities; guide those responsible for utilities debt obligations; protect non-discrimination in franchises; and allow for, but not require, modern programs to assist those in need with their city utility bills.

Appendix: Meetings of the Columbus
 Charter Review Commission

DATE	MEETING	TIME	LOCATION
Thursday, April 17, 2014	First meeting of the Charter Review Commission	2:00pm	City Hall, Conference Room 225
Friday, April 25, 2014	Second meeting of the Charter Review Commission	1:00pm	City Hall, Conference Room 225
Thursday, May 08, 2014	Third meeting of the Charter Review Commission - Public Hearing	2:00pm	Council Chambers
Thursday, May 22, 2014	Fourth meeting of the Charter Review Commission	1:00pm	City Hall, Conference Room 225
Wednesday, June 11, 2014	Fifth meeting of the Charter Review Commission	1:00pm	City Hall, Conference Room 225
Thursday, June 19, 2014	Sixth meeting of the Charter Review Commission	1:00pm	City Hall, Conference Room 225
Thursday, June 26, 2014	Seventh meeting of the Charter Review Commission	1:00pm	Council Chambers
Thursday, June 26, 2014	Eighth meeting of the Charter Review Commission - Public Hearing	5:00pm	Council Chambers
Monday, June 30, 2014	Ninth meeting of the Charter Review Commission	12:00pm	Council Chambers

General Provisions

- Elections conducted under general laws of the state, unless provided by charter or ordinance
- Maintain nonpartisan elections by secret ballot
- Maintain every citizen's right to vote for every elected official in their city government

Campaign finance

- Add "disclosure requirements" and "ballot issues" to current authority of council to regulate campaign finance

Ballots

- Eliminate all ballot forms in charter; include some additions (e.g., summaries vs. full text of ballot issues)
- Retain ability to make modifications to ballots by charter or ordinance of council

Nominations

- Use state petition forms, except provided by charter or ordinance
- Maintain requirement that candidate submit 1,000 valid signatures
- Eliminate requirement that signers "pledge to support" candidate
- Remove archaic requirement that candidates "accept" nomination
- Add "disqualified" to death and withdrawal as conditions to replace candidates in primaries or generals; use state law deadlines and processes for withdrawal, replacement

Petitions for ordinance, referendum, recall, charter amendment

- Uniform general provisions, including petition templates
- Adopt modified version of state law for municipal petitions, incorporating elements of state law regarding statewide issues because those sections are more up-to-date (e.g., part-petition circulated as a single instrument; printing in uniform color; title must be without argument and placed on top of sequentially numbered pages; full text must appear on petition; circulator's statement must disclose payment for circulation)
- Must file statement of intent to compensate and report of compensation for paid petitions, which harmonizes state law requirements for municipal and state ballot issues
- May not withdraw physical petitions, as they are public records; may withdraw a petition from consideration or from the ballot
- All petitions filed with city clerk – both certified copy and final petition
- Establish duties of clerk, city attorney, council, and board of elections in processing petition
- State law controls circulation and validation, with limited exceptions
- Signatures may not be collected prior to filing certified copy

- One year to file ordinance or charter amendment petition after filing certified copy, modeled after state law provisions for petitions
- Maintain 30-day window to file referendum or recall after filing certified copy
- Council must, with the exception of recall petitions, determine the sufficiency of a petition
- Council must act by ordinance on petitions
- Per case law, ordinance may not be vetoed or subject to referendum

Initiative and referendum

- Require 5% of votes cast in the last regular municipal election for mayor (state law prescribes 10% of votes cast for governor; charter currently prescribes 5% of last municipal election, creating unnecessary inconsistency for voters)
- Give board of elections 10 days to validate petition signatures, in line with state law
- Council must determine sufficiency of petition within 14 days of the board's report on signatures (state law is silent re: time-frame for municipal action to determine sufficiency)
- Council then has 30 days to pass/repeal, or submit to voters (charter currently provides two council meetings to make such decision – essentially seven days; constitution provides four months for general assembly consideration of an initiated statute)
- Council must prescribe ballot summary and may prescribe arguments for/against to be posted in voting locations
- Clarify those ordinances not subject to referendum: annual appropriations (vs. “the annual appropriation ordinance”) and ordinances submitting proposal to electors

Charter amendments

- Retain constitutional requirements re: signatures, deadlines
- Initiated charter amendment limited to a single subject
- Council must prescribe ballot summary and may prescribe arguments for/against to be posted in voting locations

The Recall

- Adopt modified version of state law (our charter currently allows recall by general law, in addition to the charter provision)
- Maintain requirement that recall petition have signatures of 15% of votes cast in the last regular municipal election for mayor
- May not file within 180 days of taking office or within 90 days of a general election for the office
- No more than three elected officials may be recalled at a single election
- City clerk to determine sufficiency of petition
- Maintain requirement that vacancy after recall be filled as otherwise provided by charter

CHARTER OF THE CITY OF COLUMBUS, OHIO

PREAMBLE

We, the people of the city of Columbus, in order to secure and exercise the powers of local self government under the constitution of the state of Ohio do enact and ordain this charter.

[MUNICIPAL POWERS]

Sec. 1. Powers of city.

The inhabitants of the city of Columbus, as its limits now are, or may hereafter be, shall continue to be a body politic and corporate by name the city of Columbus, and as such shall have perpetual succession. It shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Ohio; and all such powers whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the council. In the absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the state applicable to municipalities.

Sec. 2. [Powers not exclusive.]

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof the city shall have, and may exercise all other powers which, under the constitution and laws of Ohio, it would be competent for this charter specifically to enumerate.

THE COUNCIL

Sec. 3. Legislative powers.

The legislative powers of the city, except as reserved to the people by this charter, shall be vested in a council, consisting of seven members, elected at large.

Sec. 4. Council members.

All council members shall serve for a term of four years; except, that at the first election the four candidates having the highest number of votes shall serve for four years, and the three candidates having the next highest number of votes shall serve for two years.

(Amended 11-3-98.)

Sec. 5. Vacancies.

If a ~~City~~ city council member ~~should~~ dies, resigns, ~~or be is~~ removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the successor shall be appointed by ~~Council~~ council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the council member, a council member shall then be elected to serve for a term of four years; otherwise, for the unexpired term. Vacancies in the council shall be filled by the council; provided, however, that, if the vacancies in the council are not filled by the council within thirty (30) days from the date following the occurrence of such vacancy, the mayor shall have in all future balloting a vote on the question of filling such vacancies; ~~provided, further that any vacancy resulting from a recall election shall be filled in the manner hereinafter provided.~~

Sec. 5-1. Temporary inability.

If a city council member is unable to discharge the powers and duties of office, such inability being of temporary duration, the member, or the member's agent, shall transmit to the presiding officer of council a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, each council member shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 5-2. Permanent inability.

If a city council member has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the presiding member of council shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

(Amended 11-2-93; 11-3-98.)

Sec. 6. Qualifications of council members.

Members of council shall be ~~residents~~ electors of the city, shall have resided within the corporate limits of the city of Columbus for not less than one consecutive year preceding the date of the regular primary election for such office, and shall, at all times during the term of office, maintain residence in the city of Columbus. ~~of the city and have the qualifications of electors therein.~~ Council members shall not hold any

1 other public office except that of notary public, or member of the state militia or any reserve unit of the
2 Armed Forces of the United States of America. ~~, and except as provided in Section 64 of this charter not~~
3 ~~be interested in the profits of emoluments of any contract, job, work or service for the municipality.~~ Any
4 member who shall cease to possess any of the qualifications herein required shall forthwith forfeit the
5 office and the vacancy shall be filled as provided for herein, ~~and any such contract in which any member~~
6 ~~is or may become interested may be declared void by the council.~~
7 (Amended 11-5-85; 11-3-98.)
8

9 ~~Sec. 7. Salary and attendance.~~

10
11 ~~Each member of the council shall receive a salary of not less than four thousand eight hundred dollars a~~
12 ~~year, payable in equal monthly installments. Absence from eight consecutive regular meetings shall~~
13 ~~operate to vacate the seat of a member unless the absence is excused by resolution of council setting~~
14 ~~forth such excuse and entered upon the journal.~~
15 ~~(Adopted 8-8-60.)~~
16

17 Sec. 8. Meetings of council.

18
19 At 5 o'clock p.m., on the first Monday in January, following a regular municipal election, the council shall
20 meet at the usual place for holding meetings. If the first Monday in January is a legal holiday, then the
21 meeting shall be held on the following day. Thereafter the council shall meet at such times as may be
22 prescribed by ordinance or resolution; provided that at least fifty regular meetings shall be held in each
23 year. The mayor, the president of the council, or any three members thereof may call special or
24 emergency meetings of the council as provided for by general laws of the state upon at least twelve
25 hours' written notice to each member of the council, served personally on each member or left at the
26 member's usual place of residence. Such notice shall state the subject to be considered at the meeting
27 ~~and no other subjects shall be then considered unless all members of council are present.~~ All meetings
28 of the council or committees thereof shall be held in public in accordance with the general laws of Ohio
29 pertaining to the requirements for open meetings of public bodies and ~~any citizen shall have access to~~
30 the minutes and records thereof shall be maintained as an electronic record that is made available to
31 the public pursuant to the general laws of the state governing public records at all reasonable times.
32 (Amended 11-3-98; Ord. No. 1143-2010, § 1, 7-19-2010)
33

34 Sec. 9. Rules ~~and journal.~~

35
36 The council shall determine its own rules and order of business ~~and shall keep a journal of its~~
37 ~~proceedings. It may punish or expel any member for disorderly conduct or violation of its rules. No~~
38 ~~expulsion shall take place without the concurrence of six members, nor until the delinquent member~~
39 ~~shall have been notified of the charge and been given an opportunity to be heard.~~
40

1 Sec. 9-1. Journal

2
3 The council shall keep a journal of its proceedings, which journal shall be maintained as a permanent
4 electronic record that is made available to the public pursuant to the general laws of the state governing
5 public records.

6
7 Sec. 9-2. Organization of council.

8
9 The council shall organize itself as it deems appropriate, including the formation of and rules for special
10 committees and standing committees to promote the thorough and effective conduct of the business of
11 the council.

12
13 Sec. 9-3. Expelling, removing, forfeiting office.

14
15 The council shall be the judge of the election and qualification of its members. Council may punish or
16 expel any member for gross misconduct, or for malfeasance, misfeasance, or nonfeasance in office, or
17 upon conviction of a felony or other crime involving moral turpitude while in office, or for disorderly
18 conduct, or violation of its rules during the term of office. No expulsion shall take place without the
19 concurrence of six members, nor until the delinquent member shall have been notified of the charge
20 and been given an opportunity to be heard. Any vacancy created upon the expulsion of a member shall
21 be filled as provided for in this charter. In addition to these provisions and those regarding permanent
22 inability, absence from eight consecutive regular council meetings shall operate to vacate the seat of a
23 council member unless the absence is excused by resolution, adopted by vote of three-fifths of its
24 members, setting forth such excuse and entered upon the journal.

25 (Amended 11-3-98.)

26
27 Sec. 10. President of council.

28
29 At the first meeting in January following a regular municipal election, the council shall elect one of its
30 members president. The president of council who shall preside at meetings of the council, determine
31 the agenda for such meetings, appoint the chair and members of council committees, and perform such
32 other duties as presiding officer as may be imposed by the council. In the absence of the president, the
33 council shall elect a president pro tempore. If the president of council dies, resigns, is removed from
34 office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of
35 office, the council shall elect one of its members president.

36
37 Sec. 10-1. President pro tempore of council.

1 At the first meeting in January following a regular municipal election, the council shall elect one of its
2 members president pro tempore. The president pro tempore of council shall act as the presiding officer
3 of the council in the absence of the president of council.

4
5 Sec. 10-2. Acting president pro tempore of council.
6

7 In the absence of the president of council and the president pro tempore of council, the council shall
8 elect one of its members acting president pro tempore.

9 (Amended 11-3-98.)
10

11 Sec. 11. The city clerk. ~~Clerk and employees.~~
12

13 ~~The council shall appoint a city clerk who shall serve at the pleasure of council be known as the city~~
14 ~~clerk, and such other officers and employees of council as may be necessary.~~

15
16 Sec 11-1. Duties of the city clerk.
17

18 The office of the city clerk, under the supervision and control of the city clerk, shall keep the records of
19 the council; compile an annual report giving a summary of the council proceedings and a summary of
20 the operations of the administrative departments for the previous fiscal year; collect and compile
21 information and statistics concerning all departments and offices of the city; publish weekly the City
22 Bulletin; and perform such other duties as may be required by this charter or by the council. Except as
23 otherwise provided in this charter or by ordinance of council, the city clerk shall receive on behalf of
24 council all petitions, papers, or like documents required to be submitted to council. Such city clerk shall
25 serve during the pleasure of the council. Council shall exercise no power of appointment except as
26 herein expressly provided.
27

28 Sec 11-2. The City Bulletin
29

30 The city clerk shall cause a weekly City Bulletin to be produced. The City Bulletin shall contain the
31 transactions and proceedings of the council, the legal advertising of the city and such other information
32 relating to the affairs of the city as shall be determined by ordinance. The City Bulletin shall be published
33 in such manner and on such terms as the council may determine, and shall be maintained as a
34 permanent electronic record that is made available to the public pursuant to the general laws of the
35 state governing public records. No unofficial advertisement shall be published in the City Bulletin, nor
36 shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any
37 personal controversy.
38

39 ~~Sec. 12. Public defender.~~
40

~~Council shall have power to appoint a public defender of indigent persons charged with offenses in the municipal courts.~~

Sec. 13. The city treasurer.

~~Council shall appoint a city treasurer who shall hold and administer the office during its pleasure~~ serve at the pleasure of council. The treasurer shall perform such duties and exercise such powers as are prescribed in this charter or by the council.

(Amended 11-3-98.)

Sec. 14. Officers and employees.

The council shall appoint such officers and employees of council as it deems necessary. Except as herein otherwise provided, council shall by ordinance determine the number of officers and employees in each department of the city government. Council shall exercise no power of appointment for officers or employees except as herein expressly provided.

Sec. 15. Compensation of officers and employees.

Subject to the provision of this charter as to the salary of council members, the auditor, the city attorney, and the mayor, council shall fix by ordinance, the salary or compensation of all officers and employees of the city government: ~~provided, however, that the board of health, and the trustees of the sinking fund shall have the power to fix the salary or compensation of the officers and employees in their respective departments.~~ The salary or compensation so fixed shall be uniform for like service. All such salaries and rates of pay shall be reported to the civil service commission forthwith. The salary of any officer, employee, or member of a board or commission in the unclassified service of the city who was elected or appointed for a definite term shall not be increased or diminished during the term for which the individual was elected or appointed, and all fees pertaining to any office shall be paid into the city treasury.

Sec. 15-1. Citizens' commission on elected official compensation.

The salary of all elective officers provided for in this charter shall be established by ordinance upon recommendation from a citizens' commission on elected official compensation.

Sec. 15-2. Commission membership.

The citizens' commission on elected official compensation shall consist of five members, who shall be qualified electors of the city, shall not hold any other office or employment in the city government, and shall serve without compensation. Two members shall be appointed by the council, two members shall

be appointed by the mayor, and one member shall be jointly appointed by the council and the mayor, such member serving as chair of the commission. Such appointments shall take place at the second regular meeting of council in 2018 and of each succeeding fourth year thereafter; except that the first commission shall be appointed at the second regular meeting of council in 2015. Vacancies shall be filled in the same manner as prescribed for the original appointment. The commission shall be considered a public body.

Sec. 15-3. Commission duties.

The commission shall conduct a review of salaries for like positions in the public sector. The review shall be made for the purpose of recommending salaries appropriate to the duties and responsibilities of each elective officer of the city.

Sec. 15-4. Commission report.

Within three months of appointment, the commission shall submit to the city clerk a report of recommendations for the salary of each elective officer of the city, including an annual cost of living adjustment which shall not exceed the average increase in the consumer price index, or successor thereto, during the preceding four years. If the commission fails to timely submit the report, the council may compel a meeting of the commission to prepare and submit the same.

Sec. 15-5. Council action to establish salaries.

Within thirty days after the report is submitted, council shall by ordinance either accept the commission recommendations or any portion thereof, or reject the same. If council rejects the recommendations, the salaries then in effect shall remain unchanged. In no event may council adopt an ordinance establishing salaries which exceed the recommendations of the commission.

(Amended 11-5-85; 11-3-98.)

Sec. 16. Official bonds.

The council may determine whether any officer or employee shall give a bond, and the amount thereof; which bond shall be given by such officer or employee, and be signed by a surety company authorized to do business in Ohio, to the approval of the mayor; provided that the bond of the mayor, if any, shall be approved by council. Council shall by general ordinance provide for the payment, by the city, of the premiums on such bonds.

Sec. 17. Legislative procedure.

~~The council shall be the judge of the election and qualification of its members.~~ Four members shall constitute a quorum to do business, but a lesser number may adjourn from day to day and compel the

attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Sec. 18. [Action on ordinances or resolutions.]

The action of council shall be by ordinance or resolution and the affirmative vote of at least four members of council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances, and upon the adoption of such resolution as the council by its rules shall prescribe, shall be taken by "yea" and "nays" and entered upon the journal. Every ordinance and resolution of the council, so adopted, shall be maintained as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

[ORDINANCES AND RESOLUTIONS]

Sec. 19. Ordinance enactment.

Each proposed ordinance or resolution shall be introduced in electronic, digital, written or printed form, and shall not contain more than one subject which shall be clearly stated in a title; ~~but~~ except that general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the city of Columbus." The enacting clause of all ordinances submitted by the initiative shall be, "Be it ordained by the people of the city of Columbus."

Sec. 20. [Reading procedure.]

No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings, not less than one week apart, or the requirement of such reading has been dispensed with by an affirmative vote of at least five members of council.

Sec. 21. [Amendments or revisions.]

No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended, and a repeal of the original ordinance, resolution, section or sections so amended.

Sec. 22. Emergency measures.

All ordinances and resolutions shall be in effect from and after thirty days from the date of their passage by the council except as otherwise provided in this charter. The council may, by a vote of six of its members, pass emergency measures to take effect at the time indicated therein. An emergency

measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for an emergency in the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto.

Sec. 23. [Subjects for emergency ordinances.]

Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privileges, or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

Sec. 24. Approval or disapproval.

Any ordinance or resolution passed by the council shall be signed by the president or other presiding officer and be presented forthwith to the mayor by the city clerk. If the mayor approves such ordinance or resolution the mayor shall sign it within ten days after its passage or adoption by the council; but if the mayor does not approve it, the mayor shall within said ten days return it, together with any objections to the city clerk, who shall transmit the same to the council at the next regular meeting thereof; which objections the council shall cause to be entered in full on its journal. The mayor may approve or disapprove the whole or any item or part of an ordinance or resolution appropriating money. If the mayor does not sign or veto an ordinance or resolution after its passage or adoption, within the time specified, it shall take effect in the same manner as if the mayor had signed it.

(Amended 11-3-98.)

Sec. 25. [Passing over mayor's disapproval.]

When the mayor refuses to sign an ordinance or resolution, or part thereof, and returns it to the council with objections, the council shall, after the expiration of not less than one week, proceed to reconsider it and if upon reconsideration the resolution or ordinance or part or item thereof disapproved by the mayor be approved by the council, by as great a majority as required for its original passage, it shall take effect without the signature of the mayor. In all such cases the votes shall be taken by "yeas" and "nays" and entered on the journal.

(Amended 11-3-98.)

[FINANCES]

Sec. 26. Mayor's estimate.

The fiscal year of the city shall begin on the first day of January. On or before the fifteenth day of November in each year the mayor shall prepare and submit to council an estimate of the expense of conducting the affairs of the city for the following fiscal year. This estimate shall be compiled from

1 detailed information obtained from the various departments, ~~on uniform blanks prepared by the city~~
2 ~~auditor~~, and shall be set forth:

- 3
- 4 (a) An itemized estimate of the expense of conducting each department during the next fiscal year.
 - 5 (b) Comparisons of such estimates with the corresponding items of expenditure for the last two
6 complete fiscal years, and with the expenditures of the current fiscal year plus an estimate of
7 expenditures necessary to complete the current fiscal year.
 - 8 (c) Reasons for proposed increases or decreases in such items of expenditure compared with the
9 current fiscal year.
 - 10 (d) A separate schedule for each department showing the things necessary for the department to do
11 during the ensuing year and which of any desirable things it ought to do if possible.
 - 12 (e) Items of pay roll increases, either as additional pay to present employees, or pay for more
13 employees.
 - 14 (f) A statement from the city auditor of the total probable income of the city from taxes for the period
15 covered by the mayor's estimate.
 - 16 (g) An itemization of all anticipated revenue from sources other than the tax levy, including probable
17 balances at the end of current fiscal year.
 - 18 (h) The amounts required for interest and principal on the city's debt obligations, ~~and for sinking funds~~
19 as required by law.
 - 20 (i) The total amount of outstanding city debt with a schedule of maturities of bond issues.
 - 21 (j) Such other information as may be required by the council.
- 22

23 Upon the filing of such estimate ~~the council, the mayor~~ shall cause ~~at least two hundred copies thereof~~
24 ~~to be printed for distribution. Copies of the estimate shall also be furnished to the newspapers of the~~
25 ~~city and to the public library and each of its branches.~~ the estimate to be published as a permanent
26 electronic record that is made available to the public pursuant to the general laws of the state governing
27 public records.

28

29 Sec. 27. Appropriation ordinance.

30

31 Upon receipt of the mayor's estimate the council shall at once prepare an appropriation ordinance, in
32 such manner as may be provided by ordinance or resolution, using the mayor's estimate as a basis. Such
33 ordinance shall set forth in detail the several objects for which the city has to provide and the amount
34 appropriated for each, for the ensuing fiscal year. Provision shall be made for its publication in the city
35 bulletin and public hearings upon such ordinance before the council sitting as a committee of the whole.
36 Following the public hearings and before the second reading and final passage, such ordinance shall be
37 published in the manner herein provided for the publication of ordinances, with a separate schedule
38 setting forth the items asked for in the mayor's estimate which were refused or changed by the council
39 and the reasons for such change or refusal. The council shall not pass the appropriation ordinance

before the first meeting in January. Upon passage of the appropriation ordinance by the council it shall be published in the manner provided for other ordinances.

(Amended 11-3-98.)

Sec. 28. Transfer of funds.

The council may at any time, with the approval of the mayor, transfer money so appropriated for the use of one department, division or purpose, to any other department, division or purpose; but no such transfer shall be made of money derived from the sale of bonds or of revenues or earnings of any non-tax supported public utility.

Sec. 29. Supplementary appropriation.

Any accruing revenue of the city, not appropriated as hereinbefore provided, may from time to time be appropriated by the council to such authorized uses as it may by ordinance determine.

Sec. 30. Limitations on appropriations.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the council; and whenever an appropriation is so made the city clerk shall forthwith give notice to the city auditor. At the end of each fiscal year all unexpended balances of appropriations not covered by outstanding contracts shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriation. Appropriations may be made in furtherance of improvements or other objects or work of the city which will not be completed within the current year.

Sec. 31. Limitations on expenditures, prohibited use of public funds.

Moneys appropriated as hereinbefore provided shall not be used for other purposes than those designated in the appropriation ordinance, and all expenditures within the fiscal year shall be made with and within the appropriations hereinbefore provided for. The mayor and the city auditor shall supervise all departmental expenditures, and shall keep such expenditures within the appropriations. No funds of the city of Columbus, from any source whatsoever, shall be disbursed, nor shall any transaction thereof be conducted, in any manner contrary to this charter, general laws of the state, or ordinance of council. Council shall by ordinance establish prohibited uses of public funds and penalties for violation of the same.

Sec. 32. Balances of bond issues.

Each year in preparation of the tax budget ordinance submitted to the county budget commissions, the mayor, auditor and city treasurer shall certify to council the amount of money necessary to provide for

the future payment of principal and interest on all debt obligations issued by the city. The council shall place the several amounts so certified in the tax budget ordinance before and in preference to any other item and for the full amount certified. Any unexpended balance remaining in a fund which was created by an issue of bonds, the whole or any part of which issue is still outstanding, unpaid and unprovided for, shall, when such balance is no longer needed for the purpose for which said fund was created, be transferred to the trustees of the sinking fund a bond retirement fund as determined by the auditor to be applied in the payment of said bonds and the interest thereon.

Sec. 33. Investigation by council.

The council, or any committee thereof or any person duly authorized by the council ~~so to do so, may~~ shall have the power to investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, relative to any matter upon which the council may act; and by similar investigations may secure information upon any matter within its authority as a legislative body.

Sec. 34. [Investigation procedure.]

In conducting such investigations the council, or any committee thereof or any person duly authorized by the council to do so, may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the presiding officer of the council or the chairperson of such committee, as the case may be, which may be served and executed by any officer authorized by law to serve subpoenas and other process. If any witness shall refuse to testify to any facts within the witness' knowledge or to produce any papers or books in the witness' possession, or under the witness' control, relating to the matter under inquiry, before the council, or any such committee, the council shall have the power to cause the witness to be punished as for contempt. No witness shall be excused from testifying ~~touching~~ regarding the witness' knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against the witness in any criminal prosecution except for perjury committed upon such inquiry.

(Amended 11-3-98.)

[FINAL PASSAGE OF ORDINANCES]

Sec. 35. Ordinances—filing and publication.

Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. Every ordinance or resolution shall be published at least once in the City Bulletin within twenty days after its final passage and no other publication shall be required.

(Adopted 8-9-21.)

[INCOME TAX]

Sec. 36. (Supplemental) Income Tax.

The power of council to levy an income tax shall be limited to a tax of not to exceed one per centum (1%) per annum.

(Adopted 11-6-56. Former Sec. 36 deleted 11-7-33.)

Secs. 37 to 40. (Deleted 11-7-33.)

INITIATIVE AND REFERENDUM ELECTIONS

Sec. 41. ~~The initiative.~~ Nominations and elections.

~~Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city, not less in number than five per cent of the total vote cast at the last preceding general municipal election. All petition papers circulated with respect to any proposed ordinance shall be uniform in character, and shall contain the proposed ordinance in full, and have printed thereon the names and addresses of at least five electors of the city who shall be officially regarded as filing the petition.~~

(a) Elections. A general election for the choice of elective officers provided for in this charter shall be held on the first Tuesday after the first Monday in November in odd numbered years. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by law or provided for in this charter.

(b) Nominations. Candidates for all offices to be voted for at any municipal election under the provisions of this charter shall be nominated at a nonpartisan primary election to be held in odd numbered years on the same date as may be provided in the general laws of the state for the holding of primary elections.

(c) All elections provided for in this charter shall be conducted and the results certified in accordance with general laws of the state, unless otherwise provided for in this charter or ordinance of council.

(d) At each election, the electors voting therein may cast their votes for not more than the number of persons to be elected to the office in question.

Sec. 41-1. Political contributions.

Nothing in this charter, directly or through incorporation of state election laws, shall prevent the city from adopting ordinances, enforcing requirements, or setting limits or disclosure requirements on campaign finances or monetary contributions relating to elections for city ballot issues or offices.

Sec. 41-2. Ballots.

All elections provided for in this charter shall be by secret ballot, and such ballots shall be nonpartisan, without party marks or designations.

Sec. 41-3. Nomination of council members and other officers.

(a) Candidates for the office of city council member and for mayor, city attorney, and auditor, shall be nominated by a nonpartisan primary election. The name of any elector of the city shall be printed upon the primary ballot if there is filed with the election authorities a valid nominating petition in accordance with the following provisions:

(1) The requirements for such petition form and circulation, and for the validation of such petition and the parts thereof and signatures thereon, shall be as provided for nonpartisan nominations in general laws of the state, unless otherwise provided for by this charter or ordinance of council.

(2) Such petition shall be signed by not less than one thousand registered electors of the city and such signatures shall be affixed thereon no more than one year prior to the date of filing.

(3) Such petitions shall be filed with the election authorities no later than four p.m., not less than ninety days previous to the day of such primary election.

(4) Such petitions shall contain the names and addresses of five registered electors of the city of Columbus designated in advance by the candidate or candidates as a nominating committee.

(b) Notwithstanding the provisions of paragraph (a) of this section, if no petition in accordance with the provisions of this section is filed for any of the offices to be voted on at the next regular municipal election, or if the number of persons filing such petitions does not exceed, as to any such office, the number of candidates which would be placed upon the ballot at the next regular municipal election, then no primary election should be held for the purpose of nominating candidates for such office to be voted upon at such next regular municipal election. The election officials whose duty it would have been to provide for and conduct the holding of such primary election, shall declare the results thereof and issue certificates of nomination to the persons entitled thereto if such primary election had been held, shall declare each of such persons filing petitions in accordance with the provisions of this section to be nominated and shall place their names on the ballot at the next regular municipal election in the same manner as though such primary election had been held and such persons had been nominated at such elections.

Sec. 41-4. Nomination and election of the remainder of an unexpired term.

The following procedures for the nomination and election of a successor shall apply when this charter requires an election for the remainder of an unexpired term of office:

(a) When a vacancy occurs during the term of office of an elected city official and an appointment to fill that vacancy has been made more than 30 days before the deadline for filing nominating

petitions for the next regular municipal election, then unless this charter section provides otherwise, the nomination and election of candidates for the unexpired term shall be conducted in the manner provided in this charter for the nomination and election for such office.

- (b) When a vacancy occurs during the term of office of an elected city official and an appointment to fill that vacancy has been made less than 30 days before the deadline for filing nominating petitions for the next regular municipal election but more than 90 days before the next regular municipal election, then candidates seeking election to the unexpired term shall file nominating petitions otherwise in compliance with this charter not less than 30 day after the appointment to fill such vacancy has been made, and there shall be no primary election.
- (c) Notwithstanding other provisions of this charter, in that case the election authorities shall place on the ballot at the next regular municipal election all candidates who have filed valid nominating petitions otherwise in compliance with this charter, and the candidate who shall receive the greatest number of votes shall be declared elected for the unexpired term.
- (d) Notwithstanding other provisions of this charter, an election for the remainder of an unexpired term of office is not required by this charter when an appointment to fill the vacancy occurs less than 90 days before the next regular municipal election.
- (e) The nomination and election for the remainder of an unexpired term of a council member shall be conducted separately from other council nominations and elections that may be on the ballot at that regular municipal election.

Sec. 41-5. Election of council members and other officers.

The candidates for nomination to the office of city council member who shall receive the greatest vote in such primary shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in the city council to be filled, and the two candidates for nomination for each of the other offices to be filled who shall receive the greatest number of votes shall also be placed on the ballot at such regular municipal election, and the candidates at the regular municipal election, equal in number to the places to be filled, who shall receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for the office of city council member, or between candidates for any other office, shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.

Sec. 41-6. Replacement upon death, disqualification or withdrawal of candidate.

- (a) If a person nominated by petition as a candidate for the office of city council member or for mayor, city attorney, or auditor, at a nonpartisan primary election, if such an election is to be held for the office sought by such candidate, dies, is disqualified or withdraws before such primary election, the vacancy so created may be filled in the manner and by the deadline provided for in general laws of the state, unless otherwise provided by this charter or ordinance of council.

(b) If a person is either nominated in the primary election as a candidate for the office of council member or for mayor, city attorney, or auditor, for the next subsequent general election or certified as a candidate for the next subsequent general election according to this charter, and such candidate dies, is disqualified, or withdraws before such general election, the vacancy so created may be filled in the manner and by the deadline established in general laws of the state, unless otherwise provided by this charter or ordinance of council.

PETITIONS FOR INITIATED ORDINANCE, REFERENDUM, RECALL, CHARTER AMENDMENT

~~Sec. 42. [Petition and signatures.]~~ Questions and issues.

~~All signatures appended to any such petition shall be written in ink or indelible pencil, and each signer shall place thereon the place of residence of such elector so signing by street and number and date of signing. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition and that such signatures were appended thereto in the presence of affiant. The petition and signatures thereto appended, so verified, shall be presumed to be in all respects sufficient, unless not later than forty days before the election, it shall be otherwise proven.~~

~~(Adopted 11-7-33.)~~

The following provisions shall govern any petition for an initiated ordinance, referendum, recall, or charter amendment.

Sec 42-1. Petition templates.

The city clerk shall produce petition templates for an initiated ordinance, referendum, recall, and charter amendment, which templates shall conform to the provisions of this charter and general laws of the state, unless otherwise provided by this charter or ordinance of council.

Sec. 42-2. Petition forms.

Each petition for a proposal initiated by a citizen shall comply with the following as to form and with general laws of the state, unless otherwise provided by this charter or ordinance of council:

- (a) A petition may be circulated in separate part-petitions, but shall be uniform in character.
- (b) Each part-petition shall be circulated and submitted as a single instrument.
- (c) The petition and parts thereof shall be printed in a single, uniform color.
- (d) A petition may only contain one proposal, which shall not address multiple or unrelated subject matters or questions of law.

- (e) The title of the proposal shall clearly and without argument describe the proposed ordinance, referendum, recall, or charter amendment, and such title shall be placed, in at least fourteen-point font, on the top of each page of a part-petition, which pages shall be numbered sequentially.
- (f) A petition shall contain a full and correct copy of any proposed ordinance, referendum, or charter amendment, with no summary, argument or other ancillary information regarding the proposal placed thereon, unless otherwise required by this charter or ordinance of council.
- (g) On each page of a part-petition where voters' signatures may be placed, the following shall be printed, in at least twelve-point font, below the title of such proposal: "NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the City of Columbus, is liable to prosecution."
- (h) The following sentence shall appear in the circulator's statement provided for by general law: "I am provided or promised moneys or things of value to circulate this petition by (Name and address of employer)."

Sec. 42-3. Petition committee.

The petition shall bear the names of five qualified electors of the city of Columbus, who shall represent the petitioners in all matters relating to such petitions and shall be known as the petition committee.

Sec. 42-4. Filing certified copy of petition with city clerk.

Whoever seeks to propose by petition an ordinance, referendum, recall, or charter amendment shall file a certified copy of the petition with the city clerk prior to circulating the same.

Sec. 42-5. Duties upon filing of certified copy of petition.

The city clerk shall forward the certified copy of a petition forthwith to the city attorney and the members of council. The city attorney shall determine if the petition addresses a single subject and meets the requirements as to form herein, and shall report the same to the city clerk and the members of council.

Sec. 42-6. Statement of intent to compensate.

Any person or entity providing or promising moneys or things of value for the circulation, supervision, management, or other organization of a petition shall file a statement to that effect with the city clerk prior to providing any such moneys or things of value. The statement shall be on a form prescribed by the city clerk and duly notarized. Upon the filing of the petition, such person or entity shall file with the city clerk, on a form prescribed by the city clerk and duly notarized, an itemized statement of moneys or

things of value promised or provided for the circulation, supervision, management, or other organization of such petition.

Sec. 42-7. All petitions to be filed with city clerk.

All separate part-petitions providing for a proposed ordinance, referendum, recall, or charter amendment shall be filed at the same time, as one instrument, with the city clerk. No alterations, corrections, or additions may be made to a petition after it is filed in a public office. Petitions for an initiated ordinance or charter amendment shall be filed within one year of filing a certified copy of the same with the city clerk; petitions for recall or referendum shall be filed as otherwise provided for herein.

Sec. 42-8. Withdrawal, effect of withdrawal or insufficiency.

No petition, or part thereof, presented to or filed with any office of the city of Columbus may be withdrawn from such public office. A petition shall be withdrawn from consideration by the city if the petition committee submits to the city clerk a written notice of withdrawal, signed by a majority of the committee and duly notarized, prior to final action on the petition; and a petition shall be withdrawn from consideration by the electors if notice is submitted in like manner prior to the fortieth day before the date of the election thereon.

Sec. 42-9. Duties of upon filing of a petition.

Within ten days after filing, the city clerk shall cause copies of the petitions to be made, and shall forward the petitions to the elections authorities to validate the signatures on the petition and to the city attorney to advise on the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations; provided, however, in the case of a proposed charter amendment, the city clerk shall forward the petitions forthwith to the elections authorities and the city attorney. Validation of signatures shall be reported by the elections authority within ten days of their receipt of the petition. The city clerk shall, upon receipt, forthwith forward to the council the elections authority's report regarding signature validation and the city attorneys' findings regarding legal sufficiency.

Sec. 42-10. Validation of part-petitions, signatures.

Validation of signatures and part-petitions shall be as provided for in the general laws of the state, unless otherwise provided by this charter or ordinance of council. No part-petition which includes a purported elector's signature or circulator's signature affixed prior to the date of filing a certified copy of the petition shall be deemed valid.

Sec. 42-11. Council action by ordinance.

Council action on a petition for any proposed ordinance, referendum, or charter amendment shall be by ordinance. The petition and signatures appended to a petition found to be sufficient as provided herein shall be presumed to be in all respects sufficient, unless not later than forty days before the election, it shall be otherwise proven.

Sec. 42-12. Petitions not subject to veto, referendum.

Any ordinance placing an issue before voters or setting the date of an associated special election shall go into effect and be in force from and after the date of passage, and shall not be submitted to or require the mayor's signature, or be subject to the mayor's veto; nor shall such ordinance be subject to the referendum.

Sec. 42-13. Conflicting questions and issues.

If two or more proposals are approved or adopted at the same election, and the city council finds that any provisions of two or more are in conflict, the proposal receiving the highest number of votes shall prevail.

Sec. 42-14. Effect of petition irregularities after approval by voters.

No vote on a proposal submitted to the electors of the city of Columbus shall be held ineffective or void on account of the insufficiency of the petitions by which such submission of the proposal was procured.

Sec. 42-15. Legal review, action upon approval of initiated question or issue.

Upon approval of an initiated proposal, the city attorney shall review the same. If the city attorney finds any conflicts between the proposal so approved and any applicable local, state or federal law, this charter, the Ohio Constitution, or the United States Constitution, the city attorney shall promptly inform the mayor and city council of the same in writing.

INITIATED ORDINANCE

~~Sec. 43. [Duties of city clerk.]~~ Ordinance initiated by petition.

~~All papers comprising a petition shall be assembled and filed with the city clerk as one instrument. The city clerk shall, within ten days after the filing thereof, certify thereon the number of signatures thereto appended, and shall submit the proposed ordinance to the council on the date of its next regular meeting.~~

The power to initiate an ordinance by petition is hereby reserved to the people of the city of Columbus. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor. Any such proposed ordinance shall comply, in all respects, with the requirements of this charter and applicable rules of council regarding ordinances.

Sec. 43-1. Council action on initiated ordinances.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. Within fourteen days thereafter, the council shall determine the sufficiency of the petition by ordinance. Should the council find such petition sufficient, it shall vote within thirty days to either adopt the proposed ordinance without alteration, or by ordinance forthwith order and provide for the submission of such proposed ordinance in its original form to a vote of the electors of the city.

Sec. 43-2. Placement of issue on the ballot.

The aforesaid ordinance shall require that such proposed ordinance be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

Sec. 43-3. Ballot language, initiated ordinance.

In any ordinance placing a proposed ordinance on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than 200 words each, printed side by side in such order as council deems appropriate, in support of and in opposition to such proposed ordinance; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for such proposal, which shall properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal ordinance and shall be placed in each voting location of the city.

Sec. 43-4. Effect of electoral vote on proposed ordinance.

If such proposed ordinance be approved by a majority of the electors voting thereon, it shall become an ordinance of the city at the time fixed therein, or upon the completion of the official canvass of the election, whichever is later.

REFERENDUM

Sec. 44. ~~{Council action; submission to voters.}~~ Referendum initiated by petition.

~~If the petition contains the required number of signers, the council shall, on the date of filing such proposed ordinance by the city clerk, read and refer the same to an appropriate committee who shall submit their report thereon to the council on the date of its next regular meeting. Should the council fail to take action on the date of such committee report, or shall reject the proposed ordinance, in whole or in part, the council shall forthwith order and provide for the submission of such proposed ordinance in its original form to a vote of the electors of the city at the next ensuing election to be held not less than sixty nor more than one hundred and twenty days thereafter; provided, that should no election be held within the period herein provided, the council may order and provide for the submission of such proposed ordinance, to a vote of the electors of the city within such period; otherwise, such proposed ordinance shall be submitted in its original form to a vote of the electors of the city at the next ensuing election.~~

The power to initiate a referendum by petition on any ordinance, other than those ordinances listed herein, is hereby reserved to the people of the city of Columbus. Any proposed referendum may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor, and such petition shall be submitted within 30 days of final action by the council.

Sec. 44-1. Ordinances not subject to the referendum.

The following shall not be subject to the referendum, but shall go into effect at the time indicated therein:

- (a) Any annual appropriation ordinance.
- (b) In all cases where council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum shall apply only to the first ordinance or measure required to be passed.
- (c) Ordinances or resolutions providing for the approval or disapproval of appointments or removals by the mayor, and appointments or removals made by council.
- (d) Action by the council on the approval of official bonds.
- (e) Ordinances or resolutions providing for the submission of any proposal to a vote of the electors.

Sec. 44-2. Effect of referendum petition on subject ordinance.

If a petition for referendum shall be filed as provided for herein regarding an ordinance that shall go into effect thirty days after final passage by the council, such ordinance shall not be operative until the steps

1 indicated herein have been taken. If a petition for referendum is filed as provided for herein regarding an
2 emergency measure, such ordinance shall go into effect at the time indicated in such ordinance. If, when
3 submitted to a vote of the electors, an emergency measure is not approved by a majority of those voting
4 thereon, it shall be considered repealed as regards any further action thereunder; but such measure so
5 repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any
6 expense incurred previous to the referendum vote thereon. If any aforesaid referendum petition be
7 filed regarding a measure passed by the council providing for an expenditure of money, a bond issue, or
8 a public improvement, all steps preliminary to such actual expenditure, actual issuance of bonds, or
9 actual execution of a contract for such improvement, may be taken prior to the election.

10
11 Sec. 44-3. Council action on petition for referendum.
12

13 Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of
14 the same into the record. Within fourteen days thereafter, the council shall determine the sufficiency
15 of the petition. Should the council find such petition sufficient, it shall vote within thirty days to either
16 repeal the subject ordinance, or by ordinance forthwith order and provide for the submission of such
17 proposed referendum in its original form to a vote of the electors of the city.
18

19 Sec. 44-4. Placement of issue on the ballot.
20

21 The aforesaid ordinance shall require that such proposed referendum be submitted at the next regular
22 municipal election if one shall occur not less than sixty nor more than one hundred and twenty days
23 after its passage. If no such election will be held within the period herein provided, the council shall, at
24 its sole discretion, order and provide for the submission of such proposed referendum to a vote of the
25 electors of the city at either a special election within such period, or at the next regular municipal
26 election.
27

28 Sec. 44-5. Ballot language, referendum.
29

30 In any ordinance placing a referendum on the ballot, city council shall prescribe a brief summary of the
31 same, which shall be accurate, shall not be misleading, and shall be without material omission or
32 argument. The summary so prescribed shall be placed upon the ballot. City council may further
33 prescribe arguments, of no more than 200 words each, printed side by side in such order as council
34 deems appropriate, in support of and in opposition to such referendum; and such arguments shall
35 properly represent the substance, purpose and effect of the proposal. The ballot committee may
36 prepare and present to city council suggested arguments for such proposal. The arguments, so
37 prescribed by council, shall be affixed to a copy of the proposal referendum and shall be placed in each
38 voting location of the city.
39

40 Sec. 44-6. Effect of electoral vote on referendum.

If such proposed referendum be approved by a majority of the electors voting thereon, the ordinance which was the subject of the referendum shall be repealed upon the completion of the official canvass of the election.

CHARTER AMENDMENTS

~~Sec. 45. [Approval or rejection.] Charter amendments.~~

~~Ordinances submitted to the council by petition and passed by the council as herein provided, shall be subject to the referendum in the same manner as other ordinances.~~

~~Ordinances rejected or repealed by an electoral vote shall not be re-enacted, in whole or in part, except by an electoral vote.~~

~~Ordinances approved by an electoral vote shall not be repealed, amended or supplemented except by an electoral vote.~~

~~The adoption or rejection of ordinances submitted to an electoral vote shall take effect upon such adoption or rejection.~~

Proposed amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith upon a petition signed by electors of the city equal to not less than ten percent of the total vote cast at the last preceding regular municipal election.

Sec. 45-1. Council action on petition for proposed charter amendment.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. The council shall forthwith determine the sufficiency of the petition. Should the council find such petition sufficient, it shall forthwith by ordinance provide for the submission of such proposed charter amendment to a vote of the electors of the city.

Sec. 45-2. Placement of issue on the ballot.

The aforesaid ordinance shall order and provide for the submission of such proposed charter amendment to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.

Sec. 45-3. Notice of charter amendment.

The city clerk shall provide notice of any proposed charter amendment as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

1 Sec. 45-4. Ballot language, generally.

2
3 In any ordinance placing a proposed charter amendment on the ballot, city council shall prescribe a brief
4 summary of the same, which shall be accurate, shall not be misleading, and shall be without material
5 omission or argument. The summary so prescribed shall be placed upon the ballot. City council may
6 further prescribe arguments, of no more than 200 words each, printed side by side in such order as
7 council deems appropriate, in support of and in opposition to such proposed charter amendment; and
8 such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot
9 committee may prepare and present to city council the arguments for such proposal, which shall
10 properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by
11 council, shall be placed in the notice to voters provided for herein; and shall be affixed to a copy of the
12 proposal charter amendment and be placed in each voting location of the city.

13
14 Sec. 45-5. Effect of approval at election.

15
16 If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a
17 part of the charter at the time fixed in the proposed amendment, or upon the completion of the official
18 canvass of the election, whichever is later.

19
20 **THE RECALL**

21
22 Sec. 46. ~~{Ballots; levies; taxes.}~~ The recall.

23
24 ~~The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to~~
25 ~~be voted on and below it the two propositions, "For the ordinance" and "Against the ordinance."~~
26 ~~Immediately at the right of each proposition there shall be a square in which by making a cross (x), the~~
27 ~~voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such~~
28 ~~proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city,~~
29 ~~provided, however, that if the ordinance submitted is for an issue of bonds or the levying of a tax, the~~
30 ~~number of votes necessary for adoption of such ordinance shall be the same as that required by the~~
31 ~~general laws of the state for the adoption of such measures by a vote of the electors.~~

32 Any elective officer provided for in this charter may be removed from office by recall petition. Such
33 recall petition shall contain the signatures of not less than fifteen per cent of the number of electors
34 who voted in the last preceding regular municipal election for mayor. Except as herein otherwise
35 provided, no petition for recall shall be filed within 180 days after a person takes office, or within ninety
36 days preceding a regular municipal election for such office. No more than three elective officers may be
37 subject to the recall at any election.

38
39 Sec. 46-1. Petition requirements.

Petitions for the recall shall be submitted to the city clerk within 30 days of the filing of the certified copy of the same. Separate petitions shall be submitted for each elective officer whose removal is sought. Petition for the recall of any elective officer shall contain the name and title of the person subject to the recall and a general statement in not more than two hundred words setting forth the grounds upon which the removal of such person is sought.

Sec. 46-2. City clerk action on petition for proposed charter amendment.

Upon receipt of the report regarding the validation of signatures, the city clerk shall forthwith determine the sufficiency of the petition. If the clerk finds the petition sufficient, the city clerk shall forthwith serve notice of that fact upon the elective officer designated in the petition. If the official designated in the petition files a written resignation with the city clerk within five days after such notice, the office shall be forfeited. Such resignation shall be irrevocable, and the vacancy shall be filled in the manner of filling vacancies provided in this charter. If the elective officer whose removal is sought does not resign within five days after such notice, the city clerk shall thereupon forthwith order and provide for an election to determine the question of the removal of the elected official. The city clerk shall solicit from such official a general statement in not more than two hundred words of the grounds upon which the person should retain office.

Sec. 46-3 Placement of recall on the ballot.

The question of the removal of the elective officer shall be submitted to the electors of the city at the next regular municipal election if one shall occur not less than forty, nor more than sixty, days after the city clerk determines the sufficiency of the same. If no such election will be held within the period herein provided, the city clerk shall order and provide for a special election within such period. If more than three valid petitions have been found sufficient, the three petitions bearing the most valid signatures shall be submitted at such an election. After such election, the city clerk shall repeat the provisions herein until all such sufficient petitions have been submitted to the electors.

Sec. 46-4. Ballot language, generally.

The ballot for any recall shall be as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

Sec. 46-5. Effect of electoral vote on recall.

If a majority of the votes cast on the question of removal of any officer are affirmative, the elective officer whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election and the vacancy caused by such recall shall be filled in the manner provided in this charter for filling vacancies caused by death or resignation.

Sec. 47. ~~[Submission to council; publication.]~~

~~Proposed ordinances for repealing any existing ordinance or ordinances, in whole or in part, may be submitted to the council as provided in the preceding sections for initiating ordinances. Initiated ordinances adopted by the electors shall be published as in the case of other ordinances.~~

Sec. 48. ~~The referendum.~~

~~No ordinance passed by the council except as otherwise provided by this charter, shall go into effect until thirty days after its final passage by the council. If at any time within said thirty days, a petition signed by registered electors of the city, not less in number than five per cent of the total vote cast at the last preceding general municipal election be filed with the city clerk requesting that any such ordinance be repealed or submitted to a vote of the electors of the city, it shall not become operative until the steps indicated herein have been taken. All petition papers circulated with respect to the repeal of any such ordinance shall be uniform in character and have printed thereon the names and addresses of at least five electors of the city who shall be officially regarded as filing the petition.~~

~~(Adopted 11-7-33.)~~

Sec. 49. ~~[Signatures for referendum.]~~

~~All signatures appended to any such petition shall be written in ink or indelible pencil, and each signer shall place thereon the place of residence of such elector so signing by street and number and date of signing. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition and that such signatures were appended thereto in the presence of affiant. The petition and signatures thereto appended, so verified, shall be presumed to be in all respects sufficient, unless within fifteen days after the filing of any such petition it shall be otherwise proven.~~

~~(Adopted 11-7-33.)~~

Sec. 50. ~~[Action by clerk and council on petition.]~~

~~All papers comprising any such petition shall be assembled and filed with the city clerk as one instrument. The city clerk shall, within ten days after the filing thereof, certify thereon the number of signatures thereto appended, and shall submit the petition to the council on the date of its next regular meeting. If the petition contains the required number of signers, the council shall, within thirty days after the date of filing such referendum petition by the city clerk, repeal the ordinance therein sought to be repealed, or shall order and provide for the submission of such ordinance to a vote of the electors of the city at an election to be held not less than sixty days thereafter.~~

1 ~~Sec. 51. [Referendum petition regulations; ballots.]~~

2
3 ~~Referendum petitions need not contain the text of the ordinance, the repeal of which is sought, but shall~~
4 ~~refer to such ordinance by its title, number and date of passage. They shall be subject in all other~~
5 ~~respects to the requirements for petitions submitting proposed ordinances to the council. Ballots used~~
6 ~~in referendum elections shall conform in all respects to those provided for in Section 46 of this charter.~~

7
8 ~~Sec. 52. (Deleted 11-7-33.)~~

9
10 ~~Sec. 53. Conflicting ordinances.~~

11
12 ~~If the provisions of two or more ordinances adopted or approved at the same election conflict, the~~
13 ~~ordinance receiving the highest affirmative vote shall prevail.~~

14
15 ~~Sec. 54. Referendum on emergency measures.~~

16
17 ~~Ordinances passed as emergency measures shall be subject to referendum in like manner as other~~
18 ~~ordinances, except that they shall go into effect at the time indicated in such ordinance. If, when~~
19 ~~submitted to a vote of the electors, an emergency measure be not approved by a majority of those~~
20 ~~voting thereon, it shall be considered repealed as regards any further action thereunder; but such~~
21 ~~measure so repealed shall be deemed sufficient authority for payment, in accordance with the~~
22 ~~ordinance, of any expense incurred previous to the referendum vote thereon.~~

23
24 ~~Sec. 55. When referendum does not apply.~~

25
26 ~~The following ordinances or measures shall not be subject to the referendum, but shall go into effect at~~
27 ~~the time indicated therein:~~

28 ~~(a) — The annual appropriation ordinance.~~

29 ~~(b) — In all cases where council is required to pass more than one ordinance or other measure to~~
30 ~~complete the legislation necessary to make and pay for any public improvement, the~~
31 ~~referendum shall apply only to the first ordinance or measure required to be passed and not to~~
32 ~~any subsequent ordinances or measures relating thereto, and said first ordinance or measure~~
33 ~~shall clearly state the purpose and general scope of the improvement.~~

34 ~~(c) — Ordinances or resolutions providing for the approval or disapproval of appointments or~~
35 ~~removals by the mayor, and appointments or removals made by council.~~

36 ~~(d) — Action by the council on the approval of official bonds.~~

37 ~~(e) — Ordinances or resolutions providing for the submission of any proposition to a vote of the~~
38 ~~electors.~~

39
40 ~~Sec. 56. Referendum — preliminary action.~~

~~In case a petition be filed requiring that a measure passed by the council providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.~~

THE EXECUTIVE

Sec. 57. Executive and administrative powers.

The executive and administrative powers of the city shall be vested in the mayor, directors of departments and other administrative officers and boards provided for in this charter or by ordinance.

Sec. 58. Term and qualifications of mayor.

The mayor shall be the chief executive officer of the city, elected for a term of four years. The mayor shall be an elector of the city and shall, at all times during the term of office, maintain residence in the city of Columbus. ~~and The mayor shall not hold any other public office or employment, except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. If the mayor shall cease to possess any of the qualifications herein required, the mayor shall forthwith forfeit the office and the vacancy shall be filled as provided for herein.~~

(Amended 11-5-85; 11-3-98.)

~~Sec. 59. Salary of mayor.~~

~~The salary of the mayor shall be five thousand dollars per annum; but said salary may be changed by ordinance of council, provided that such ordinance must be passed at least one year prior to the beginning of the term of the mayor to be affected thereby.~~

Sec. 60. Mayor's power to appoint and remove.

The mayor shall appoint and shall have power to remove the following officers:

1. The director of public safety.
2. The director of public service.
3. Any other officers whose positions may be created by council and for whose appointment no provision is herein made.

Sec. 61. Appointment and removal of employees.

1 With the concurrence of council, the mayor shall appoint ~~the sinking fund trustees,~~ the members of the
2 civil service commission, the members of the board of health and the members of any advisory
3 commission provided for by council. The mayor, with the concurrence of council, may at any time
4 remove any member so appointed, for inefficiency, neglect of duty or malfeasance in office, having first
5 given to such member a copy of the charges and an opportunity to be heard in person or by defense
6 counsel, before the council, and such removal shall be final.

7 (Amended 11-5-74; 11-3-98.)
8

9 Sec. 62. General powers and duties of mayor.
10

11 It shall be the duty of the mayor to act as chief conservator of the peace within the city; to supervise the
12 administration of the affairs of the city including but not limited to purchases and sales on behalf of the
13 city; to see that all ordinances of the city are enforced; to recommend to the council for adoption such
14 measures as the mayor may deem necessary or expedient; to keep the council advised of the financial
15 condition and the needs of the city; to prepare and submit to the council such reports as may be
16 required by that body, and to exercise such powers and perform such duties as are conferred or
17 required by this charter or by the laws of the state in so far as they are consistent with this charter or by
18 such laws of the state as it is beyond the competency of this charter to supersede.

19 (Adopted 5-7-74; amended 11-3-98.)
20

21 Sec. 63. Mayor's investigation.
22

23 The mayor may without notice cause the affairs of any department or the conduct of any officer or
24 employee to be examined. Any person or persons appointed by the mayor to examine the affairs of any
25 department or the conduct of any officer, or employee, shall have the same power to compel the
26 attendance of witnesses, and the production of books and papers and other evidence and to cause
27 witnesses to be punished for contempt, as is conferred upon the council by this charter.
28

29 Sec. 64. ~~Succession of mayor—acting~~ Acting mayor.
30

31 ~~If the mayor dies, becomes permanently disabled from performing the duties of office, resigns, or moves~~
32 ~~from the city during the term of office, the mayor shall be succeeded in office, until the 1st day of~~
33 ~~January following the next regular municipal election, by the president of the council who shall thereby~~
34 ~~cease to be a member of council. At the next regular municipal election following the death, resignation~~
35 ~~or removal of the mayor from the city, if such election be the time for the regular election of a mayor, a~~
36 ~~mayor shall then be elected to serve for a term of four years; otherwise for the remainder of the~~
37 ~~unexpired term.~~
38

39 If the mayor be temporarily absent from the city, the mayor may designate the director of public
40 service, the director of public safety, or the president of city council as acting mayor. ~~If the mayor~~

~~becomes temporarily disabled from performing the duties of mayor for any cause, the director of public service, or if absent the director of public safety, or if absent the president of city council, shall become acting mayor. During a period of temporary absence of the mayor the acting mayor so designated shall exercise such powers and duties of the office of mayor as the mayor shall delegate. During a period of temporary disability of the mayor the powers and duties of the office of mayor shall devolve upon the acting mayor. In either case the mayor may invoke this provision by written communication to the appropriate officer to be named the acting mayor, but in the case of temporary disability, failure to do so shall not prevent the proper officer from performing the powers and duties of the office of mayor.~~ Nothing herein shall prevent the president of city council from exercising the president's powers and duties as a member of council during the temporary absence or ~~disability~~ inability of the mayor.
(Amended 11-5-74; 11-3-89.)

Sec. 64-1. Temporary inability.

If the mayor is unable to discharge the powers and duties of office, such inability being of temporary duration, the mayor, or the mayor's agent, shall transmit to the director of public service, the director of public safety, or the president of city council a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. The recipient of such declaration shall be designated as acting mayor. During a period of temporary inability of the mayor, the powers and duties of the office of mayor shall devolve upon the acting mayor. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the mayor shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 64-2. Permanent inability.

If the mayor has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the director of public safety and the director of public service shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Sec. 64-3. Successor to mayor.

If the mayor dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the mayor shall be succeeded in office, until the 1st day

1 of January following the next regular municipal election, by the president of the council who shall
2 thereby cease to be a member of council. If such election be the time for the regular election of a
3 mayor, a mayor shall then be elected to serve for a term of four years, otherwise for the remainder of
4 the unexpired term.

5
6 Sec. 65. Mayor's right in council.

7
8 The mayor, the directors of public service and public safety, the city attorney and the director of any
9 other department that may hereafter be established by ordinance, shall be entitled to seats in the
10 council. Neither the mayor nor the director of any department, nor the city attorney, shall have a vote in
11 the council, but the mayor shall have the right to introduce ordinances and to take part in the discussion
12 of all matters coming before the council; and the directors and city attorney shall be entitled to take
13 part in all discussions in the council relating to their respective departments.

14
15 **THE CITY ATTORNEY**

16
17 Sec. 66. Election and qualifications.

18
19 The city attorney shall be an elector of the city and shall, at all times during the term of office, maintain
20 residence in the city of Columbus. The city attorney shall not hold any other public office except that of
21 notary public, or member of the state militia or any reserve unit of the Armed Forces of the United
22 States of America. If the city attorney shall cease to possess any of the qualifications herein required,
23 the city attorney shall forthwith forfeit the office and the vacancy shall be filled as provided for herein.
24 ~~and The city attorney shall be elected for a term of four years excepting that at the first election under~~
25 ~~this charter the city attorney shall be elected for a term of two years.~~ The city attorney shall be an
26 attorney-at-law, admitted to practice in the state of Ohio.

27 (Amended 11-3-98.)

28
29 Sec. 67. Powers and duties.

30
31 The city attorney shall have such duties and responsibilities as are set forth in this charter or required of
32 the city attorney by ordinance, including the following. The city attorney shall be the legal adviser of and
33 attorney and counsel for the city, and for all officers and departments thereof in matters relating to
34 their official duties. The city attorney shall prosecute or defend all suits for and in behalf of the city, and
35 shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and
36 shall certify in writing approval of the form and correctness thereof. The city attorney may appoint a
37 department deputy and such assistants, secretaries and clerks as council may authorize. Said deputy
38 shall have the power to perform all the duties of the city attorney.

39 (Amended 11-3-98.)

1 Sec. 68. [Prosecuting attorney.]

2
3 The city attorney shall be the prosecuting attorney of municipal court and may detail assistants as
4 deemed proper to assist in such work. The city attorney shall prosecute all cases brought before such
5 court and perform the same duties, so far as they are applicable thereto, as are required of the
6 prosecuting attorney of the county.

7 (Amended 11-3-98.)

8
9 Sec. 69. [Representing city.]

10
11 The city attorney shall prosecute or defend for and in behalf of the city, all complaints, suits and
12 controversies in which the city is a party, and such other suits, matters and controversies relating to city
13 affairs as the city attorney shall, by resolution or ordinance of council, be directed to prosecute or
14 defend.

15 (Amended 11-3-98.)

16
17 Sec. 70. [Rendering opinions.]

18
19 The council, the director of any department, or any officer, board, or commission not included within a
20 department, may by request in writing, require the opinion of the city attorney upon any question of
21 law involving their respective powers or duties.

22
23 Sec. 71. Actions.

24
25 The city attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of
26 injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the
27 execution or performance of any contract made in behalf of the city in contravention of law, or which
28 was procured by fraud or corruption.

29
30 Sec. 72. [Obtaining forfeitures or specific performance.]

31
32 When an obligation or contract made on behalf of the city granting a right or easement, or creating a
33 public duty, is being evaded or violated, the city attorney shall likewise apply for the forfeiture or the
34 specific performance thereof as the nature of the case requires.

35
36 Sec. 73. [Mandamus.]

37
38 In case any officer, board, or commission fails to perform any duty required by law, the city attorney
39 shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of
40 such duty.

Sec. 74. [Taxpayer's suit.]

In case the city attorney, upon written request of any taxpayer of the city, fails to make any application provided for in the preceding three sections, such taxpayer may institute suit or proceedings for such purpose in the taxpayer's own name on behalf of the city. No such suit or proceeding shall be entertained by any court until such request to the city attorney shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding.

(Amended 11-3-98.)

Sec. 75. [Suit on bonds or notes.]

No such action to enjoin the performance of a contract entered into, or the payment of any bonds or notes issued by the city, shall be brought or maintained unless commenced within one year from the date of such contract bonds or notes.

Sec. 76. [Action on taxpayer's suit.]

If the court hearing any such action be satisfied that the taxpayer had good cause to believe the allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and justice of the case demand. In such case the taxpayer shall be allowed costs, and if judgment be finally entered favorably, the taxpayer may be allowed as part of the costs a reasonable compensation for attorney fees.

Sec. 77. City attorney to act as city solicitor.

(Repealed 11-3-98.)

Sec. 78. Temporary inability.

If the city attorney is unable to discharge the powers and duties of office, such inability being of temporary duration, the city attorney, or the city attorneys' agent, shall transmit to the deputy city attorney a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. During a period of temporary inability of the city attorney, the powers and duties of the office of city attorney shall devolve upon the deputy city attorney, who shall be the acting city attorney. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the city attorney shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the city

1 attorneys' agent(s). The filing shall be made by the second meeting of council each January and may be
2 amended at any time.

3
4 Sec. 78-1. Permanent inability.

5
6 If the city attorney has been unable to discharge the powers and duties of office for ninety consecutive
7 days, and no written declaration of temporary inability was in effect during such ninety consecutive
8 days, such act shall work a forfeiture of office and the deputy city attorney shall request that the
9 appropriate official commence in the appropriate court an action in quo warranto to vacate the office.
10 If judgment be made that the office be vacated, a successor shall be named as provided for in this
11 charter.

12
13 Section 78-2. Successor to city attorney.

14
15 If the city attorney dies, resigns, is removed from office, ceases to hold any qualification for office, or the
16 office is otherwise vacated or moves from the city during the term of office, the city attorney's successor
17 in office shall be appointed by the council to serve until the first day of January following the next
18 regular municipal election. If such election be the time for the regular election of a city attorney, a city
19 attorney shall then be elected to serve for a term of four years; otherwise for the remainder of the
20 unexpired term.

21
22 **THE AUDITOR**

23
24 Sec. 79. Election and qualifications.

25
26 The auditor shall be an elector of the city, and shall, at all times during the term of office, maintain
27 residence in the city of Columbus. The auditor shall not hold any other public office except that of
28 notary public, or member of the state militia or any reserve unit of the Armed Forces of the United
29 States of America. If the auditor shall cease to possess any of the qualifications herein required, the
30 auditor shall forthwith forfeit the office and the vacancy shall be filled as provided for herein. and The
31 auditor shall be elected for a term of four years, excepting that at the first election under this charter
32 the auditor shall be elected for a term of two years.

33 (Amended 11-3-98.)

34
35 Sec. 80. Powers and duties.

36
37 The auditor shall be the city's chief accounting officer. The auditor shall keep, in accurate, systemized
38 detail a record of the receipts, disbursements, assets and liabilities of the city, and the recorded facts
39 shall be presented periodically to officials and to the public in such summaries and analytical schedules
40 as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of

the city and in relation to each department of the city government, including distinct summaries and schedules for each public utility owned or operated.

(Amended 11-3-98.)

Sec. 81. [Accounts and forms.]

The auditor shall prescribe the method of keeping accounts by all departments and the forms of reports to be rendered.

(Amended 11-3-98.)

Sec. 82. [Daily reports; appropriations.]

The auditor shall require daily reports from each department, showing the receipt of all moneys by such department and the disposition thereof. The auditor shall keep an account of all appropriations made by the council and all expenditures made or contracted to be made under such appropriation.

(Amended 11-3-98.)

Sec. 83. [Auditing officer's accounts.]

The auditor shall, at the end of each fiscal year, or oftener if required by council, examine and audit the accounts of all officers and departments and report such findings to the council. The auditor shall upon the death, resignation, removal or expiration of the term of any officer, examine the accounts of such officer and if such officer be found indebted to the city, immediately give notice thereof to the mayor and the city attorney and the latter shall forthwith proceed to collect such indebtedness.

(Amended 11-3-98.)

Sec. 84. [Payment of claims.]

The auditor shall draw the warrant on the treasury to the order of the person or persons to whom payment is lawfully due, which warrant shall specify the fund upon which it is drawn. No payment, however, of any claim shall be deemed as lawful and subject to payment by the auditor unless it be pursuant to and in strict compliance with an appropriation by council and written approval by the head of the department in which the obligation was incurred.

(Amended 11-3-98.)

Sec. 85. [Payment of unlawful claims.]

The head of the department and the department's sureties shall be liable to the city for all loss or damage sustained by the city by reason of the negligent or corrupt approval of any claim against the city in the department. Whenever any claim shall be presented, the auditor shall have power to require

evidence that the amount claimed is justly due and that such claim is in conformity with law and ordinance. For that purpose the auditor may summon any officer, agent, or employee of any department, or any other person, and examine the individual upon oath or affirmation relative thereto, which oath or affirmation the auditor may administer. If the auditor shall draw a warrant for any claim contrary to law or ordinance, the auditor and the department's sureties shall be individually liable for the amount thereof.

(Amended 11-3-98.)

Sec. 86. [Deputy and assistants.]

The auditor may appoint a department deputy and such other assistants and clerks as council may authorize. Said deputy shall have power to perform all the duties of the auditor.

(Amended 11-3-98.)

Sec. 87. Temporary inability.

If the auditor is unable to discharge the powers and duties of office, such inability being of temporary duration, the auditor, or the auditor's agent, shall transmit to the deputy auditor a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. During a period of temporary inability of the auditor, the powers and duties of the office of auditor shall devolve upon the deputy auditor, who shall be the acting auditor. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the auditor shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 87-1. Permanent inability.

If the auditor has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the deputy auditor shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Sec. 87-2. Successor to auditor.

If the auditor dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated ~~or moves from the city~~ during the term, a successor in office shall be

appointed by council to serve until the first day of January following the next regular municipal election.
If such election be the time for the regular election of the auditor, an auditor shall then be elected to
serve for a term of four years; otherwise, for the unexpired term.

(Amended 11-3-98.)

THE TREASURER

Sec. 88. [Custodian of city's money.]

The treasurer shall be the custodian of all money belonging to the city and, subject to the provision of
any specific trust, of all money held in trust by it. The treasurer shall keep, preserve and deposit the
same as provided by ordinance of council.

(Amended 11-3-98.)

Sec. 89. [Money from county treasurer.]

The treasurer shall demand and receive from the county treasurer, when due the city, taxes levied and
assessments made and certified to the county auditor by authority of council and by said auditor placed
on the tax list for collection, and from persons authorized to collect or require to pay them, moneys
accruing to the city from judgments, fines, penalties, forfeitures, licenses and other debts due the city.

Sec. 90. [Payment of money due city.]

Unless otherwise specifically prescribed by law or ordinance, all money belonging to or due the city shall
be promptly and directly paid to the treasurer and placed in the appropriate fund. Notice of sums so due
and payable shall be given to the treasurer by the auditor.

(Amended 11-3-98.)

Sec. 91. [Disbursement of funds.]

The treasurer shall disburse funds in custody only on warrant of the auditor, unless otherwise directed
by the general laws of the state or this charter.

Sec. 92. [Detailed account.]

The treasurer shall keep an accurate, systematized and detailed account of all money received and
disbursed.

(Amended 11-3-98.)

Sec. 93. [Depositories and investments.]

Council shall provide by ordinance for the deposit of all public moneys coming into the hands of the treasurer in such bank or banks, or building and loan or savings association or companies, situated within the county, as offer, at competitive bidding, the highest rate of interest and give good and sufficient security. Council shall further provide by ordinance for regulations governing the investment of moneys of the municipal corporation and the sale of such investments.

(Adopted 11-7-21.)

Sec. 94. [Powers and duties.]

The treasurer shall be the custodian of all other public money received as city treasurer. The treasurer shall keep, preserve and disburse such moneys in the manner prescribed by law.

(Amended 11-3-98.)

Sec. 95. [Departure from office.]

At the expiration of the treasurer's term of office, or upon resignation or removal, the treasurer shall deliver all official moneys, books, papers and other property to the succeeding treasurer.

(Amended 11-3-98.)

Sec. 96. [Assistants and clerks.]

The treasurer may appoint such assistants and clerks as council may authorize.

DEPARTMENTS AND DIVISIONS

Sec. 97. Departments and divisions established.

The following administrative departments and divisions thereof are hereby established by this charter:

1. Department of public safety

(a) Division of police

(b) Division of fire

2. Department of public service

(Amended 11-5-74.)

Sec. 98. Administrative Code.

The council by ordinance may adopt an Administrative Code providing for such administrative procedures as it may determine and for the administrative organization of city government. Said Administrative Code shall be adopted or amended by a vote of not less than two-thirds (2/3) of the

members of council. Provisions of the Administrative Code shall take precedence over any ordinance or resolution, except that council by two-thirds (2/3) vote may exempt such from the effects of the supremacy of the Administrative Code where the subject matter of such ordinance or resolution deals with procedural rather than organizational matters. Such ordinance or resolution shall specifically state that it is exempt from the Administrative Code.

(Amended 11-5-74.)

Sec. 99. General powers and duties of administrative departments.

Under the direction of the mayor, a department director shall have all powers and duties connected with and incident to the appointment, regulation, and government of the director's department, except as otherwise provided by charter or ordinance.

(Amended 11-5-74; 11-3-98.)

Sec. 100. Appointments.

Subject to the civil service provisions of this charter, the directors and other principal administrative officers and boards shall have power to appoint and remove all officers, clerks and employees in their respective departments.

DEPARTMENT OF PUBLIC SAFETY

Sec. 101. General powers and duties of director.

Under the direction of the mayor, the director of public safety shall be the executive head of the division of police and fire. The public safety director shall have all powers and duties connected with and incident to the appointment, regulation, and government of the department, except as otherwise provided by this charter. The public safety director shall keep a record of all proceedings.

(Amended 11-5-74; 11-3-98.)

Sec. 101-1. Appointment of police and fire chiefs.

The director of public safety shall appoint the chief of the police division and the chief of the fire division. Each chief, as appointed, shall serve in the classified service for an initial term of five (5) years. A chief so appointed may be re-appointed for not more than one (1) additional term of five (5) years.

(Adopted 7-19-99.)

Sec. 102. Division of police.

The division of police shall be composed of a chief and such police officers and other employees as may be provided by ordinance of council. In case of riot or like emergency the mayor may appoint additional police officers for temporary service who need not be in the classified service.

(Amended 11-3-98.)

Sec. 103. [Control by chief of police.]

Under the direction of the director of public safety, the chief of the division of police shall have control of all police stations and substations, and of the stationing and transfer of all police officers and employees constituting the division of police.

(Amended 11-3-98.)

Sec. 104. [Special police officers.]

No person shall act as special police officer or special detective for any purpose whatsoever, except upon written authority from the director of public safety, and when so authorized shall act under the direction and control of the chief of police and for a specified time, not to exceed six (6) months.

(Amended 11-3-98.)

Sec. 105. Division of fire.

The division of fire shall be composed of a chief of the division and such other officers, firefighters and employees as may be provided by ordinance or resolution of the council. In case of riot, conflagration, or like emergency, the mayor may appoint additional firefighters and officers for temporary service, who need not be in the classified service.

(Amended 11-3-98.)

Sec. 106. [Control by fire chief.]

Under the direction of the director of public safety the chief of the division of fire shall have control of the stationing and transfer of all firefighters and other officers and employees constituting the division of fire.

(Amended 11-3-98.)

Sec. 107. Removal of chiefs.

While either the chief of police or the chief of fire holds the position as provided in this charter, the director of public safety shall have the exclusive right to suspend either chief for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, neglect of duty, or any other act of misfeasance, malfeasance, nonfeasance, or for conviction of a felony. Upon suspension of either

chief, the director of public safety shall immediately certify the fact, together with charges that are the cause of such suspension, to the civil service commission, which within sixty (60) days from the date of its receipt of such notice, shall commence a hearing upon the charges and render judgment thereon in an expeditious manner, which judgment may be suspension, reduction in rank or dismissal, and shall be final.

(Amended 7-19-99.)

Sec. 108. Suspension in fire and police division.

The chiefs of the divisions of police and fire shall have the exclusive right to suspend any of the officers or employees in their respective divisions, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If any officer or employee be suspended, as herein provided, the chief of the division concerned shall forthwith in writing certify the fact, together with the cause for the suspension, to the director of public safety, who, within five (5) days from the receipt thereof shall proceed to inquire into the cause of such suspension and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank or dismissal, and such judgment in the matter shall be final, except as otherwise hereinafter provided. The director of public safety, in any such investigation, shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers, as is conferred upon the council.

Sec. 109. Appeal to civil service commission.

Any person in the division of police or fire under the exclusive control of the chief thereof, who is suspended, reduced in rank or dismissed from the department by the director of public safety may appeal from the decision of such officer to the civil service commission within ten (10) days from and after the date of such suspension, reduction or dismissal. In such event said director shall, upon notice from the commission of such appeal, forthwith transmit to the commission a copy of the charges and proceedings thereunder. The commission shall hear such appeal within ten (10) days from and after the filing of the same with the commission and may affirm, disaffirm or modify the judgment of the director of public safety, and its judgment in the matter shall be final.

Sec. 110. Classification of employees in divisions of police and fire.

The director of public safety shall classify the service in the divisions of police and fire, in conformity with the ordinance of the council declaring the number of persons to be employed therein, and shall make rules for the regulation and discipline of such divisions consistent with the provisions of this charter.

Sec. 111. Relief of police and firefighters.

The council may provide by general ordinance for the relief, out of the police and fire funds, of members of the division of police and fire temporarily or permanently disabled in the discharge of their duty. Nothing herein shall impair, restrict, or repeal any provision or general law authorizing the levying of taxes to provide for firefighters, police, and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds.
(Amended 11-3-98.)

Sec. 112. Division of public welfare.
(Repealed 11-5-74.)

Sec. 112-1. Division of building regulation.
(Repealed 11-5-74; renumbered 11-3-98.)

Sec. 112-2. Division of weights and measures.
(Repealed 11-5-74; renumbered 11-3-98.)

DEPARTMENT OF PUBLIC SERVICE

Sec. 113. General powers and duties of director.
(Repealed 11-5-74; renumbered 11-3-98.)

Sec. 114. [Management and control by director.]
(Repealed 11-5-74; renumbered 11-3-98.)

Sec. 115. [Other duties of director.]
(Repealed 11-5-74; renumbered 11-3-98.)

Sec. 116. [Deleted Nov. 3, 1953; renumbered 11-3-98.]

Sec. 117. [Deputy to director.]
(Repealed 11-5-74; renumbered 11-3-98.)

UTILITY RATES

Sec. 118. Water rates and charges.

For the purpose of paying the expense of conducting, managing and operating the city utilities, including, by way of example and not by way of limitation, water, sanitary sewer, storm sewer, and electricity service, ~~water works~~, the city shall, as a condition of supply, charge against and collect from

all consumers both public and private, including the various and several city departments and institutions, a charge for water utility service rendered. Such rates of charge shall be fixed by ordinance of council. It shall be made in an equitable manner and in such amount as will fully cover the cost of service, including utility debt obligations and interest thereon.

(Amended 11-5-74; renumbered 11-3-98.)

Sec. 119. [Determining water rate.]

In determining the cost of water utility service to be so charged and collected, council shall be governed by the following general rule: All water utility consumers, as stated in the preceding section, shall be charged with and shall pay the current cost of maintenance, operation and supply, interest and principal on outstanding water utility debt obligations, and losses sustained by depreciation.

(Renumbered 11-3-98.)

Sec. 120. ~~Interest on water bonds~~ Outstanding debt obligations.

The city shall, out of the revenues of the city utilities ~~water department~~, unless another funding source is determined by the mayor and the city auditor, with approval of council, cause to be paid and transferred to ~~the trustees of the sinking fund~~ a utility debt obligation bond retirement fund of the city a sufficient amount of money to pay the interest and principal on outstanding water utility debt obligations ~~bonds as it they matures.~~

(Amended 11-5-74; renumbered 11-3-98.)

~~Sec. 121. [Depreciation fund.]~~

~~Council shall by ordinance cause to be established, out of the revenues of the water department, a depreciation fund which shall as nearly as practicable, equal the annual loss by depreciation sustained by the water plant. This fund shall be applied as follows:~~

~~(a) — A sufficient amount shall be transferred to the trustees of the sinking fund at the beginning of each year to provide a sinking fund for the redemption of outstanding water bonds at maturity.~~

~~(b) — The residue after making such transfer shall be applied in the making of repairs, extensions or replacements.~~

~~(Renumbered 11-3-98.)~~

Sec. 122. [Exemption from water utility bills.]

Council may by ordinance ~~or resolution~~ relieve from the payment of bills, or any portion thereof, for water utility service, any ~~hospital, asylum or other charitable institution devoted the relief of the poor, the aged, the infirm or destitute persons or orphan children, but such relief shall only be granted to not-~~ for-profit institutions that support disadvantaged persons, which institutions are within the city's limits,

1 and ~~which are~~ not maintained by general taxation. ~~and on the further condition that the~~ The bills from
2 ~~which said parties are relieved are~~ shall be promptly paid to the water department out of the general
3 ~~revenue fund of the city to the department providing the utility.~~

4 (Renumbered 11-3-98.)

5
6 Sec. 123. ~~Cash deposits on water~~ Utility rules and regulations.

7
8 In ~~conducting, managing and operating the city utilities, the administration of the affairs of the water~~
9 ~~department~~ the city shall prescribe such rules and regulations as the just interests of the city and ~~water~~
10 ~~utility~~ consumers may demand. ~~The city may also require from a consumer a cash deposit or other form~~
11 ~~of security deemed necessary to protect the city against loss by reason of non payment of bills or other~~
12 ~~breach of contract. Cash deposit so received by the city shall be deemed as money held in trust to be~~
13 ~~returned to the depositors with interest at the rate of four per centum per annum at the termination of~~
14 ~~the contract and after there has been full compliance with its terms Council shall by ordinance or~~
15 ~~resolution transfer said deposits to the trustees of the sinking fund to be held in trust for the water~~
16 ~~department, but subject at all times to draft of the city to meet adjustments with the depositors. The~~
17 ~~trustees of the sinking fund shall invest the money so transferred as other funds under their control are~~
18 ~~invested, and the net gains resulting from the investment shall annually be placed to the credit of the~~
19 ~~said trust account.~~

20 (Amended 11-5-74; renumbered and amended 11-3-98.)

21
22 Sec. 124. Rates and charges for service furnished by municipally owned utilities.

23
24 The general rules prescribed in ~~sections 120, 121, 122, 123 and 124,~~ governing the sale and disposition
25 ~~of utilities of water,~~ shall apply as far as practicable in the sale and disposition of the service of all other
26 public utility plants owned and operated by the city, except that as to any such service furnished in
27 competition with a privately owned plant, the rate shall be such as in the opinion of council tends best
28 to develop and increase the business, to increase the load factor and to promote in other ways the
29 general success of such utilities.

30 (Adopted 8-14-17; renumbered 11-3-98.)

31
32 **DEPARTMENT OF HEALTH**

33
34 Sec. 125. Board of health.

35
36 All powers and duties relative to the public health shall be invested in the board of health, which shall be
37 composed of five members, a majority of whom shall constitute a quorum. The five members shall be
38 appointed and may be removed as provided in section 61, and shall serve without compensation. The
39 mayor shall be president by virtue of the office but shall have no vote.

40 (Amended 11-5-74; renumbered and amended 11-3-98.)

Sec. 126. Terms of office of members.

The term of office of members of the board of health shall be four years.
(Amended 11-5-74; renumbered 11-3-98.)

Sec. 127. Powers and duties.

Subject to the provisions of this charter the board of health shall have all the powers and perform all the duties provided by general law to be exercised by boards of health, and shall have power to provide such further means and agencies as they may deem necessary and proper to protect, preserve and safeguard the public health.
(Renumbered 11-3-98.)

RECREATION AND PARKS DEPARTMENT

Sec. 128. Recreation and Parks Commission; appointment and organization.

The construction and equipment and the custody, maintenance, control, operation and administration of all the recreational facilities and public parks of the city shall be vested in a 'recreational and parks commission,' which shall be composed of nine members, a majority of whom shall constitute a quorum. Five-Eight of such commissioners shall, with the concurrence of council, be appointed by the mayor to serve, without compensation, for the term of five years and until their successors are appointed and qualified. ~~Effective January 1, 1973, a sixth commissioner shall, with the concurrence of council, be appointed by the mayor to serve without compensation, for the term of five years and until a successor is appointed and qualified. Two members of the Commission shall, with the concurrence of council, be appointed by the mayor, to serve, without compensation, one on the recommendation of the board of education of the city school district of Columbus, Ohio, and one on the recommendation of the now existing council of social agencies of Columbus and Franklin County, or its successor, each for a term of two years and until their successors are appointed and qualified. Their successors shall be appointed for a term of five years. Effective January 1, 1973, a member qualified in the field of forestry, One member~~ on the recommendation of the Columbus and Franklin County Metropolitan Park ~~Commission~~ Board shall, with the concurrence of the mayor and council, be appointed ~~by the mayor~~ to serve without compensation, for the term of five years and until a successor is appointed and qualified. Provided, however, if no such recommendation is made within thirty days from the effective date hereof, or within thirty days of any vacancy, such appointments shall be made by the mayor with the concurrence of council. A vacancy shall be filled in like manner for the unexpired term. The mayor, with the concurrence of council, may at any time remove any commissioner so appointed for malfeasance in office, having first given to such member of a copy of the charges and an opportunity to be heard in person or by defense counsel before the council and such removal shall be final. All commissioners shall

1 be bona fide residents of city of Columbus or Franklin County, Ohio, or counties immediately contiguous
2 thereto; provided that a majority of such commissioners shall be bona fide residents of the city of
3 Columbus.

4
5 Said commissions shall organize as a 'recreation and parks commission' by the election of a president,
6 vice president and secretary, who shall serve for a term of one year until their successors are elected
7 and qualified. The city treasurer shall be the treasurer of the commission. The director of recreation and
8 parks may serve as secretary of the commission. The commission shall adopt rules and regulations for
9 the government of the commission and for the operation and control of the various recreational
10 facilities and public parks under its control. In the making of contracts the commission shall be governed
11 by the provisions of the charter applicable thereto.

12 (Adopted 11-7-72; renumbered and amended 11-3-98.)

13
14 Sec. 129. Powers and duties of the commission.

15
16 The commission shall have the power and it shall be its duty to equip, operate, direct and maintain all
17 the existing recreational facilities and park facilities, including such portions or reservoirs and rivers
18 designated by ordinance of council as a park of the city, and from time to time, to acquire, improve and
19 construct additional facilities; to appoint or employ a director of recreation and parks, which position is
20 hereby created in the unclassified service of the city, and such other assistants as may be provided by
21 council, at salaries or such compensation as may be fixed by council.

22
23 The recreation and parks commission may receive donations and bequests, of money or property, in
24 trust or otherwise, for recreational and park purposes. The treasurer of the commission (the city
25 treasurer) shall be the custodian of all such trust funds which may be received by gift, devise, in trust, or
26 otherwise, and all funds acquired for or by reason of the operation and extension of the recreational
27 and park facilities of the city. Said treasurer shall carefully preserve, control and invest the said trust
28 funds as required by the deeds of trust, and shall disburse the income from the same as shall be directed
29 by said commission in accordance with and subject to the terms and conditions of said deeds of trust.
30 Disbursements from all other funds in the custody of said treasurer, including funds appropriated by city
31 council for the operation and extension of the recreational and park facilities of the city, shall be made
32 only as the commission shall direct.

33 (Adopted 11-7-72; renumbered 11-3-98.)

34
35 **PUBLIC LIBRARIES**

36
37 Sec. 130. Trustees; appointment and organization.
38 (Repealed 11-5-85.)

39
40 Sec. 131. Powers and duties of trustees.

(Repealed 11-5-85.)

Sec. 132. [Annual report; general law.]

(Repealed 11-5-85.)

TRUSTEES OF THE SINKING FUND

~~Sec. 133. [Appointment.]~~

~~The custody, control and administration of the sinking fund shall be vested in four trustees, not more than two of whom shall be members of the same political party. The members of the existing board of sinking fund trustees shall continue in office for the terms for which they were appointed. Thereafter members of the board of sinking fund trustees shall be appointed to serve for terms of four years and until their successors have been appointed and qualified. A vacancy shall be filled for the unexpired term in the manner provided for original appointments.~~

~~Sec. 134. Compensation and bond.~~

~~Said trustees shall serve without compensation and shall give such bond as council may require, and the cost thereof together with all other incidental and necessary expenses of such trustees, shall be paid by them from the funds under their control.~~

~~Sec. 135. Organization of board.~~

~~The trustees of the sinking fund shall elect one of their number as president and another as vice-president, who in the absence or disability of the president, shall perform the president's duties and exercise presidential powers, and such secretary, clerks or employees as council may provide by ordinance. Meetings shall be open to the public, and all questions relating to the purchase or sale of securities, payment of bonds, interest or judgments or involving the payment or appropriation of money shall be decided by a yea and nay vote with the name of each member voting recorded on the journal, and no question shall be decided unless approved by a majority of the whole board.~~

~~Sec. 136. Powers and duties.~~

~~The trustees of the sinking fund shall have charge of and provide for the payment of all bonds issued by the city, the interest maturing thereon and the payment of all final judgments against the city, except in condemnation of property cases. They shall receive from the auditor all taxes, assessments and moneys collected for such purposes and invest and disburse them in the manner provided in this charter. For the satisfaction of any obligation under their supervision, the trustees of the sinking fund may sell or use any of the securities or money in their possession.~~

~~Whenever, in the opinion of the trustees of the sinking fund, it is for the best interests of the municipal corporation, the said trustees may purchase bonds of said municipal corporation and pay for the same at the time of acceptance and delivery thereof, or said bonds may be delivered and paid for in installments as the proceeds of said sale are needed by the municipality, and when so accepted shall, for all purposes, be considered as having been sold by the corporation: bonds so purchased may be paid for out of all moneys received by said trustees of the sinking fund, and for the purpose of paying for bonds so purchased the trustees may sell and use any securities in their possession, provided, however, that such securities shall not be sold for less than par for the purpose of paying for bonds of the corporation.~~

~~Sec. 137. [Certification of funds.]~~

~~On or before the first Monday in May of each year, the trustees of the sinking fund shall certify to council the amount of money necessary to provide a sinking fund for the future payment of bonds issued by the city, for the payment of final judgments, except in condemnation of property cases, for the payment of interest on the bonded indebtedness and the expenses incident to the management of the sinking fund. The council shall place the several amounts so certified in the tax ordinance before and in preference to any other item and for the full amount certified.~~

~~Sec. 138. [Investment of funds.]~~

~~The trustees of the sinking fund shall invest all moneys received by them in bonds of the United States, of the state of Ohio, or of any municipal corporation, school district, township or county, in such state, and hold in reserve only such sums as may be needed for the payment of maturing obligations. All interest and gains received by them shall be reinvested in like manner.~~

~~Sec. 139. [Deposits and withdrawals.]~~

~~Money shall be drawn by check only, signed by the president and at least two members of the board, and the secretary. All securities or evidences of debt held by the trustees for the city shall be deposited with the treasurer or with a safety deposit company or companies within the city, and when so deposited they shall be drawn only pursuant to a resolution of the board, and in the presence of at least two trustees.~~

~~Sec. 140. Powers as to investigation.~~

~~The trustees of the sinking fund may investigate all the transactions of any branch or department of the city government involving or affecting the sinking fund, and they shall have such other powers and perform such other duties, not inconsistent with the nature of the duties prescribed for them by this charter, as may be conferred or required by council.~~

~~Sec. 141. Recording of bonds.~~

~~Before they become valid in the hands of any purchaser, all bonds issued by the city shall be recorded in the office of the sinking fund trustees, and shall bear the stamp of the board of sinking fund trustees, containing the words "Recorded in the office of the sinking fund trustees," signed by the secretary.~~

[PURCHASES]

Sec. 142. Board of purchase.
(Repealed 5-7-74.)

Sec. 143. [Competition; supplies.]
(Repealed 5-7-74.)

Sec. 144. [Assistants.]
(Repealed 5-7-74.)

~~[BUREAU OF INFORMATION AND PUBLICITY]~~

~~Sec. 145. [Powers and duties; City bulletin.]~~

~~There shall be established by council a bureau of information and publicity under the supervision and control of the city clerk, who shall, in addition to other duties, compile an annual report giving a summary of the council proceedings and a summary of the operations of the administrative departments for the previous fiscal year; have charge of the editing, printing and distribution of all municipal records, reports and documents; collect and compile information and statistics concerning all departments and offices of the city, and other municipalities; and publish weekly the City Bulletin, which shall contain the transactions and proceedings of the council, the legal advertising of the city and such other information relating to the affairs of the city as shall be determined by ordinance. The City Bulletin shall be published, distributed or sold in such manner and on such terms as the council may determine. No unofficial advertisement shall be published in the City Bulletin, nor shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any personal controversy.~~
(Amended 11-3-98.)

THE CIVIL SERVICE COMMISSION

Sec. 146. Commissioners.

The mayor, with the concurrence of council, shall appoint three electors of the city as civil service commissioners. The members of the existing civil service commission shall continue in office for the terms for which they were appointed. Thereafter members of the civil service commission shall be appointed to serve for a term of six years and until their successors have been appointed and have qualified. A vacancy shall be filled in like manner for the unexpired term.

Sec. 147. Officers of commission.

The commission shall designate one of its members as president, shall appoint a secretary, and such other officers and employees as council may provide.

Sec. 148. Classification.

The Civil Service of the City is hereby divided into the unclassified and the classified service.

(1) The unclassified service shall include:

(a) All officers elected by the people.

(b) Executive assistants and administrative assistants to the mayor.

(c) All directors, deputy directors, and assistant directors of the departments.

(d) The legislative assistants to the city council members.

(e) The treasurer and the deputy treasurer.

(f) The city clerk and one secretary.

(g) The deputy auditor and assistant auditors.

(h) The legal assistants to the city attorney.

(i) The public defender.

(j) Two secretaries to each elective officer and to each department director.

(k) One secretary and one assistant or clerk for each board or commission appointed by the mayor.

(l) All officers and members of boards and commissions whose appointment is subject to concurrence by council.

(2) The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service two classes, to be known as the competitive class and the non-competitive class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examinations.

(b) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character and unskilled positions for which it is impracticable to give competitive examinations, as may be determined by the rules of the commission.

(Amended 11-5-85; 11-3-98.)

Sec. 149. Rules.

The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the Mayor. The rules shall provide:

- (a) For the classification and standardization of all positions in the classified service.
- (b) For open competitive examination in the competitive class, to test the relative fitness of applicants for such positions. Employees of any public utility taken over by the city, who are in the service of said utility at the time of such acquisition, shall come under the provisions of the merit system without examination, but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.
- (c) For public notice in the City Bulletin or otherwise of the time and place of all competitive examinations.
- (d) For the creation of eligible lists upon which shall be entered the names of successful candidates in order of their standing in such examinations or tests.
- (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical conditions and moral character, or who have attempted deception or fraud in connection with any examination.
- (f) For the use of no fewer than three bands for each competitive eligible list, for the assignment of eligibles into bands based upon their test scores and for the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of persons standing in the highest band on such list. When the highest band contains fewer than five names the names of persons standing in the next highest band may also be certified.
- (g) For temporary employment without examination, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.
- (h) For temporary employment not to exceed sixty days. No person shall receive more than one such appointment during any twelve-month period.
- (i) For noncompetitive examinations for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character. Also for noncompetitive testing for certain unskilled job categories where it is impracticable to determine the merit and fitness of applicants by competitive examinations.
- (j) For promotion based on competitive examinations and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments; provided that for promotional vacancies in the uniformed ranks of the Police and Fire Divisions, including any competitive vacancy for which the entry-level position was firefighter or police officer, the names of eligibles shall not be assigned into bands as provided in subsection (f) and each promotional vacancy shall be filled from one of the three persons standing highest on the appropriate eligible list; and further provided, that any

- 1 advancement in the uniformed ranks shall constitute promotion and, whenever practicable,
2 vacancies in the uniformed ranks shall be filled by promotion.
- 3 (k) For transfer from a position to a similar position in the same class and grade and for
4 reinstatement on the eligible list within ~~one~~ three years of persons who, without fault or
5 delinquency on their part, are separated from the service or reduced in rank.
- 6 (l) For suspension, by the appointing authority, for purposes of discipline, for a period not to
7 exceed thirty days at any one time.
- 8 (m) For discharge or reduction in rank or compensation, only after the person to be discharged or
9 reduced has been presented with the reasons for such discharge or reduction, specifically stated
10 in writing, and has been given an opportunity to be heard. The reason for such discharge or
11 reduction and any reply in writing thereto by such employee shall be filed with the commission.
- 12 (n) For investigating and keeping a record of the efficiency of officers and employees in the
13 classified service, and for requiring markings and reports relative thereto from appointing
14 officers.
- 15 (o) For a probationary period of not less than one month nor more than one year following
16 appointment, with service as a provisional employee in the same position to be included in such
17 period, and with the probationary period to be uniform within the same class, provided,
18 however, that there shall be no probationary period for an appointment resulting from a
19 competitive, promotional examination. The probationary period shall be considered a part of
20 the selection process as a work test period. Unless resulting from a competitive, promotional
21 examination, no appointment shall be permanent until after appointment from a certification
22 list and expiration of the probationary period. The service of any probationary employee may be
23 terminated by the appointing authority at any time during the probationary period or at the end
24 of the probationary period by submitting a written report to the commission and the employee
25 specifying the reason the employee is found to be unsatisfactory and such removal shall be final.
26 Unless the employee has been removed earlier, the appointing authority shall, not less than ten
27 calendar days prior to the end of the probationary period, submit a report to the commission of
28 the decision to make the appointment permanent or remove such employee together with the
29 reason therefor. Failure to make such report at least ten days prior to the expiration of the
30 probationary period shall automatically make the appointment permanent. An employee
31 removed by the appointing authority during or at the end of the probationary period may be
32 restored to the eligible list if the commission determines the employee would be suitable for
33 appointment to another position. There shall be no appeal of any kind from the action of the
34 appointing authority removing an employee during or at the end of the probationary period.
- 35 (p) For the publication of the rules and amendments thereto in the City Bulletin. The commission
36 shall adopt such other rules, not inconsistent with the provisions of this section, as may be
37 necessary and proper for the enforcement of the merit system.
- 38 (q) For certifying as a permanent appointee, any employee in provisional status on July 16, 1994,
39 who on or before July 16, 1996, has successfully completed two years of service in the same civil
40 service class if no competitive examination has been administered for the civil service class

1 during the two year period. The rule provided for under this paragraph (q) shall not apply to or
2 affect any position in a civil service class in the uniformed ranks of the Divisions of Fire or Police.

3 (r) For the establishment of a veterans preference credit for qualified veterans seeking
4 employment in the open competitive class of the civil service of the City.

5 (Amended 11-8-94; 11-3-98.)

6
7 Sec. 149-1. Appeals.

8
9 Except as otherwise provided in this charter any employee of the City of Columbus in the classified
10 service, who is suspended, reduced in rank or compensation or discharged, except building and housing
11 regulations superintendent, recreation superintendent, sealer of weights and measures, workhouse
12 superintendent, automotive shop superintendent of the division of municipal garage, sanitation
13 superintendent, and parks superintendent may appeal from such decision or order therefor, to the civil
14 service commission within ten days from and after the date of such decision or order. In such event, the
15 commission shall forthwith notify the official issuing the order of suspension, reduction or discharge,
16 who shall forthwith transmit to the commission a copy of the charges and proceedings thereunder. The
17 commission shall hear such appeal within ten days from and after the filing of the same with the
18 commission and may affirm disaffirm or modify the action of such officer and the commission's
19 judgment in the matter shall be final. In the event that the name of any of the positions enumerated
20 above is hereafter changed, the exception expressed above shall apply to the successor position
21 whatever name it may be called.

22 (Adopted 5-2-67.)

23
24 Sec. 150. Examinations.

25
26 All examinations shall be practical and impartial and shall relate to those matters which will fairly test
27 the relative capacity of the persons examined to discharge the duties of the position for which
28 appointment is sought.

29
30 Sec. 151. Appointments.

31
32 When a position in the competitive classified service is to be filled, the appointing authority shall notify
33 the commission of that fact and the commission shall certify to such authority names and addresses of
34 candidates standing in the highest band on the eligible list for the class to which such position belongs;
35 provided that for promotions in the uniformed ranks of the Police and Fire Divisions only three names
36 shall be certified. The appointing authority shall appoint one of the persons certified to such position.
37 When the eligible list contains less than five names, or less than three names in the case of promotions
38 in the uniformed ranks of the Police and Fire Divisions, then such names shall be certified, from which
39 number the appointing authority may appoint one for such position.

1 When no eligible list for such position exists, or when the eligible list has become exhausted and until a
2 new list can be created, the appointing authority may make a temporary appointment. A person
3 certified from an eligible list more than three times to the same or similar position may be omitted from
4 future certifications to such appointing authority.

5 (Amended 11-8-94.)
6

7 Sec. 152. Present civil service employees.
8

9 All persons holding positions in the service of the city pursuant to appointment from eligible lists at the
10 time this charter takes effect, or who have been continuously in the service of the city in the same
11 position for the five years next preceding, and all persons holding positions in the unskilled labor
12 classification at the time that the amendment of section 148 of the charter of the City of Columbus,
13 Ohio, takes effect and who have held such positions continuously for at least ninety days next
14 preceding, shall retain their positions until discharged, reduced, promoted, or transferred in accordance
15 with the provisions of this charter. The commission shall maintain a list of all persons in the service,
16 showing in connection with each name, the position held, the date and character of each appointment
17 and of every subsequent change in status. Each appointing officer shall promptly transmit to the
18 commission all information required for the establishment and maintenance of the list.

19 (Adopted 8-8-60.)
20

21 Sec. 153. Payrolls certified.
22

23 It shall be unlawful for the treasurer or other public disbursing officer to pay any salary or compensation
24 for service to any person holding a position in the classified service unless the payroll or account for
25 such salary or compensation shall bear the certificate of the commission that the persons named therein
26 have been appointed or employed in accordance with the civil service provisions of this charter and of
27 the rules established thereunder.
28

29 Sec. 154. Investigations and hearings.
30

31 In any investigation or hearing conducted by the commission it shall have the power to subpoena and
32 require the attendance of witnesses and the production of books and papers pertinent to the
33 investigation and to administer oaths to such witnesses.
34

35 Sec. 155. Political beliefs.
36

37 No person in the classified service or seeking admission thereto, shall be appointed, reduced, laid off,
38 discharged or in any way favored or discriminated against because of political opinions or affiliations.
39

40 Sec. 156. Political activity.

No person in the classified service shall directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or political purpose whatever. No person shall orally, or by letter, solicit, or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or for any candidacy, from any person holding a position in the classified service.

Sec. 157. Abuse of political influence.

No person who holds any public office, or who has been nominated for, or who seeks a nomination or appointment to any public office, shall use or promise to use either directly or indirectly, any official authority or influence in order to secure or aid any person in securing any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service, or for service in behalf of any candidacy.

(Amended 11-3-98.)

Sec. 158. Violations and penalties.

Any person or officer who alone or in cooperation with one or more persons, willfully or corruptly deceives or obstructs any person in respect to the right to be examined for admission to the service of the city; or falsely or corruptly marks, grades or reports upon the examination or proper standing of any person examined for appointment in the civil service, or aids in so doing; or willfully or corruptly makes any false representation as to the results of such examination or concerning the person so examined; or willfully or corruptly furnishes to any person special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined or to be appointed, employed or promoted; or willfully impersonates any other person or permits or aids, in any manner, any other person to impersonate another in connection with any examination or registration, application or appointment, or request to be examined or registered; or who makes known or assists in making known to any applicant for examination, any question to be asked on such examination; or willfully violates any of the civil service provisions of this charter shall, for such offense, be deemed guilty of a misdemeanor, and upon conviction thereof before the municipal court, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned not more than ten days, or both.

(Amended 11-3-98.)

Sec. 158-1. Resident requirements for certain employees.

Unless otherwise specifically provided by this Charter, all employees in the unclassified service and in the competitive class of classified service of the City shall at all times, during their employment, maintain their residence within the boundary lines of the County of Franklin or within the boundary lines

of the counties that border on the County of Franklin, except when assigned to City work outside said counties in which case residency within the counties wherein they work shall be required.

(Amended 5-4-71.)

CONTRACTS

Sec. 159. Certificate of auditor.

No contract, agreement, or other obligation, involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council, or be authorized by any officer of the city, unless the auditor first certify to the council or the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract agreement or obligation. Provided, however, that when the United States of America, the State of Ohio, or any political subdivision thereof makes a grant of money to the City of Columbus, or enters into an agreement with the City of Columbus for the making of any such grant of money, the amount thereof is deemed appropriated for such purpose, and is deemed in the process of collection within the meaning of Section 160 of this Charter. Provided, further, that whenever the City of Columbus enters into a contract with the United States of America, the State of Ohio, or a political subdivision thereof which entails a continuing financial obligation covering a period of more than one year, the City of Columbus must appropriate and the auditor must certify only that amount of money necessary to satisfy the current yearly obligation of the aforementioned contract.

(Adopted 11-2-71.)

Sec. 160. [Crediting funds.]

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, accounts and bills receivable or other credits which are undisputed and in process of collection; and all moneys applicable to the payments of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in process of delivery, shall, for the purposes of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certificate.

Sec. 161. Contracts—when void.

All contracts, agreements or other obligations entered into and all ordinances passed, resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void, and no person whatever shall have any claim or demand against the city thereunder, nor shall the council, or any officer of the city, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in section 159, or fasten upon the city any liability whatever, in excess of such limits, or release any party from an exact compliance with a contract under such ordinance, resolution, or order.

(Amended 11-3-98.)

Sec. 162. Contracts—how let.

(Repealed 5-7-74.)

Sec. 163. Alterations or modifications in contract.

(Repealed 5-7-74.)

IMPROVEMENTS AND ASSESSMENTS

Sec. 164. Local improvements.

The council shall have power by ordinance to provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor, of all local improvements, and to provide for the payment of any part of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property. The amount assessed against any property shall not exceed the amount of benefits accruing to such property.

Sec. 165. Methods of special assessments.

Special assessments upon the property deemed benefited by a public improvement shall be by one of the following methods:

- (a) By a percentage of the tax value of the property assessed.
- (b) In proportion to the benefits which may result from the improvement.
- (c) By the foot frontage of the property bounding or abutting upon the improvement.

Sec. 166. Preliminary resolution.

When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, the council shall declare the necessity therefor by resolution, and such resolution shall state the method of assessments, the mode of payment, the number of annual installments, and the portion of the cost to be borne by the city. Such resolution shall contain a description of the lots and lands to be assessed and it shall be sufficient to describe the lots and lands abutting upon the improvement and to be assessed therefor, as all the lots and lands bounding and abutting upon such improvement between

1 and including the termini of the improvement; and in describing lands which do not abut, it shall be
2 sufficient to describe the lots by their appropriate lot numbers, and the lands by metes and bounds; and
3 this rule of description shall apply in all proceedings in which lots and lands are to be charged with
4 special assessments. Such resolution shall also determine the general nature of the improvement, what
5 shall be the grade of the street, or other public place to be improved, the grade or elevation of the curbs
6 and shall approve the plans, specifications, estimates and profiles for the proposed improvement.

7
8 Sec. 167. Plans of proposed improvements.

9
10 At the time of the passage of the resolution hereinbefore provided there shall be on file in the office of
11 the director of public service, plans, specifications, estimates and profiles of the proposed
12 improvements, giving all information necessary; and such plans, specifications, estimates and profiles
13 shall be open to the inspection of all interested persons.

14
15 Sec. 168. Estimated assessment.

16
17 Upon the passage of said resolution it shall be certified to the chief engineer who shall thereupon
18 proceed to make and file with the city clerk an assessment report, in accordance with the method of
19 assessment provided in the resolution, which report shall contain the following:

- 20 (a) The estimated amount of the assessment against each lot or parcel of land, not exceeding in any
21 case the special benefits thereto.
22 (b) The deduction or credits, if any, to which each lot or parcel of land is entitled by reason of the
23 provisions of sections 180 and 182.
24 (c) The estimated amount of the city's portion including the portion assumed in the preliminary
25 resolution and the deduction and credits above mentioned.

26
27 Sec. 169. [Lands unallotted or not on duplicate.]

28
29 When special assessments are to be levied by the percentage of tax value of the property assessed or by
30 the foot frontage of the property bounding or abutting upon all the improvements, and there are lands
31 subject to such assessment which are not assessed for taxation, the chief engineer shall fix, in said
32 report, for the purpose of such assessment, the value of such lots as they stand and of such lands of
33 such depths as the chief engineer considers a fair average of the depth of lots in the neighborhood, so
34 that it will be a fair average of the assessed value of other lots in the neighborhood. Where lands are not
35 subdivided into lots but are assessed for taxation, the chief engineer shall fix the value and the depth in
36 the same manner; but the above rule shall not apply in making a special assessment according to
37 benefits.

38
39 Sec. 170. Notice—how served.

1 A notice of the passage of such resolution and of the fact that such estimated assessment has been filed,
2 and of the time within which objections may be made, shall be served by the city clerk, or an assistant,
3 upon the owner of each piece of property to be assessed, in the manner provided by law for the service
4 of summons in civil actions. If any such owners or persons are not residents of the county, or it appears
5 by the return, in any case, of the notice, that such owner cannot be found, they shall be notified by
6 publishing such notice at least twice in the City Bulletin. Whether by actual service or publication such
7 notice shall be completed at least twenty days before the improvement is commenced, and the return
8 of the officer or person serving the notice, or a certified copy of the return shall be prima facie evidence
9 of the service of the notice as herein required.

10
11 Sec. 171. Objections to assessments.
12

13 An owner of any lot or parcel so to be assessed, who objects to the amount or apportionment of such
14 estimated assessments, shall file an objection in writing with the city clerk, within two weeks after the
15 service of notice or completion of the publication hereinbefore provided. Any owner who fails to do so,
16 shall be deemed to have waived any objection to such assessment, to the extent of the amount
17 estimated.

18 (Amended 11-3-98.)
19

20 Sec. 172. Board of revision.
21

22 When objections to such assessments have been filed as provided in the next preceding section, the
23 council shall appoint a board of revision, consisting of three disinterested free holders of the city,
24 residents of the city, and shall fix the time and place for the hearing by such board of such objections, of
25 which at least one week's notice shall be given in the City Bulletin.

26
27 Sec. 173. Hearing on objection.
28

29 At the time so appointed said board of revision, after taking an oath faithfully and impartially to
30 discharge its duties, shall proceed to hear all objections to such estimated assessment, and shall report
31 to council its findings, together with its amendments, if any, of the estimated assessment as reported by
32 the chief engineer. Upon the filing of such report of the board of revision, or in the case no objections
33 have been filed, then upon the expiration of the time for filing the same, council shall, if it determines to
34 proceed with such improvement, so declare by ordinance, which ordinance shall require for its passage,
35 the votes of at least five members of council.

36
37 Sec. 174. Claims.
38

39 An owner of a lot or of land bounding or abutting upon a proposed improvement, claiming that damage
40 will be sustained by reason of the improvement, shall file such claim with the city clerk within two weeks

1 after the service of notice or the completion of the publication hereinbefore provided. Such claim shall
2 be in writing and shall set forth the amount of damages claimed, with a general description of the
3 property with respect to which it is claimed the damage will accrue. Any owner who fails so to do shall
4 be deemed to have waived such damages, and shall be barred from filing a claim or receiving damages
5 therefor. This provision shall apply to all damage which will obviously result from the improvement, but
6 shall not deprive the owner of the right to recover damages, arising, without the owner's fault, from acts
7 of the city or of its agents. If, subsequent to the filing of such claim, the owner sell the property, or any
8 part thereof, the right of damages, if any, shall follow the ownership of the land without other
9 transference of the claim.

10 (Amended 11-3-98.)

11
12 Sec. 175. Damages assessed.

13
14 At or before the time of the passage of the ordinance determined to proceed with the improvement as
15 hereinbefore provided, the council shall determine whether the claims for damages so filed shall be
16 judicially inquired into before commencing or after the completion of the proposed improvement. If it
17 decides that the damages shall be assessed before commencing the improvement, the city attorney
18 shall then make such application and such proceedings shall be had thereon as are provided by the
19 general law relating to the assessment of damages on such claims.

20
21 Sec. 176. [Procedure of city attorney.]

22
23 When the council determines to assess the damages after the completion of the improvement for which
24 a claim for damages has been filed as hereinbefore provided, the city attorney shall within ten days after
25 the completion of the improvement make written application as hereinbefore provided in the case of
26 the ascertainment of damages before the improvement is made, and the same proceedings shall be had
27 as provided in the next preceding section.

28
29 Sec. 177. [Damage claims required.]

30
31 No person who claims damages arising from any cause, shall commence a suit therefor against the city
32 until filing a claim for such damages with the city clerk and sixty days shall have elapsed thereafter. This
33 provision shall not apply to an application for an injunction or other proceeding to which it may be
34 necessary for such applicant to resort in case of urgent necessity.

35 (Amended 11-3-98.)

36
37 Sec. 178. Assessment of cost.

38
39 After any such improvement is completed and the cost ascertained, council shall, by ordinance, assess
40 upon the property mentioned, and in the manner provided in the preliminary resolution, the entire cost

1 and expense thereof, excepting the portion to be paid by the city. Such assessment as to each lot or
2 parcel shall be in the proportions fixed in the estimated assessment as reported by the chief engineer,
3 or as revised by the board of revision, and such ordinance shall also state the credits or deductions to
4 which any lot or parcel is entitled, as fixed in such report or revision. The remainder of the cost, together
5 with such credits and deductions, shall be the city's share, and if it exceed the amount originally
6 appropriated, a supplementary appropriation shall be made to cover such excess. Such cost shall include
7 the cost of preliminary and other surveys, the cost of construction, the expense of printing and serving
8 notices, interest on bonds issued to provide funds for such improvement, and any other necessary
9 expenditures connected with said improvement.

10
11 Sec. 179. Collection of assessments.
12

13 Special assessments shall be payable by the owners of the property assessed at the time stipulated in
14 the ordinance, levying or confirming the assessment, and shall be a lien from the date of the passage of
15 said ordinance upon the respective lots and parcels of land assessed, enforceable in the manner
16 provided by general law.

17
18 Sec. 180. Limitation on assessments.
19

20 The council shall limit all assessments to the special benefits conferred upon the property assessed, and
21 in no case shall there be levied on any lot or parcel of land assessments for any or all purposes, within a
22 period of five years, in excess of thirty-three and one-third per cent of the actual value thereof after the
23 improvement is made. Assessments levied for the construction of main sewers shall not exceed the sum
24 that, in the opinion of the council, would be required to construct an ordinary street sewer or drain of
25 sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any
26 lots or lands be assessed that do not need local drainage, or which are provided therewith.

27
28 Sec. 181. City's portion of cost.
29

30 The city shall pay such part of the cost and expense of improvements for which special assessments are
31 levied as the council deems just, which part shall not be less than one-fiftieth of all such cost and
32 expense; and, in addition thereto the city shall pay the cost of intersections. The council may provide for
33 the payment of the city's portion of all such improvements by the issuance of bonds or notes thereof,
34 and may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the
35 interest thereon; but the above provision as to the payment by the city of not less than one-fiftieth of
36 the cost and the cost of intersections, shall not apply to the construction or repair, in the manner
37 hereinafter provided, of sidewalks or to the construction of sewers or water mains or the laying of sewer
38 or water connections.

39 (Adopted 5-7-63.)
40

1 Sec. 181-1. Petitions for improvements.

2
3 When a petition subscribed by the owners of sixty per cent of the front footage of property abutting
4 upon a street, alley, easement, or other public improvement, or the owners of seventy-five per cent of
5 the area to be assessed for such improvement, is regularly presented to city council, the total cost of
6 such improvement, including the cost of intersections, regardless of the limitations of Sections 180 and
7 181 of this Charter or of general law, and without reference to the value of the lands of those who
8 subscribe to such petition, may be assessed and collected in equal annual installments, proportioned to
9 the whole assessment, in a manner which may be fixed by city council. When the lot or land of one who
10 did not subscribe to the petition is assessed, such assessment shall not exceed thirty-three and one-third
11 per cent of the actual value including improvements thereon, as enhanced by the improvement for
12 which the assessment is levied, such value to be determined as of the date of the assessing ordinance.

13 (Adopted 5-7-63.)

14
15 Sec. 182. Assessments for replacing improvements.

16
17 Whenever an assessment is levied for the replacement of any street improvement for which an
18 assessment has theretofore been made, there shall be deducted from the assessment, that might
19 otherwise be made for such replacement, one-half of the amount paid on the highest prior assessment,
20 but in no case shall the assessment for such replacement be reduced to less than fifty per cent of what it
21 would have been as a full assessment, unless council deems a greater reduction equitable, and that all
22 amounts deducted under this section shall be paid as part of the city's portion of the cost of the
23 improvement; and no provision of the general law limiting the assessments for such replacement shall
24 be operative.

25 (Adopted 11-2-15.)

26
27 Sec. 183. Sewer and water connections.

28
29 The director of public service shall have authority to compel the making of sewer and water connections
30 in any street or other highway, the improvement of which has been determined upon by ordinance. The
31 public service director shall cause written notice of the determination thereof to be given to the owner
32 of each lot or parcel of land to which such connections are to be made, which notice shall state the
33 number and character of connections required. Such notice shall be served by a person designated by
34 the director of public service, in the manner provided for the service of summons in civil actions. Non-
35 residents of the city, or persons who cannot be found, may be served by a publication of such notice in
36 the City Bulletin. The notice shall state the time which shall not be less than ten days, within which such
37 connections shall be constructed, and if they be not constructed within the said time, the work may be
38 done by the city and the cost thereof assessed by council against the lots and lands for which such
39 connections are made. Such assessments shall be certified and collected as other assessments for street
40 improvements.

1 (Amended 11-3-98.)

2
3 Sec. 184. Sidewalks.

4
5 The council may, by resolution, declare that certain specified sidewalks shall be constructed or repaired.
6 Upon the passage of such a resolution the city clerk shall cause written notice of the passage thereof to
7 be served upon the owner, or agent of the owner, of each parcel of land abutting upon such sidewalk,
8 who is a resident of the city, in the manner provided by law for the service of summons in civil action.
9 The city clerk shall preserve a copy of the notice with the time and manner of service endorsed thereon,
10 signed by the person serving it. For the purpose of such service, if the owner of any such property be not
11 a resident of the city, any person charged with the collection of rent, or the payment of taxes on such
12 property, or having control thereof in any way, shall be regarded as the agent of the owner and service
13 upon such person shall have the like force and effect as though personal service were made upon the
14 owner thereof. If it appear in any such returns, however, that the owner is a non-resident, or that
15 neither such owner or agent could be found, one publication of a copy of the resolution in the City
16 Bulletin shall be deemed sufficient notice to such owner.

17 (Amended 11-3-98.)

18
19 Sec. 185. Work done by city.

20
21 If such sidewalks be not constructed or repaired within thirty days after the service of the notice
22 provided for in the preceding section, or the completion of the publication thereof, the director of public
23 service may proceed by direct employment of labor, or by contract, to carry out the said construction or
24 repair at the expense of the owner, as in the case of other improvements, and all such expense shall be
25 reported by the director of public service to the council. The council shall thereupon by ordinance assess
26 the cost and expense thereof upon the property bounding or abutting thereon, and such assessment,
27 with interest, shall be collected in the same manner as other assessments.

28
29 Sec. 186. Public improvements by contract or direct labor.

30
31 Public improvements of all kinds may be made by the appropriate department either by direct
32 employment of the necessary labor and the purchase of the necessary supplies and materials, with
33 separate accounting as to each improvement so made, or by contract duly let after competitive bidding,
34 either for a gross price, or upon a unit basis for the improvement, or by contract containing a
35 guaranteed maximum and stipulating that the city shall pay within such maximum the cost of labor and
36 materials, plus a fixed percentage of profit to the contractor. The council shall by ordinance determine
37 by which of the foregoing methods any improvement shall be made. Contracts may provide a bonus per
38 day for completion of the contract prior to a specified date, and liquidated damages to the city to be
39 exacted in like sum for every day of delay beyond a specified date.

1 Sec. 187. Streets and public grounds.

2
3 The council shall provide for the care, supervision, control and improvement of public highways, streets,
4 avenues, alleys, sidewalks, public grounds, bridges, aqueducts and viaducts, within the city, and shall
5 cause them to be kept open, in repair and free from nuisance.

6
7 Sec. 188. Alteration of streets.

8
9 When it deems it necessary the council may cause any street, alley or public highway to be opened,
10 straightened, altered, diverted, narrowed, widened or vacated, and shall assess such portion of the cost
11 thereof, not exceeding fifty per cent, as it may determine, upon the property benefited thereby, but not
12 in excess of the special benefit conferred upon such property by such improvement.

13
14 Sec. 189. Assessment bonds and notes.

15
16 The council may at any time borrow money and authorize the issuance of bonds or notes in anticipation
17 of the levy or collection of assessments. Such bonds or notes may be in sufficient amount to pay the
18 estimated cost and expense of the improvement for which the assessments are levied. In the issuance
19 and sale of such bonds or notes the city shall be governed by the provisions of the general law applying
20 to the issuance and sale of bonds and notes by municipalities.

21
22 Sec. 190. Unexpended balances and assessments.

23
24 All assessments collected for the improvements for which bonds or notes were issued, and all
25 unexpended balances remaining in the fund after the cost and expenses of the improvement have been
26 paid, shall be applied in the payment of said bonds or notes and the interest thereon.

27
28 Sec. 191. Dedication of streets.

29
30 No street or alley dedicated to public use by the proprietor of ground in the city shall be deemed a
31 public street or alley, or under the care or control of the council, unless the dedication be accepted and
32 confirmed by ordinance passed for such purpose, and unless the provisions of general law or any
33 ordinance superseding the same, relating to platting and subdivisions shall have been complied with.

34
35 **FRANCHISES**

36
37 Sec. 192. Grant.

38
39 The council may by ordinance grant permission to any individual, company or corporation to construct
40 and operate a public utility in the streets and public grounds of the city; subject, however, to the

provisions of the general law requiring consents of abutting owners. It shall prescribe in the ordinance the kind and quality of service or product to be furnished, and shall provide for fixing the rate or rates to be charged therefor, and prescribe the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest; provided, however, that except for mass transportation utilities, no original grant of any public utility franchise, or renewal thereof, or extension of the time of such original grant, or change in rates, shall become operative until it shall have been submitted to the vote of the electors of the city and approved by a majority of those voting thereon. Provided further, however, that the provision hereinabove contained concerning the change in rate or rates shall not apply to the rate or rates fixed by a formula contained in any such original grant.

(Adopted 11-3-53.)

Sec. 192-1. Department of Public Utilities; appointment of director of public utilities; powers and duties of director.

(Repealed 11-5-74.)

Sec. 193. Period of grants.

No such grant shall be exclusive nor shall it be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration unless the city council shall by a vote of at least five of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

Sec. 194. ~~Reports to city by grantee~~ Franchise terms, reports.

No ordinance making such grant, renewal or extension shall be valid unless it shall expressly provide therein, that the grantee shall make to the city at prescribed semi-annual periods, a statement of the assets, liabilities, receipts and disbursements of the public utility operating such grant, renewal or extension. Said statement shall be in detail adequate for determining the cost of the service rendered, and shall be signed and sworn to by the grantee or its proper officer or officers. Said ordinance shall also reserve to the city the right of verifying such statements by examination of the books and records of the grantee. No ordinance making such grant, renewal or extension shall be valid if such ordinance does not reserve to the city the right to prevent unjust discrimination in service or rates.

Sec. 195. Right of city to lease or purchase.

All such grants and renewals thereof shall reserve to the city the right to terminate the same and to purchase or lease all the property of the utility in streets and highways in the city and elsewhere, as may

1 be provided in the ordinance making the grant or renewal, used in or useful for the operation of the
2 utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance
3 making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from
4 acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but
5 all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or
6 renewal as hereinbefore provided. Upon the acquisition by the city of the property of any utility, by
7 purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

8
9 Sec. 196. Exclusion of franchise value.

10
11 No ordinance making such grant or renewal shall be valid unless it shall expressly provide therein that
12 the price to be paid by the city for the property that may be acquired by it from such utility by lease,
13 purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

14
15 Sec. 197. Extension by annexation.

16
17 It shall be provided in every such grant that upon the annexation of any territory to the city the portion
18 of any such utility that may be located within such annexed territory and upon the streets, alleys or
19 public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an
20 extension made hereunder.

21
22 Sec. 198. Regulations.

23
24 The council shall at all times control the distribution of space in, over or across all streets or public
25 grounds occupied by public utility fixtures. All rights granted for the construction and operation of [the]
26 public utility shall be subject to the continuing right of the council to require such reconstruction, re-
27 location, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues
28 and highways, of the city, as shall in the opinion of the council be necessary in the public interest.
29 Provided, however, that the council may in the case of a grant, renewal, or extension to any privately-
30 owned public utility by ordinance and in the franchise agreement, specifically reserve the powers
31 referred to in this Section by including such reservations as may be deemed necessary by the council to
32 regulate the use by any privately owned public utility of the public ways of the City.

33 (Adopted 11-3-53.)

34
35 Sec. 199. Forfeitures.

36
37 If any action shall be instituted and successfully prosecuted directly by the grantee of any such grant, or
38 by any of its stockholders, to set aside or have declared void any of the terms of any such grant, the
39 whole of such grant may be thereupon forfeited and annulled at the option of the city council to be

expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city council for any material and/or substantial violation by the grantee of any of the terms thereof.
(Adopted 11-3-53.)

~~NOMINATIONS AND ELECTIONS~~

~~Sec. 200. Nominations and elections.~~

~~(a) Elections. A general election for the choice of elective officers provided for in this charter shall be held on the first Tuesday after the first Monday in November in odd numbered years. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by law or provided for in this charter.~~

~~(b) Nominations. Candidates for all offices to be voted for at any municipal election under the provisions of this charter shall be nominated at a nonpartisan primary election to be held in odd numbered years on the same date as may be provided in the general laws of the state for the holding of primary elections.~~

~~Any matter which the general laws of the state, or this charter, requires a vote of the electorate for adoption, shall be submitted to a vote of the electorate at any regular municipal election or primary election to be held not less than sixty nor more than one hundred twenty days subsequent to the passage of the ordinance submitting the matter. If no regular municipal election or primary election is to be held within the period of sixty to one hundred twenty days subsequent to the passage of the ordinance submitting the matter, a special election shall be held within such time for that purpose. The ordinance submitting a matter to a vote of the electorate shall be certified by the city clerk to the proper election officials immediately upon passage by council. Not less than thirty days prior to such election the city clerk shall give notice to the electorate of the matter being submitted in the same manner as provided in Section 234 hereof in regard to proposed amendments to this charter. Except as otherwise provided for in the charter all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of the state and by the election authorities therein provided for.~~

~~Nothing in this Charter, directly or through incorporation of state election laws, shall prevent the City from adopting ordinances, enforcing requirements, or setting limits on campaign finances or monetary contributions relating to elections for City offices.~~

~~(Amended 11-8-94.)~~

~~Sec. 200-A. Woman's suffrage. [REPEALED]~~

~~Sec. 201. Ballots.~~

~~The ballots used in all elections provided for in this charter shall be without party marks or designations. The whole number of ballots to be printed for any primary or regular election for the nomination or election of candidates for any office, shall be divided by the number of such candidates, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first. These ballots shall then be combined into tablets with no two of the same order of names together. A space shall be provided for each office to be voted for, wherein the voter may write the names of any person for whom the voter may wish to vote. Municipal elections may be conducted either by use of paper ballots or by use of voting machines or by any other secret method as authorized by general law of the State of Ohio. If a method of voting other than paper ballots is used, the rotation of names of candidates shall be in accordance with the constitution and general law of the state.~~

~~Sec. 202. Nomination of council members and other officers.~~

~~(a) Candidates for the office of city council member and for mayor, city attorney, and auditor, shall be nominated by a non-partisan primary election. The name of any elector of the city shall be printed upon the primary ballot if there is filed with the election authorities a petition in accordance with the following provisions, to-wit:~~

~~1. Such petition shall state the name and place of residence of each person whose name is presented for a place upon the ballot and that the individual is a candidate for the designated office of the city of Columbus, Ohio.~~

~~2. Such petition shall be signed by not less than one thousand registered electors in the city.~~

~~3. Such petitions shall contain a provision that each signer thereto thereby pledges to support and vote for the candidate or candidates whose names are therein presented for a place upon the ballot, and each elector signing a petition shall add a place of residence, with street and number, and date of signing, and may subscribe to one nomination for each of the places to be filled and no more. All signatures shall be made with ink or indelible pencil.~~

~~4. The signatures of all the petitioners need not be appended to one paper, but to each separate paper there shall be attached a statement signed by the circulator thereof, under penalty of election falsification, stating the number of signers thereto, that each person signed in the circulator's presence on the date mentioned, and that to the best of the circulator's knowledge, the signature is that of the person whose name it purports to be.~~

~~5. Such petitions shall be filed with the election authorities no later than four p.m., not less than ninety days previous to the day of such primary election.~~

~~6. Such petitions shall contain the names and addresses of five registered electors of the City of Columbus designated in advance by the candidate or candidates as a nominating committee, which committee may fill vacancies caused by the death or withdrawal of the candidate or candidates as set forth in Section 206 of this Charter.~~

~~(b) Notwithstanding the provisions of paragraph (a) of this Section, if no petition in accordance with the provisions of paragraph (a) of this Section is filed for any of the offices to be voted on at the next regular municipal election, or if the number of persons filing such petitions does not exceed, as to any such office, the number of candidates which would be placed upon the ballot at the next regular municipal election, then no primary election should be held for the purpose of nominating candidates for such office to be voted upon at such next regular municipal election. The election officials whose duty it would have been to provide for and conduct the holding of such primary election, declare the results thereof and issue certificates of nomination to the persons entitled thereto if such primary election had been held, shall declare each of such persons filing petitions in accordance with the provisions of paragraph (a) of this Section to be nominated and shall place their names on the ballot at the next regular municipal election in the same manner as though such primary election had been held and such persons had been nominated at such elections.~~

~~Sec. 202-1. Nomination and election of the remainder of an unexpired term.~~

~~The following procedures for the nomination and election of a successor shall apply when this Charter requires an election for the remainder of an unexpired term of office:~~

~~(a) When a vacancy occurs during the term of office of an elected city official and an appointment to fill that vacancy has been made more than 30 days before the deadline for filing nominating petitions for the next regular municipal election, then unless this charter section provides otherwise, the nomination and election of candidates for the unexpired term shall be conducted in the manner provided in this charter for the nomination and election for such office.~~

~~(b) When a vacancy occurs during the term of office of an elected city official and an appointment to fill that vacancy has been made less than 30 days before the deadline for filing nominating petitions for the next regular municipal election but more than 90 days before the next regular municipal election, then candidates seeking election to the unexpired term shall file nominating petitions otherwise in compliance with Charter Section 202(a) not less than 30 day after the appointment to fill such vacancy has been made, and there shall be no primary election.~~

~~Notwithstanding other provisions of this charter, in that case the election authorities shall place all candidates on the ballot at the next regular municipal election who have filed nominating petitions otherwise in compliance with Charter Section 202(a), and the candidate who shall receive the greatest number of votes shall be declared elected for the unexpired term.~~

~~(c) Notwithstanding other provisions of this charter, an election for the remainder of an unexpired term of office is not required by this charter when an appointment to fill the vacancy occurs less than 90 days before the next regular municipal election.~~

~~(d) The nomination and election for the remainder of an unexpired term of a council member shall be conducted separately from other council nominations and elections that may be on the ballot at that regular municipal election.~~

~~Sec. 203. Acceptance.~~

~~Any person whose name has been submitted for candidacy by such petition shall file an acceptance of such candidacy with the election authorities not later than fifty-five days previous to such primary election; otherwise that name shall not appear upon the ballot. Provided, however, that such acceptance shall, in the years 1945 and 1947, be filed with the election authorities not later than seventy days previous to such primary election.~~

~~Sec. 204. Form of primary ballot.~~

~~Except that the crosses here shown shall be omitted and that in place of the names of candidates and number of places to be filled, as here shown, there shall appear the names of candidates, actually seeking nomination, and the number of places to be filled, the ballots shall be printed substantially as follows:~~

~~PRIMARY ELECTION~~

~~**Instructions to voters.** Vote for not more than the number of persons to be elected to the office designated by making a cross in the square opposite and to the left of their names. If you wrongfully mark, tear or deface this ballot, return it to the judges and obtain another.~~

~~FOR COUNCILMEMBERS (Vote for not more than four)~~

X	JOHN COE
	JANE DOE
X	MICHAEL HOE
X	MARY POE
X	RICHARD ROE

~~FOR MAYOR (Vote for not more than one)~~

	ALICE DALTON
X	THOMAS DEAN
	LEE EVANS

~~Sec. 205. Election of council members and other officers.~~

~~The candidates for nomination to the office of city council member who shall receive the greatest vote in such primary shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in the city council to be filled, and the two candidates for nomination for each of the other offices to be filled who shall receive the greatest number of votes shall also be placed on the ballot at such regular municipal election, and the candidates at the regular municipal election, equal in number to the places to be filled, who shall receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for the office of city council member, or between candidates for any other office, shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.~~

~~Sec. 206. Replacement upon death or withdrawal of candidate.~~

~~(a) If a person nominated by petition as a candidate for the office of city council member or for mayor, city attorney, or auditor, at a nonpartisan primary election, if such an election is to be held for the office sought by such candidate, dies or withdraws not less than forty days before the day of such primary election, the vacancy so created may be filled by the nominating committee of five persons designated in the nominating petition of the affected candidate.~~

~~(b) if a person is either nominated in the primary election as a candidate for council member or other elected city office for the next subsequent general election or certified as a candidate for the next subsequent general election according to Section 202(b) of this Charter, and such candidate dies or withdraws not less than forty days before such general election, the vacancy so created may be filled by the nominating committee of five persons designated by the nominating petition filed prior to the primary election by the affected candidate.~~

~~(c) To fill the vacancy created by the death or withdrawal of a candidate for council member or other elected city office under provisions (a) or (b) of this section the members of the nominating committee of five persons designated in the nominating petition filed by the affected candidate, or a majority of them shall file with the appropriate election officials, not less than forty days before the day of either the primary election or the general election, a certificate signed and sworn to under oath by each of them, designating the person they select to fill such vacancy. Such certificate must be accompanied by the written acceptance of the person whose name is so certified.~~

~~Secs. 207 to 209. [Deleted 11-7-33.]~~

~~Sec. 210. Form of ballots.~~

~~Ballots used for the election of candidates shall contain a complete set of the offices to be filled, and the names of candidates for each office shall be arranged under the title thereof as hereinbefore provided. The ballots shall be so printed that the voter may designate the candidates, to the number to be elected, for whom the voter desires to vote.~~

Sec. 211. ~~[Ballot form illustrated.]~~

~~Except that the crosses here shown shall be omitted, and that in place of the titles of officers and names of candidates here shown, there shall appear the titles of offices actually to be filled and the names of candidates nominated therefor, the ballots shall be printed substantially as follows:~~

FORM OF BALLOT

Instructions to Voters

~~(1) —Vote for the candidate or candidates you wish to support by making a cross (X) in the square opposite and to the left of their names. You must not vote for more than the number to be elected.~~

~~(2) —If you wrongfully mark, or tear or deface this ballot, return it to the judges and obtain another.~~

FOR COUNCIL MEMBERS

~~Secs. 212 to 214. [Deleted 11-7-33.]~~

THE RECALL

~~Sec. 215. Recall petition.~~

~~Any elective officer provided for in this charter may be removed from office by the electors, by the following procedure:~~

~~A petition for the recall of the officer or offices designated, signed by at least one thousand of the electors of the city, and containing a statement in not more than two hundred words of the grounds of the recall, shall be filed with the city clerk, who shall forthwith notify the officer or officers sought to be removed, and the officer(s), within five days after such notice, may file with such city clerk a defensive statement in not exceeding five hundred words. The city clerk shall at once, upon the expiration of said five days, cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each attach a printed or typewritten copy of such defensive statement, if one is furnished within the time provided. The city clerk shall cause one copy of such petition to be placed on file in the clerk's office, and provide facilities for their signing the same, and the city clerk shall cause one copy to be placed in each of the several fire engine houses of the city, where the same shall be in the custody of the captain of the house, who shall provide facilities for their signing the same. The city clerk shall immediately cause notice to be published in the City Bulletin of the placing of such copies of such petition, together with a complete copy of the petition, without the signature, and of the defensive statement.~~

~~Such copies of such petition shall remain on file in the several places designated, for the period of thirty days, during which time any of them may be signed by any elector of the city in person; but not by agent~~

~~or attorney. Each signer of any of such copies shall sign in ink or indelible pencil, and shall place thereafter the signer's residence by street and number.~~

~~(Amended 11-3-98.)~~

~~Sec. 216. Notice.~~

~~At the expiration of said period of thirty days the city clerk shall assemble all of said copies as one instrument, and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least fifteen per cent of the registered voters of the city. If such signatures do amount to such per cent the city clerk shall at once serve notice of that fact upon the officer or officers designated in the petition, and also deliver to the election authorities a copy of the original petition, with a certificate as to the percentage of registered voters who signed the same and a certificate as to the date of the last mentioned notice to the officer or officers designated in the petition.~~

~~(Amended 11-3-98.)~~

~~Sec. 217. Recall election.~~

~~If the officer or officers, or any of them, designated in the petition, file with the city clerk within five days after the last mentioned notice from the city clerk, a written resignation, the said clerk shall at once notify the election authorities of that fact and such resignation shall be irrevocable and the vacancy shall be filled in the manner of filling vacancies provided in this charter. In the absence of such resignation, the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than fifty days nor more than ninety days after the expiration of the period of five days last mentioned, and at the same time as any other general or special election held within such period; but if no such election be held within such period the election authorities shall call a special recall election to be held within the period aforesaid.~~

~~(Amended 11-3-98.)~~

~~Sec. 218. Ballots.~~

~~The ballots at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (title of office) by recall?" Immediately following each such question there shall be printed on the ballots the two propositions in the order here set forth:~~

~~"For the recall of (name of person)."~~

~~"Against the recall of (name of person)."~~

~~Immediately to the right of each of the propositions shall be placed a square in which the voters, by making a cross mark (X), may vote for either of such propositions.~~

~~Sec. 219. Filling of vacancies.~~

~~In any such election if a majority of the votes cast on the question of removal of any officer are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election and the vacancy caused by such recall shall be filled in the manner provided in this charter for filling vacancies caused by death or resignation.~~

~~If, however, an election is held for the recall of more than three council members, candidates to succeed them for their unexpired terms shall be voted upon at the same election, and shall be nominated without primary election, by petitions signed, dated and verified in the manner required for petitions presenting names of candidates for nomination at a primary election, and similar inform to such petitions, but signed by electors equal in number to at least two per cent of the registered voters of the city, and filed with the election authorities at least thirty days prior to such recall election. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for the recall, and any signatures thereon antedating such time shall not be counted.~~

~~Candidates shall not be nominated to succeed any particular council members; but if only one council member is removed at such election, the candidate at such election receiving the highest number of votes shall be declared elected to fill the vacancy for the unexpired term; and if more than one council member is removed at such election, such candidates equal in number to the number of council members removed shall be declared elected to fill the vacancies; and among the successful candidates those receiving the greater number of votes shall be declared elected for the longer terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.~~

~~(Amended 11-3-98.)~~

~~Sec. 220. Effect of resignations.~~

~~No proceedings for the recall of all of the members of the city council at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them, the city council shall have power to fill the vacancy until a successor is elected and the proceedings for the recall and the election of successors shall continue, and have the same effect as though there had been no resignation.~~

~~Sec. 221. Miscellaneous provisions.~~

~~Except as herein otherwise provided, no petition to recall any officer shall be filed within six months after the officer takes office. No person removed by recall shall be eligible to be elected or appointed to any city office during a period of two years after the date of such recall. The city clerk shall preserve all papers comprising or connected with a petition for a recall. The method of removal herein provided is in addition to such other methods other than recall as are, or may be, provided by general law.~~

~~(Amended 11-3-98.)~~

~~Sec. 222. Offenses relating to petitions.~~

~~No person shall falsely impersonate another, or purposely write a false name or residence, in signing of any petition for initiative, referendum or recall, or forge any name thereto, or sign any such paper with the knowledge that one is not a qualified elector of the city. No person shall sign, or knowingly permit to be signed, any petition for recall at any place other than one of the places hereinbefore designated for the signing of such petitions.~~

~~(Amended 11-3-98.)~~

~~Sec. 223. [Violations; penalty.]~~

~~No person shall, either in or within one hundred feet of any place so designated, either solicit any elector to sign such petition or attempt to prevent or dissuade one from signing the same. Nor shall any person employ or pay another, or accept employment or payment, for circulating any initiative or referendum petition upon the basis of the number of signatures procured thereto. Any person violating any of the provisions of this section or the next preceding section shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed one hundred dollars and the cost of prosecution. The foregoing provision shall not be held to be exclusive of, but in addition to, all laws of the state prescribing penalties for the same offenses or for other offenses relating to the same matter.~~

~~(Amended 11-3-98.)~~

MISCELLANEOUS PROVISIONS

Sec. 224. Continuance of present officers.

All persons holding office at the time this charter goes into effect shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this charter for the performance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board or department of the city under the laws of the state shall, if such office or department is abolished by this charter, be thereafter exercised and discharged by the officer, board or department upon whom are imposed corresponding functions, powers and duties hereunder.

Sec. 225. Commencement of terms of officers.

All officers whose election is provided for herein shall be first elected at the regular municipal election in the year 1915; the terms of all elective officers shall begin on the first day of January next following their election. The term of office of all members of boards and commissions herein provided for shall commence on the first day of February of the year wherein the terms of the present members expire,

1 and the terms of such present members shall be regarded for the purpose of this charter as expiring on
2 such first day of February, regardless of the precise time of their original appointment. Officers shall
3 hold their respective offices until their successors are chosen and qualified.

4
5 Sec. 226. Oath of office.

6
7 Every officer of the city shall, before entering upon the duties of office, take and subscribe to an oath or
8 affirmation as required by general law, which oath or affirmation shall be filed and kept in the office of
9 the auditor.

10
11 Sec. 227. ~~Interest in contracts or supplies.~~ Prohibited actions by public officials.

12
13 Unless otherwise provided by this charter or ordinance of council, general laws of the state pertaining to
14 prohibited actions by public officials, as established in chapter 2921 of the Ohio Revised Code, or a
15 successor thereto, shall apply to the officers and employees of the city. Such prohibited actions include,
16 but are not limited to, unlawful interest in public contracts, theft in office, soliciting or accepting
17 improper compensation, and bribery. No officer or employee of the city shall have any beneficial
18 interest, which interest accrues to the employee or officer by virtue of office or employment, in any
19 contract with the city, or in the sale to the city of any supplies, material, service or land, except on be
20 half of the city as an officer or employee. Any willful violation of this section shall constitute
21 malfeasance in office, and any such officer or employee shall thereby forfeit office or employment.
22 (Adopted 11-2-82; amended 11-3-98.)

23
24 Sec. 228. Continuance of contract.

25
26 All contracts entered into by the city, for its benefit, prior to the taking effect of this charter, shall
27 continue in full force and effect. All public work begun prior to the taking effect of this charter shall be
28 continued and perfected hereunder. Public improvements for which legislative steps have been taken
29 under law in force at the time this charter takes effect, may be carried to completion in accordance with
30 the provisions of such laws.

31
32 Sec. 229. Ratification of ordinances.

33
34 All ordinances and resolutions in force at the time of the taking effect of this charter, not inconsistent
35 with its provisions, shall continue in force until amended or repealed.

36
37 Sec. 230. Hours of labor.

38
39 Except in case of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and
40 not to exceed forty-eight hours a week's work, for workers engaged on any public work carried on or

aided by the municipality, whether done by contract or otherwise. The council shall, by ordinance, provide for the enforcement of the provisions of this section.

(Amended 11-3-98.)

Sec. 231. Annual reports.

The various officers, boards and heads of departments shall annually report to council in comprehensive and systematized detail, the financial and other transactions of the departments or divisions thereof under their supervision or control. Such reports shall cover such period of time and be made in the manner and at the time that council shall by ordinance prescribe. ~~Such reports shall, when so made, be grouped and published in book form as the annual report of the city.~~ The city clerk shall compile the reports as the annual report of the city and shall publish such annual report by the production of a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

Sec. 232. General laws to apply.

All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, or with ordinances or resolutions hereafter enacted by the city council, shall be applicable to this city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the city council to enact any ordinance or resolution not in conflict with the constitution of the state or with express provisions of this charter.

Sec. 233. Saving clause.

If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this charter unless it clearly appear that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

~~Sec. 234. Amendments.~~

~~Amendments to this charter may be submitted to the electors of the city by a two thirds vote of the council, and shall be submitted by the council upon a petition signed by ten per cent of the electors of the city, setting forth any such proposed amendment. The ordinance providing for the submission of any such amendment shall be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty days prior to such election the city clerk shall mail a copy of the proposed amendment to each elector whose name appears upon the registration books of the last regular~~

~~municipal or general election, or, pursuant to laws passed by general assembly, give notice of the proposed amendment by newspaper advertising. If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed therein.~~
(Amended 5-4-71.)

Sec. 235. When charter takes effect.

For the purpose of nominating and electing officers and all purposes connected therewith, and for the purpose of exercising such legislative powers as are necessary to be exercised by the present council preliminary to the organization of departments, divisions and offices herein provided, this charter shall take effect on the first day of January, 1915. For the purpose of establishing departments, divisions and officers, and distributing the function thereof, and for all other purposes it shall take effect on the first day of January, 1916.

Sec. ---. Equal Rights.

No officer, employee, or agent of the city shall deny equal access to city services, or equal opportunity in employment and promotion, or the benefits thereof, to any person on the basis of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, or any other status that is protected by federal, state, or local law or ordinance.

Sec ---. Charter Review Commission

A charter review commission, composed of five qualified electors of the city, shall be appointed at the second regular meeting of council in the year 2022 and of each succeeding tenth year thereafter, and at any time council may, by vote of six of its members, call for such a commission. The charter review commission shall consist of two members appointed by the council, two members appointed by the mayor, and one member jointly appointed by the council and the mayor, such member serving as chair of the commission. Members of the commission shall not hold any other office or employment in the government of the city, and shall serve without compensation. Vacancies shall be filled in the same manner as prescribed for the original appointment. The commission shall, in meetings open to the public, review the charter. Within six months after appointment, the commission shall report its findings and recommendations regarding the charter, if any, to council. Council may at its discretion submit, in whole or in part, any of the proposed amendments to a vote of the people in the manner provided for by this charter. Any such amendment shall be in a form as provided by council. Nothing in this section shall limit the authority of council to submit any proposed charter amendment to a vote of the people as otherwise provided for in this charter.

1 Sec ---. Charter technical changes.

2
3 The council is granted the authority to, through ordinance adopted by unanimous vote of the entire
4 council, incorporate technical changes to this charter. The ordinance providing for such technical
5 changes shall not be passed as an emergency measure and shall be subject to the referendum as
6 provided for in this charter. Technical changes shall not affect the intent or purpose of any part of the
7 charter and shall be strictly limited to the following: correcting misspellings and obvious errors of
8 grammar, punctuation, or sentence construction; standardizing similar terms, phrases, or references;
9 and re-numbering, re-ordering, or re-sequencing any sentences, paragraphs, or sections of the charter
10 to improve clarity, ease of reference, and grouping of sections related in subject matter.

11
12 Sec. ---. Open meetings.

13
14 The public bodies of the city shall hold all meetings in accordance with the general laws of the state
15 pertaining to open meetings. In addition to those entities defined as public bodies in the general laws of
16 the state, an entity of the city shall be considered a public body for purposes of this section if its
17 members are appointed by an officer of the city, and the entity has been established and its members
18 appointed for the sole purpose of advising any officer or decision-making body of the city.

19
20 Sec. ---. Public records.

21
22 The records of the city shall be made available to the public in accordance with general laws of the state.

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
1	Powers of city.	[MUNICIPAL POWERS]	Miscellaneous		NO	NO	
2	[Powers not exclusive.]	[MUNICIPAL POWERS]	Miscellaneous		NO	NO	
3	Legislative powers.	THE COUNCIL	City Officials -- Duties		YES	NO	
4	Council members.	THE COUNCIL	City Officials -- Generally	(Amended 11-3-98.)	YES	NO	
5	Vacancies.	THE COUNCIL	City Officials -- Generally	(Amended 11-2-93; 11-3-98.)	YES	YES	ADD INABILITY
6	Qualifications of council members.	THE COUNCIL	City Officials -- Generally	(Amended 11-5-85; 11-3-98.)	YES	YES	UNIFORM PROVISIONS
7	Salary and attendance.	THE COUNCIL	City Officials -- Generally	(Adopted 8-8-60.)	YES	YES	REPEAL
8	Meetings of council.	THE COUNCIL	City Officials -- Generally	(Amended 11-3-98; Ord. No. 1143-2010, § 1, 7-19-2010)	YES	YES	REFLECT STATE LAW FOR SPECIAL, EMERGENCY MEETINGS, RECORDS
9	Rules and journal.	THE COUNCIL	City Officials -- Procedure	(Amended 11-3-98.)	YES	YES	REFLECT CURRENT ORGANIZATION PROCESS; EXPAND AUTHORITY TO PUNISH OR EXPEL MEMBER
10	President of council.	THE COUNCIL	City Officials -- Generally	(Amended 11-3-98.)	YES	YES	REFLECT CURRENT PRACTICE; OFFICE OF PRESIDENT PRO TEM
11	Clerk and employees.	THE COUNCIL	City Officials -- Generally		YES	YES	REFLECT CURRENT PRACTICE; DEFINE CITY BULLETIN
12	Public defender.	THE COUNCIL	City Officials -- Generally		YES	YES	REPEAL
13	The city treasurer.	THE COUNCIL	City Officials -- Generally	(Amended 11-3-98.)	YES	YES	QUALIFICATIONS, DEPUTY
14	Officers and employees.	THE COUNCIL	City Administration		YES	YES	CLARIFY COUNCIL AUTHORITY TO APPOINT
15	Compensation of officers and employees.	THE COUNCIL	City Officials -- Generally	(Amended 11-5-85; 11-3-98.)	YES	YES	ESTABLISH CITIZENS' COMMISSION FOR ELECTED OFFICIAL COMPENSATION

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
16	Official bonds.	THE COUNCIL	City Administration		NO	NO	
17	Legislative procedure.	THE COUNCIL	City Officials -- Procedure		YES	YES	TECHNICAL EDITS
18	[Action on ordinances or resolutions.]	THE COUNCIL	City Officials -- Procedure		YES	YES	PERMANENT RECORD
19	Ordinance enactment.	[ORDINANCES AND RESOLUTIONS]	City Officials -- Procedure		YES	YES	INTRO LEGISLATION IN DIGITAL AND ELECTRONIC FORMAT
20	[Reading procedure.]	[ORDINANCES AND RESOLUTIONS]	City Officials -- Procedure		NO	NO	
21	[Amendments or revisions.]	[ORDINANCES AND RESOLUTIONS]	City Officials -- Procedure		NO	NO	
22	Emergency measures.	[ORDINANCES AND RESOLUTIONS]	City Officials -- Procedure		NO	NO	
23	[Subjects for emergency ordinances.]	[ORDINANCES AND RESOLUTIONS]	City Officials -- Procedure		NO	NO	
24	Approval or disapproval.	[ORDINANCES AND RESOLUTIONS]	City Officials -- Procedure	(Amended 11-3-98.)	NO	NO	
25	[Passing over mayor's disapproval.]	[ORDINANCES AND RESOLUTIONS]	City Officials -- Procedure	(Amended 11-3-98.)	NO	NO	
26	Mayor's estimate.	[FINANCES]	City Administration		YES	YES	ELECTRONIC RECORDS, REMOVE SINKING FUND, REMOVE AUDITOR'S BLANKS
27	Appropriation ordinance.	[FINANCES]	City Administration	(Amended 11-3-98.)	NO	NO	
28	Transfer of funds.	[FINANCES]	City Administration		NO	NO	
29	Supplementary appropriation.	[FINANCES]	City Administration		NO	NO	
30	Limitations on appropriations.	[FINANCES]	City Administration		NO	NO	
31	Limitations on expenditures.	[FINANCES]	City Administration		NO	NO	
32	Balances of bond issues.	[FINANCES]	City Administration		YES	YES	REMOVE SINKING FUND REFERENCE, AMEND

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
33	Investigation by council.	[FINANCES]	City Officials -- Procedure		YES	YES	ALLOW COUNCIL TO APPOINT INVESTIGATOR
34	[Investigation procedure.]	[FINANCES]	City Officials -- Procedure	(Amended 11-3-98.)	YES	YES	ALLOW COUNCIL TO APPOINT INVESTIGATOR
35	Ordinances—filing and publication.	[FINAL PASSAGE OF ORDINANCES]	City Officials -- Procedure	(Adopted 8-9-21.)	NO	NO	
36	(Supplemental) Income Tax.	[INCOME TAX]	City Administration	(Adopted 11-6-56. Former 36 deleted 11-7-33.)	NO	NO	
37	(Deleted 11-7-33.)	[INCOME TAX]	N/A	(Deleted 11-7-33.)	NO	NO	
38	(Deleted 11-7-33.)	[INCOME TAX]	N/A	(Deleted 11-7-33.)	NO	NO	
39	(Deleted 11-7-33.)	[INCOME TAX]	N/A	(Deleted 11-7-33.)	NO	NO	
40	(Deleted 11-7-33.)	[INCOME TAX]	N/A	(Deleted 11-7-33.)	NO	NO	
41	The initiative.	INITIATIVE AND REFERENDUM	Elections	(Adopted 11-7-33.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
42	[Petition and signatures.]	INITIATIVE AND REFERENDUM	Elections	(Adopted 11-7-33.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
43	[Duties of city clerk.]	INITIATIVE AND REFERENDUM	Elections	(Adopted 11-7-33.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
44	[Council action; submission to voters.]	INITIATIVE AND REFERENDUM	Elections	(Adopted 11-7-33.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
45	[Approval or rejection.]	INITIATIVE AND REFERENDUM	Elections	(Adopted 11-7-33.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
46	[Ballots; levies; taxes.]	INITIATIVE AND REFERENDUM	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
47	[Submission to council; publication.]	INITIATIVE AND REFERENDUM	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
48	The referendum.	INITIATIVE AND REFERENDUM	Elections	(Adopted 11-7-33.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
49	[Signatures for referendum.]	INITIATIVE AND REFERENDUM	Elections	(Adopted 11-7-33.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
50	[Action by clerk and council on petition.]	INITIATIVE AND REFERENDUM	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
51	[Referendum petition regulations; ballots.]	INITIATIVE AND REFERENDUM	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
52	(Deleted 11-7-33.)	INITIATIVE AND REFERENDUM	N/A	(Deleted 11-7-33.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
53	Conflicting ordinances.	INITIATIVE AND REFERENDUM	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
54	Referendum on emergency measures.	INITIATIVE AND REFERENDUM	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
55	When referendum does not apply.	INITIATIVE AND REFERENDUM	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
56	Referendum—preliminary action.	INITIATIVE AND REFERENDUM	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
57	Executive and administrative powers.	THE EXECUTIVE	City Officials -- Duties		NO	NO	
58	Term and qualifications of mayor.	THE EXECUTIVE	City Officials -- Generally	(Amended 11-5-85; 11-3-98.)	YES	YES	UNIFORM PROVISIONS
59	Salary of mayor.	THE EXECUTIVE	City Officials -- Generally		YES	YES	REPEAL
60	Mayor's power to appoint and remove.	THE EXECUTIVE	City Officials -- Duties		NO	NO	
61	Appointment and removal of employees.	THE EXECUTIVE	City Officials -- Generally	(Amended 11-5-74; 11-3-98.)	YES	YES	REMOVE SINKING FUND REFERENCE
62	General powers and duties of mayor.	THE EXECUTIVE	City Officials -- Duties	(Adopted 5-7-74; amended 11-3-98.)	NO	NO	
63	Mayor's investigation.	THE EXECUTIVE	City Officials -- Procedure		NO	NO	
64	Succession of mayor— acting mayor.	THE EXECUTIVE	City Officials -- Procedure	(Amended 11-5-74; 11-3-89.)	YES	YES	CLARIFY, EXPAND INABILITY
65	Mayor's right in council.	THE EXECUTIVE	City Officials -- Generally		NO	NO	
66	Election and qualifications.	THE CITY ATTORNEY	City Officials -- Generally	(Amended 11-3-98.)	YES	YES	UNIFORM PROVISIONS
67	Powers and duties.	THE CITY ATTORNEY	City Officials -- Duties	(Amended 11-3-98.)	YES	YES	ESTABLISH DEPUTY
68	[Prosecuting attorney.]	THE CITY ATTORNEY	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
69	[Representing city.]	THE CITY ATTORNEY	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
70	[Rendering opinions.]	THE CITY ATTORNEY	City Officials -- Duties		NO	NO	
71	Actions.	THE CITY ATTORNEY	City Officials -- Duties		NO	NO	
72	[Obtaining forfeitures or specific performance.]	THE CITY ATTORNEY	City Officials -- Duties		NO	NO	
73	[Mandamus.]	THE CITY ATTORNEY	City Officials -- Duties		NO	NO	

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
74	[Taxpayer's suit.]	THE CITY ATTORNEY	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
75	[Suit on bonds or notes.]	THE CITY ATTORNEY	City Officials -- Duties		NO	NO	
76	[Action on taxpayer's suit.]	THE CITY ATTORNEY	City Officials -- Duties		NO	NO	
77	City attorney to act as city solicitor.	THE CITY ATTORNEY	N/A	(Repealed 11-3-98.)	NO	NO	
78	Successor to city attorney.	THE CITY ATTORNEY	City Officials -- Duties		YES	YES	ADD INABILITY
79	Election and qualifications.	THE AUDITOR	City Officials -- Generally	(Amended 11-3-98.)	YES	YES	UNIFORM PROVISIONS
80	Powers and duties.	THE AUDITOR	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
81	[Accounts and forms.]	THE AUDITOR	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
82	[Daily reports; appropriations.]	THE AUDITOR	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
83	[Auditing officer's accounts.]	THE AUDITOR	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
84	[Payment of claims.]	THE AUDITOR	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
85	[Payment of unlawful claims.]	THE AUDITOR	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
86	[Deputy and assistants.]	THE AUDITOR	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
87	Successor to auditor.	THE AUDITOR	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
88	[Custodian of city's money.]	THE TREASURER	City Officials -- Generally	(Amended 11-3-98.)	YES	YES	ADD INABILITY
89	[Money from county treasurer.]	THE TREASURER	City Officials -- Duties		NO	NO	
90	[Payment of money due city.]	THE TREASURER	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
91	[Disbursement of funds.]	THE TREASURER	City Officials -- Duties		NO	NO	
92	[Detailed account.]	THE TREASURER	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
93	[Depositories.]	THE TREASURER	City Officials -- Duties	(Adopted 11-7-21.)	YES	YES	COUNCIL TO PASS ORDINANCE GOVERNING INVESTMENTS
94	[Powers and duties.]	THE TREASURER	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
95	[Departure from office.]	THE TREASURER	City Officials -- Duties	(Amended 11-3-98.)	NO	NO	
96	[Assistants and clerks.]	THE TREASURER	City Officials -- Duties		NO	NO	
97	Departments and divisions established.	DEPARTMENTS AND DIVISIONS	City Administration	(Amended 11-5-74.)	NO	NO	
98	Administrative Code.	DEPARTMENTS AND DIVISIONS	City Administration	(Amended 11-5-74.)	NO	NO	

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
99	General powers and duties of administrative departments.	DEPARTMENTS AND DIVISIONS	City Administration	(Amended 11-5-74; 11-3-98.)	NO	NO	
100	Appointments.	DEPARTMENTS AND DIVISIONS	City Administration		NO	NO	
101	General powers and duties of director.	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Amended 11-5-74; 11-3-98.)	NO	NO	
101.1	Appointment of police and fire chiefs.	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Adopted 7-19-99.)	NO	NO	
102	Division of police.	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Amended 11-3-98.)	NO	NO	
103	[Control by chief of police.]	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Amended 11-3-98.)	NO	NO	
104	[Special police officers.]	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Amended 11-3-98.)	NO	NO	
105	Division of fire.	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Amended 11-3-98.)	NO	NO	
106	[Control by fire chief.]	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Amended 11-3-98.)	NO	NO	
107	Removal of chiefs.	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Amended 7-19-99.)	NO	NO	
108	Suspension in fire and police division.	DEPARTMENT OF PUBLIC SAFETY	City Administration		NO	NO	
109	Appeal to civil service commission.	DEPARTMENT OF PUBLIC SAFETY	City Administration		NO	NO	
110	Classification of employees in divisions of police and fire.	DEPARTMENT OF PUBLIC SAFETY	City Administration		NO	NO	
111	Relief of police and firefighters.	DEPARTMENT OF PUBLIC SAFETY	City Administration	(Amended 11-3-98.)	NO	NO	
112	Division of public welfare.	DEPARTMENT OF PUBLIC SAFETY	N/A	(Repealed 11-5-74.)	NO	NO	

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
112.1	Division of building regulation.	DEPARTMENT OF PUBLIC SAFETY	N/A	(Repealed 11-5-74; renumbered 11-3-98.)	NO	NO	
112.2	Division of weights and measures.	DEPARTMENT OF PUBLIC SAFETY	N/A	(Repealed 11-5-74; renumbered 11-3-98.)	NO	NO	
113	General powers and duties of director.	DEPARTMENT OF PUBLIC SERVICE	N/A	(Repealed 11-5-74; renumbered 11-3-98.)	NO	NO	
114	[Management and control by director.]	DEPARTMENT OF PUBLIC SERVICE	N/A	(Repealed 11-5-74; renumbered 11-3-98.)	NO	NO	
115	[Other duties of director.]	DEPARTMENT OF PUBLIC SERVICE	N/A	(Repealed 11-5-74; renumbered 11-3-98.)	NO	NO	
116	[Deleted Nov. 3, 1953; renumbered 11-3-98.]	DEPARTMENT OF PUBLIC SERVICE	N/A	(Deleted Nov. 3, 1953; renumbered 11-3-98.)	NO	NO	
117	[Deputy to director.]	DEPARTMENT OF PUBLIC SERVICE	N/A	(Repealed 11-5-74; renumbered 11-3-98.)	NO	NO	
118	Water rates and charges.	UTILITY RATES	Miscellaneous	(Amended 11-5-74; renumbered 11-3-98.)	YES	YES	ADD ALL UTILITIES
119	[Determining water rate.]	UTILITY RATES	Miscellaneous		YES	YES	ADD ALL UTILITIES, DEBT OBLIGATION, INTEREST AND PRINCIPAL
120	Interest on water bonds.	UTILITY RATES	Miscellaneous	(Amended 11-5-74; renumbered 11-3-98.)	YES	YES	ADD ALL UTILITIES, REMOVE SINKING FUND, REFERENCE DEBT OBLIGATION FUND
121	[Depreciation fund.]	UTILITY RATES	Miscellaneous	(Renumbered 11-3-98.)	YES	YES	REPEAL
122	[Exemption from water bills.]	UTILITY RATES	Miscellaneous	(Renumbered 11-3-98.)	YES	YES	MODERNIZE, EXPAND FLEXIBILITY AND ELIGIBILITY

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
123	Cash deposits on water.	UTILITY RATES	Miscellaneous	(Amended 11-5-74; renumbered and amended 11-3-98.)	YES	YES	REPEAL, ENACT AUTHORITY FOR RULES
124	Rates and charges for service furnished by municipally owned utilities.	UTILITY RATES	Miscellaneous	(Adopted 8-14-17; renumbered 11-3- 98.)	YES	YES	ADD ALL UTILITIES
125	Board of health.	DEPARTMENT OF HEALTH	City Administration	(Amended 11-5-74; renumbered and amended 11-3-98.)	NO	NO	
126	Terms of office of members.	DEPARTMENT OF HEALTH	City Administration	(Amended 11-5-74; renumbered 11-3-98.)	NO	NO	
127	Powers and duties.	DEPARTMENT OF HEALTH	City Administration	(Renumbered 11-3- 98.)	NO	NO	
128	Recreation and Parks Commission; appointment and organization.	RECREATION AND PARKS DEPARTMENT	City Administration	(Adopted 11-7-72; renumbered and amended 11-3-98.)	YES	YES	UPDATE COMMISSION QUALIFICATIONS, COMPOSITION
129	Powers and duties of the commission.	RECREATION AND PARKS DEPARTMENT	City Administration	(Adopted 11-7-72; renumbered 11-3-98.)	NO	NO	
130	Trustees; appointment and organization.	PUBLIC LIBRARIES	N/A	(Repealed 11-5-85.)	NO	NO	
131	Powers and duties of trustees.	PUBLIC LIBRARIES	N/A	(Repealed 11-5-85.)	NO	NO	
132	[Annual report; general law.]	PUBLIC LIBRARIES	N/A	(Repealed 11-5-85.)	NO	NO	
133	[Appointment.]	TRUSTEES OF THE SINKING FUND	City Administration		YES	YES	REPEAL
134	Compensation and bond.	TRUSTEES OF THE SINKING FUND	City Administration		YES	YES	REPEAL
135	Organization of board.	TRUSTEES OF THE SINKING FUND	City Administration	(Amended 11-3-98.)	YES	YES	REPEAL

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
136	Powers and duties.	TRUSTEES OF THE SINKING FUND	City Administration	(Adopted 11-8-21.)	YES	YES	REPEAL
137	[Certification of funds.]	TRUSTEES OF THE SINKING FUND	City Administration		YES	YES	REPEAL
138	[Investment of funds.]	TRUSTEES OF THE SINKING FUND	City Administration		YES	YES	REPEAL
139	[Deposits and withdrawals.]	TRUSTEES OF THE SINKING FUND	City Administration		YES	YES	REPEAL
140	Powers as to investigation.	TRUSTEES OF THE SINKING FUND	City Administration		YES	YES	REPEAL
141	Recording of bonds.	TRUSTEES OF THE SINKING FUND	City Administration		YES	YES	REPEAL
142	Board of purchase.	[PURCHASES]	N/A	(Repealed 5-7-74.)	NO	NO	
143	[Competition; supplies.]	[PURCHASES]	N/A	(Repealed 5-7-74.)	NO	NO	
144	[Assistants.]	[PURCHASES]	N/A	(Repealed 5-7-74.)	NO	NO	
145	[Powers and duties; City bulletin.]	[BUREAU OF INFORMATION AND PUBLICITY]	City Officials -- Generally	(Amended 11-3-98.)	YES	YES	REPEAL, ENACT IN SEPARATE SECTION RE: CLERK
146	Commissioners.	THE CIVIL SERVICE COMMISSION	City Administration		NO	NO	
147	Officers of commission.	THE CIVIL SERVICE COMMISSION	City Administration		NO	NO	
148	Classification.	THE CIVIL SERVICE COMMISSION	City Administration	(Amended 11-5-85; 11-3-98.)	NO	NO	
149	Rules.	THE CIVIL SERVICE COMMISSION	City Administration	(Amended 11-8-94; 11-3-98.)	YES	YES	CHANGE FROM 1 TO 3 YEARS TO REJOIN ELIGIBLE LIST
149.1	Appeals.	THE CIVIL SERVICE COMMISSION	City Administration	(Adopted 5-2-67.)	NO	NO	
150	Examinations.	THE CIVIL SERVICE	City Administration		NO	NO	

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
151	Appointments.	THE CIVIL SERVICE COMMISSION	City Administration	(Amended 11-8-94.)	NO	NO	
152	Present civil service employees.	THE CIVIL SERVICE COMMISSION	City Administration	(Adopted 8-8-60.)	NO	NO	
153	Payrolls certified.	THE CIVIL SERVICE COMMISSION	City Administration		NO	NO	
154	Investigations and hearings.	THE CIVIL SERVICE COMMISSION	City Administration		NO	NO	
155	Political beliefs.	THE CIVIL SERVICE COMMISSION	City Administration		NO	NO	
156	Political activity.	THE CIVIL SERVICE COMMISSION	City Administration		NO	NO	
157	Abuse of political influence.	THE CIVIL SERVICE COMMISSION	City Administration	(Amended 11-3-98.)	NO	NO	
158	Violations and penalties.	THE CIVIL SERVICE COMMISSION	City Administration	(Amended 11-3-98.)	NO	NO	
158.1	<i>Resident requirements for certain employees.</i>	<i>THE CIVIL SERVICE COMMISSION</i>	<i>City Administration</i>	<i>(Amended 5-4-71.)</i>	YES	NO	<i>RECOMMEND STUDY COMMISSION</i>
159	Certificate of auditor.	CONTRACTS	City Administration	(Adopted 11-2-71.)	NO	NO	
160	[Crediting funds.]	CONTRACTS	City Administration		NO	NO	
161	Contracts—when void.	CONTRACTS	City Administration	(Amended 11-3-98.)	NO	NO	
162	Contracts—how let.	CONTRACTS	N/A	(Repealed 5-7-74.)	NO	NO	
163	Alterations or modifications in contract.	CONTRACTS	N/A	(Repealed 5-7-74.)	NO	NO	
164	Local improvements.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
165	Methods of special assessments.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
166	Preliminary resolution.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
167	Plans of proposed improvements.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
168	Estimated assessment.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
169	[Lands unallotted or not on duplicate.]	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
170	Notice—how served.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
171	Objections to assessments.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous	(Amended 11-3-98.)	NO	NO	
172	Board of revision.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
173	Hearing on objection.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
174	Claims.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous	(Amended 11-3-98.)	NO	NO	
175	Damages assessed.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
176	[Procedure of city attorney.]	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
177	[Damage claims required.]	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous	(Amended 11-3-98.)	NO	NO	
178	Assessment of cost.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
179	Collection of assessments.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
180	Limitation on assessments.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
181	City's portion of cost.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous	(Adopted 5-7-63.)	NO	NO	
181.1	Petitions for improvements.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous	(Adopted 5-7-63.)	NO	NO	
182	Assessments for replacing improvements.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous	(Adopted 11-2-15.)	NO	NO	
183	Sewer and water connections.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous	(Amended 11-3-98.)	NO	NO	
184	Sidewalks.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous	(Amended 11-3-98.)	NO	NO	
185	Work done by city.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
186	Public improvements by contract or direct labor.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
187	Streets and public grounds.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
188	Alteration of streets.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
189	Assessment bonds and notes.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
190	Unexpended balances and assessments.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
191	Dedication of streets.	IMPROVEMENTS AND ASSESSMENTS	Miscellaneous		NO	NO	
192	Grant.	FRANCHISES	Miscellaneous	(Adopted 11-3-53.)	NO	NO	

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
192.1	Department of Public Utilities; appointment of director of public utilities; powers and duties of director.	FRANCHISES	N/A	(Repealed 11-5-74.)	NO	NO	
193	Period of grants.	FRANCHISES	Miscellaneous		NO	NO	
194	Reports to city by grantee.	FRANCHISES	Miscellaneous		YES	YES	ADD NON-DISCRIMINATION
195	Right of city to lease or purchase.	FRANCHISES	Miscellaneous		NO	NO	
196	Exclusion of franchise value.	FRANCHISES	Miscellaneous		NO	NO	
197	Extension by annexation.	FRANCHISES	Miscellaneous		NO	NO	
198	Regulations.	FRANCHISES	Miscellaneous	(Adopted 11-3-53.)	NO	NO	
199	Forfeitures.	FRANCHISES	Miscellaneous	(Adopted 11-3-53.)	NO	NO	
200	Nominations and elections.	NOMINATIONS AND ELECTIONS	Elections	(Amended 11-8-94.)	YES	YES	AMEND PROVISIONS (SEE ELECTIONS SUMMARY)
200.1	<i>Woman's suffrage.</i>	<i>NOMINATIONS AND ELECTIONS</i>	<i>N/A</i>	<i>(Repealed 11-5-74.)</i>	<i>YES</i>	<i>NO</i>	
201	Ballots.	NOMINATIONS AND ELECTIONS	Elections	(Adopted 5-5-64; amended 11-3-98.)	YES	YES	REPEAL
202	Nomination of council members and other officers.	NOMINATIONS AND ELECTIONS	Elections	(Amended 11-2-82; 11-3-98.)	YES	YES	AMEND PROVISIONS (SEE ELECTIONS SUMMARY)
202.1	Nomination and election of the remainder of an unexpired term.	NOMINATIONS AND ELECTIONS	Elections	(Adopted 11-8-94.)	YES	YES	AMEND PROVISIONS (SEE ELECTIONS SUMMARY)
203	Acceptance.	NOMINATIONS AND ELECTIONS	Elections	(Adopted 5-22-45; amended 11-3-98.)	YES	YES	AMEND PROVISIONS (SEE ELECTIONS SUMMARY)
204	Form of primary ballot.	NOMINATIONS AND ELECTIONS	Elections	(Adopted 11-7-33; amended 11-3-98.)	YES	YES	REPEAL
205	Election of council members and other officers.	NOMINATIONS AND ELECTIONS	Elections	(Adopted 11-7-33; amended 11-3-98.)	YES	YES	AMEND PROVISIONS (SEE ELECTIONS SUMMARY)

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
206	Replacement upon death or withdrawal of candidate.	NOMINATIONS AND ELECTIONS	Elections	(Adopted 11-2-82; amended 11-3-98.)	YES	YES	AMEND PROVISIONS (SEE ELECTIONS SUMMARY)
207	[Deleted 11-7-33.]	NOMINATIONS AND ELECTIONS	N/A	[Deleted 11-7-33.]	YES	YES	REPEAL
208	[Deleted 11-7-33.]	NOMINATIONS AND ELECTIONS	N/A	[Deleted 11-7-33.]	YES	YES	REPEAL
209	[Deleted 11-7-33.]	NOMINATIONS AND ELECTIONS	N/A	[Deleted 11-7-33.]	YES	YES	REPEAL
210	Form of ballots.	NOMINATIONS AND ELECTIONS	Elections	(Adopted 11-7-33; amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
211	[Ballot form illustrated.]	NOMINATIONS AND ELECTIONS	Elections	(Adopted 11-7-33; amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
212	[Deleted 11-7-33.]	NOMINATIONS AND ELECTIONS	N/A	[Deleted 11-7-33.]	YES	YES	REPEAL
213	[Deleted 11-7-33.]	NOMINATIONS AND ELECTIONS	N/A	[Deleted 11-7-33.]	YES	YES	REPEAL
214	[Deleted 11-7-33.]	NOMINATIONS AND ELECTIONS	N/A	[Deleted 11-7-33.]	YES	YES	REPEAL
215	Recall petition.	THE RECALL	Elections	(Amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
216	Notice.	THE RECALL	Elections	(Amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
217	Recall election.	THE RECALL	Elections	(Amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
218	Ballots.	THE RECALL	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
219	Filling of vacancies.	THE RECALL	Elections	(Amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
220	Effect of resignations.	THE RECALL	Elections		YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
221	Miscellaneous provisions.	THE RECALL	Elections	(Amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
222	Offenses relating to petitions.	THE RECALL	Elections	(Amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
223	[Violations; penalty.]	THE RECALL	Elections	(Amended 11-3-98.)	YES	YES	REPEAL, ENACT NEW PROVISIONS (SEE ELECTIONS SUMMARY)
224	Continuance of present officers.	MISCELLANEOUS PROVISIONS	Miscellaneous		NO	NO	
225	Commencement of terms of officers.	MISCELLANEOUS PROVISIONS	Miscellaneous		NO	NO	
226	Oath of office.	MISCELLANEOUS PROVISIONS	City Officials -- Generally		NO	NO	
227	Interest in contracts or supplies.	MISCELLANEOUS PROVISIONS	City Officials -- Generally	(Adopted 11-2-82; amended 11-3-98.)	YES	YES	ENACT BROADER PROHIBITED ACTS

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
228	Continuance of contract.	MISCELLANEOUS PROVISIONS	Miscellaneous		NO	NO	
229	Ratification of ordinances.	MISCELLANEOUS PROVISIONS	Miscellaneous		NO	NO	
230	Hours of labor.	MISCELLANEOUS PROVISIONS	City Administration	(Amended 11-3-98.)	NO	NO	
231	Annual reports.	MISCELLANEOUS PROVISIONS	City Administration		YES	YES	PERMANENT RECORD, ELECTRONIC
232	General laws to apply.	MISCELLANEOUS PROVISIONS	Miscellaneous		NO	NO	
233	Saving clause.	MISCELLANEOUS PROVISIONS	Miscellaneous		NO	NO	
234	Amendments.	MISCELLANEOUS PROVISIONS	Elections	(Amended 5-4-71.)	YES	YES	REPEAL, ENACT IN SEPARATE SECTION
235	When charter takes effect.	MISCELLANEOUS PROVISIONS	Miscellaneous		NO	NO	
--	Charter Review Commission.	--	City Administration	--	YES	YES	ESTABLISH DECENNIAL CHARTER REVIEW COMMISSION
--	Charter technical changes.	--	City Administration	--	YES	YES	AUTHORIZE TECHNICAL CHARTER CHANGES BY ORDINANCE
--	Equal Rights.	--	City Administration	--	YES	YES	ENACT EQUAL RIGHTS AMENDMENT
--	Open meetings.	--	City Administration	--	YES	YES	ESTABLISH OPEN MEETINGS, EXTEND TO CERTAIN ADVISORY BODIES
--	Public records.	--	City Administration	--	YES	YES	ESTABLISH RECORDS STANDARD

SECTION	TITLE	TABLE OF CONTENTS	ISSUE	AMENDED?	FOR DISCUSSION?	AMENDMENT RECOMMENDED?	NOTES
--	Prohibited use of public funds.	--	City Administration	--	YES	YES	ESTABLISH GENERAL PROVISION, REQUIRE COUNCIL ORDINANCE