

CHARTER

OF THE

CITY OF MILFORD, OHIO

Complete to January 1, 2000

CITY OF MILFORD

City Council 2000

Craig Kolb, Mayor

Kim McBeath, Vice-Mayor

Jim Gradolf

Jim Antell

Charlene Hinnners

Lou Bishop

Brad Olson

Susan Craig, Clerk of Council

City of Milford

2000 Officials

Loretta E. Rokey, City Manager

Christopher A. Anderson, Assistant City Manager

Stephen J. Wagner, Director of Finance

Michael Minniear, Law Director

Larry Lantman, Chief of Police

John Cooper, Fire Chief

Charter Review Commission – 1999

Kim Chamberland

Timothy Miller, Jr.

Yvonne Haight

David Thompkins

James Hurt

Jan Wulker

Ralph Jessee

Michael Minniear, Legal Adviser

**CHARTER
OF THE
CITY OF MILFORD, OHIO**

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**CHARTER OF THE MUNICIPALITY
OF MILFORD, OHIO**

PREAMBLE

We, the people of the Municipality of Milford, Ohio, in order to secure the benefits of and exercise the powers of local self-government under the constitution and laws of the State of Ohio, do hereby adopt this Charter for the government of the Municipality of Milford.

ARTICLE I - NAME, BOUNDARIES AND CLASSIFICATION

SEC. 1.01 NAME AND BOUNDARIES.

The Municipality presently incorporated, as the City of Milford, in the Counties of Clermont and Hamilton, State of Ohio, shall continue to be a body politic and corporate with all the privileges and powers pertaining thereto. The municipality shall have the boundaries that now exist and shall have authority to change its boundaries by annexation, detachment, and other proceedings authorized by the general laws of the State of Ohio. Territory added to the Municipality shall immediately become subject to the provisions of this Charter.
(Amended 11-3-81)

SEC. 1.02 CHANGE IN CLASSIFICATION.

The Municipality shall have perpetual succession and whenever by virtue of the Constitution and laws of the State of Ohio, the City of Milford shall become a village, such village shall be deemed to be a continuation of the City of Milford, identical therewith, but under the name of the Village of Milford, and this Charter and all ordinances, resolutions, contracts, powers, and obligations shall continue with the same force and effect with relation to the Village of Milford as to the City of Milford, unless or until each shall be altered, amended or repealed under the authority of this Charter.
(Amended 11-3-81)

ARTICLE II - MUNICIPAL POWERS

SEC. 2.01 MUNICIPAL POWERS.

The Municipality shall have home rule and all powers of local self-government now or hereafter granted by the Constitution of the State of Ohio and shall exercise under this Charter all such powers and all other powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or assumed by municipalities in the State of Ohio.

All such powers shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, in such manner as shall be provided by ordinance or resolution, and if not provided by ordinance or resolution, then as provided by the Constitution and laws of the State of Ohio unless and until otherwise provided, either by amendment to this Charter or by action of Council. The enumeration of particular and specific powers in this Charter shall not be deemed to exclude other powers to which the Municipality of Milford is now or hereafter entitled under the Constitution of the State of Ohio.

SEC. 2.02 FORM OF GOVERNMENT.

The form of government provided for by this Charter shall be known as "The Council-Manager Plan". All legislative powers of the Municipality, except as reserved in this Charter to the electors under Article XIII, shall be vested in an elected Council and the administrative powers of the Municipal Government as defined by this Charter shall be vested in a Manager appointed by such Council.

(Amended 11-3-81)

ARTICLE III - COUNCIL

SEC. 3.01 MEMBERS.

The City Council shall be composed of seven members, elected at large.

SEC. 3.02 QUALIFICATIONS.

Council members shall be electors at the time of their election and shall be bona fide residents of the City for at least ninety days before their election and shall continue to reside within the City during their term of office. No Council member shall hold any other Municipal office or employment by the Municipality during the term for which he was elected to Council except as otherwise permitted in Section 4.06 of this Charter.

(Amended 11-2-99)

SEC. 3.03 TERMS OF OFFICE.

Members of Council shall be elected for four (4) year overlapping terms. The term of office for a Council member shall begin on the first regularly scheduled Council meeting in January following the regular Municipal election to be held the first Tuesday after the first Monday in November in odd numbered years. In the event that following a Municipal election there is a contest or failure to qualify as to one or more of those elected to Council, the remaining members of Council duly elected and certified shall constitute the full legal Council until such time as the election question is resolved. A simple majority of the full legal Council shall constitute a quorum.

(Amended 11-4-86)

SEC. 3.04 POWERS AND DUTIES OF COUNCIL.

All legislative power of the Municipality shall be vested in the Council, subject to the terms of this Charter and the Constitution of the State of Ohio, except such legislative power as is reserved by the Constitution of Ohio to the electors relative to initiative and referendum, and as reserved to the electors by Article XIII of this Charter.

Council may do all things necessary and proper for carrying into execution all the powers vested in it by this Charter and the Constitution of the State of Ohio.

Council shall have the authority to change the names and/or titles of any departments, boards, and commissions designated in this Charter.

(Amended 11-3-81)

SEC. 3.05 ORGANIZATION.

At the first regularly scheduled Council meeting in January following each Municipal election, the newly elected members of Council shall take the oath of office, the Council shall elect a Mayor and a Vice Mayor and the Council shall transact such other business as may come before it. Thereafter, regular meetings shall be held as prescribed by Council rules, but not less frequently than once a month. Within thirty (30) days of the initial meeting, Council shall adopt by resolution written rules to govern its proceedings for the coming two year period.

Four (4) members shall constitute a quorum of Council except as quorum may otherwise be defined in Sections 3.03 and 3.09 of this Charter.

All Council meetings where a quorum is present and where official business is conducted, including special meetings of Council, shall be open to the public at all times except in cases where executive sessions are permitted.

Council may hold an executive session closed to the public only after a majority of a quorum of Council determines, by roll call vote, to hold such a session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

- (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a City employee or official, or the investigation of charges or complaints against a City employee, official, licensee or regulated individual, unless the City employee, official, licensee or regulated individual requests a public hearing.
- (2) To consider the purchase of property for City purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.
- (3) Conferences with the Law Director or other legal counsel representing the Municipality regarding the discussion or deliberation of legal matters involving the Municipality.
- (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with City employees concerning their compensation or other terms and conditions of their employment.

- (5) Matters required to be kept confidential by federal law or rules or State statutes.
- (6) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- (7) Any and all other matters for which public bodies may hold executive sessions under Section 121.22 of the Ohio Revised Code.
(Amended 11-5-91)

SEC. 3.06 SPECIAL MEETINGS.

Special meetings of Council shall be held subject to the following provisions:

- (a) A special meeting shall be held in the usual place designated for regular meetings and shall be governed by the same rules and procedures as regular meetings.
- (b) A special meeting may be called upon written notice by the Mayor, by three (3) members of Council or by the City Manager.
- (c) The notice shall state the time and purpose of the meeting and shall be delivered in person or by certified mail to all Council members at least twenty-four (24) hours before the meeting.
- (d) Council members may waive written notice of a special meeting. However, their signed waivers shall be part of the journal record of the meeting.
- (e) Only the business stated in the notice may be transacted at the special meeting.
- (f) Special meetings must be advertised by posting a notice of the meeting stating time and purpose of the meeting twenty-four (24) hours in advance of that meeting on at least three (3) public bulletin boards in the Municipality except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.

(Amended 11-5-91)

SEC. 3.07 VACANCIES.

The office of a Council member shall become vacant upon his death, resignation, forfeiture of his office or removal from office in any manner authorized by law or by this Charter or by Ordinance. Resignations must be made in writing and submitted to the Clerk for reading at the next regularly scheduled Council meeting and shall become effective upon the date set forth in the letter of resignation, but in no event shall the effective date of resignation be later than seven (7) days from the date of the reading of the letter of resignation. A Council member shall not be permitted to hold the office of Council member for one year after his resignation or for four years after his forfeiture of office or removal from office. (Amended 11-2-99)

SEC. 3.08 FORFEITURE OF OFFICE.

A Council member shall forfeit his office and shall be removed from office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law; or if he violates any express prohibitions of this Charter; or if he is convicted of a felony; or if he is convicted of a misdemeanor of which theft or dishonesty is an element of the offense; or if he is convicted of a crime involving moral turpitude or malfeasance; or if he fails to attend three (3) regularly scheduled Council meetings a year without being excused by Council.

Council, in its written rules established pursuant to Section 3.05 or by Ordinance, shall establish the procedure for the enforcement of this section. (Amended 11-2-99)

SEC. 3.09 FILLING OF VACANCIES.

A Council vacancy shall be filled within thirty (30) days by a vote of a majority of the remaining members of Council. If Council fails to fill such vacancy within thirty (30) days, the Mayor shall fill it by appointment notwithstanding Section 3.13 of this Charter. Such person appointed by the Mayor or the Council shall serve the unexpired term of the member he replaces. Until such time as a vacancy is filled, the remaining members shall constitute the full legal Council. A simple majority of the full legal Council shall constitute a quorum for the purposes of this section. If the Mayor is the person being replaced, the Vice-Mayor shall assume the position of Mayor and a new election among Council shall be held to elect the Vice-Mayor. (Amended 11-2-99)

SEC. 3.10 SALARIES.

Salaries of Council members shall be established by ordinance. Salaries of the Council members shall not be changed during their term of office nor by any ordinance passed subsequent to the final date fixed by this Charter for filing as a candidate for such office. The Mayor and Vice-Mayor shall be entitled to receive additional compensation for presiding over Mayor's Court. (Amended 11-2-99)

SEC. 3.11 MAYOR AND VICE MAYOR.

After each Municipal election, Council shall elect from among its own members one to serve as Mayor and one as Vice Mayor, each for a two (2) year term subject, however, to the written rules of Council regarding removal of the Mayor and/or Vice Mayor.

The Mayor shall preside at Council meetings and shall have a vote on all matters which come before Council, but shall have no power of veto. He shall be the ceremonial and representative head of the Municipality, but shall exercise no administrative authority. He shall be recognized as official head of the Municipality for military purposes and by the courts for purposes of serving civil process. He shall have judicial authority and other related powers and privileges under the Constitution and laws of Ohio. The Mayor shall perform all other duties prescribed for him by ordinance or resolution of Council and not inconsistent with the provisions of this Charter.

During the absence of the Mayor or at his express direction upon approval by Council, the Vice Mayor shall have the same authority vested in the Mayor and perform all duties of the Mayor including the judicial authority and related powers and privileges granted to the Mayor under the Constitution and laws of Ohio, this Charter and any ordinances or resolutions adopted pursuant to and in accordance with this Charter including, but not limited to, the conducting of and presiding at Mayor's Court and the officiating at marriage ceremonies.
(Amended 11-5-91)

SEC. 3.12 COUNCIL MINUTES.

Council shall keep minutes of all its proceedings open to the public which shall be a public record to be preserved and maintained in a public place.
(Amended 11-4-86)

SEC. 3.13 APPOINTMENTS AND REMOVALS.

Appointments reserved to Council by this Charter shall be made by two-thirds (2/3) vote of the full legal Council. Unless otherwise provided in this Charter, Council may remove any person it has appointed, except an appointed Council member, but such removal shall be effected at a regular meeting of Council and by affirmative vote of two-thirds (2/3) of the full legal Council. Prior to any vote to remove any person it has appointed, Council shall, in writing, notify the appointee that it proposes to investigate charges and complaints against him leading to possible removal from office, stating with particularity the charges and complaints it proposes to investigate, and the time and place of the meeting at which it proposes to take such action. Such notice shall be delivered to the appointee in person or by registered mail at least fourteen (14) days in advance of such meeting (unless the appointee, in writing, waives these provisions). The appointee shall be entitled to be heard at such a meeting, to present evidence in his own behalf, and to examine witnesses appearing in support of any charge against him either on his own behalf or he may be represented by counsel. The action of Council in such matters shall, however, be final and subject to no appeal. In any event, Council may by a two-thirds (2/3) vote of the full legal Council suspend with or without pay such appointee from office pending such meeting and final decision with regard to his removal. (Amended 11-2-99)

SEC. 3.14 CREATION AND ABOLITION OF OFFICES.

Except as otherwise provided in this Charter, Council shall not abolish any office or diminish any powers or duties prescribed in this Charter. Council may, however, by ordinance, establish, abolish, divide, or combine and shall determine the functions, compensations, powers, qualifications, and duties of any office, position or department not described in this Charter.

ARTICLE IV - MANAGER**SEC. 4.01 APPOINTMENT, QUALIFICATIONS, COMPENSATION.**

The Manager shall be appointed by a two-thirds (2/3) vote of the full legal Council for an indefinite term. He shall be selected on the basis of his executive and administrative qualifications. No member of Council may be appointed Manager while serving on Council or within one (1) year thereafter except as allowed in Section 4.06. Compensation of the Manager shall be fixed by two-thirds (2/3) vote of the full legal Council. The Manager need not be a resident of the Municipality at the time of his appointment, but shall become a resident within the Milford School District within one (1) year after his appointment.

(Amended 11-5-91)

SEC. 4.02 AUTHORITY AND DUTIES OF THE MANAGER.

The Manager shall be the chief executive and administrative officer of the Municipality. He shall be responsible to Council for the administration of all Municipal affairs placed in his charge by or under this Charter. The administrative powers and duties of the City Manager shall include, but not be limited to, the following:

- (a) He shall have the authority to make all appointments and removals of employees in the departments and offices under his control except as otherwise provided by this Charter.
- (b) He shall direct and supervise the administration of all departments, offices, and agencies of this Municipality except as otherwise provided by this Charter.
- (c) He shall attend all Council meetings unless his absence is reasonably justified or excused by Council and have the right to take part in discussion but shall not vote.
- (d) He shall see that all laws, provisions of this Charter and acts of Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (e) He shall prepare and submit to Council the annual budget estimate and administer the appropriations adopted by Council.
- (f) He shall submit to Council and make available to the public a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year.
- (g) He shall keep Council informed of the current financial condition and future needs of the Municipality.

- (h) He shall make such other reports as Council may require concerning the operation of the Municipal departments, offices and agencies subject to his direction and supervision. In no case shall he report to a single member of Council, but to Council as a whole or to a committee of Council.
- (i) He shall perform such other duties as are specified in this Charter and such duties, not inconsistent with this Charter, as may be required by Council. He shall issue licenses and permits, and shall, when authorized by Council, sign all contracts, bonds, and notes on behalf of the Municipality.
- (j) He shall make other reports and recommendations to Council concerning the affairs of the Municipality as Council may deem desirable.
(Amended 11-3-81; 11-4-86)

SEC. 4.03 REMOVAL OF MANAGER FROM OFFICE.

The Manager may be removed by a two-thirds (2/3) vote of the full legal Council and shall be given thirty (30) days written notice of such intent of his removal. The Manager, if having served six (6) months, may request in writing, within seven (7) days of removal notice, the right to have a public hearing in open Council. After such hearing Council may adopt a final resolution of removal, which shall be effective immediately subject to the thirty (30) day provision in the original notice of removal. But pending and during such a hearing Council may suspend, with or without pay, the Manager from office. The action of Council in suspending or removing the Manager shall not be subject to review by any court or agency. In case of voluntary resignation by the Manager, Council and the Manager shall agree upon the effective date of his resignation.

(Amended 11-4-86)

SEC. 4.04 ACTING MANAGER.

By letter filed with the Clerk of Council the Manager shall designate, subject to approval of Council, a qualified person to exercise the powers and perform the duties of the Manager during his temporary absence or disability. During such absence or disability, Council may revoke such designation at any time and appoint another qualified person to serve until the Manager shall return or his disability shall cease.

In the event no acting Manager is designated, Council shall by majority vote appoint an acting Manager. Council shall have the power to revoke such designation.

SEC. 4.05 RELATIONS BETWEEN COUNCIL AND CITY EMPLOYEES.

Except for the purpose of inquiries and investigations, the members of Council shall deal with the Municipal employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give any orders to any such subordinates or employees, either publicly or privately. (Amended 11-2-99)

SEC. 4.06 INTERIM MANAGER.

When a Manager has submitted his resignation or the Council has removed a Manager it shall appoint by majority vote one of its members, an administrative employee, or any elector of the Municipality to act as Manager until a new Manager can be selected and employed and sworn into office. The Council may fix compensation for this responsibility by ordinance.
(Amended 11-3-81)

ARTICLE V - OTHER OFFICIALS**SEC. 5.01 DUTIES OF THE CLERK OF THE COUNCIL.**

Council shall appoint and may remove the Clerk of Council by a two-thirds (2/3) vote of the full legal Council and shall establish his salary by ordinance. The Clerk of Council shall attend all meetings of Council, unless excused by Council, keep its records, and perform all duties prescribed for him in this Charter and such additional duties as may be imposed upon him by any action of Council not inconsistent with the provisions of this Charter. The Clerk of Council shall be a resident within the Milford School District at the time of his appointment and shall continue to reside within the Milford School District while in office.
(Amended 11-5-91)

SEC. 5.02 DUTIES OF THE DIRECTOR OF FINANCE.

The Manager shall appoint and may remove the Director of Finance with approval by a two-thirds (2/3) vote of the full legal Council. The Director of Finance shall serve as the fiscal and accounting officer of the Municipality and need not be a resident of the Municipality. He shall examine and keep all payroll records and sign checks, and shall also have the title of said payroll officer and may designate that checks be signed by another in his absence. He shall receive, collect and deposit all monies due the Municipality and sign all checks and vouchers for their disbursement and may designate that another employee perform the foregoing duties in his absence or at his request. He is official custodian of official bonds and of instruments for the payment of the money of the Municipality and shall perform all other financial duties imposed upon him by any measure of Council. Council shall establish the salary of the Director of Finance by ordinance.
(Amended 11-4-86)

SEC. 5.03 LAW DIRECTOR.

Council shall appoint and may remove the Law Director by a two-thirds (2/3) vote of the full legal Council. He must be an attorney at law admitted to practice in the State of Ohio and need not be a resident of the Municipality. His salary shall be established by ordinance. He shall be the legal advisor of and attorney and counsel for the Municipality and for all other officers and departments thereof in all matters relating to their official duties. He shall represent the Municipality in all litigations to which it may be a party and shall perform such other duties as may be assigned to the office of Law Director by law as well as those imposed by this Charter.

He shall on request prepare all contracts, bonds and other instruments in writing in which the Municipality is concerned and shall endorse on each, his approval of the form and corrections thereof. The Law Director shall have the right to employ additional legal counsel with the approval of Council.
(Amended 11-4-86)

ARTICLE VI - DEPARTMENTS

SEC. 6.01 POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES PROTECTION.

Council shall provide for police protection, fire protection and emergency medical services protection adequate to meet the needs of the Municipality.
(Amended 11-4-86)

SEC. 6.02 POLICE DEPARTMENT.

The Police Department as presently established shall continue in existence. The operating rules and procedures shall be under the direction of a Chief of Police who shall report to the Manager for administrative purposes. The Manager shall appoint and may remove or demote the Chief of Police with the approval of two-thirds (2/3) vote of the full legal Council. The Chief of Police need not be a resident of the Municipality at the time of his appointment, but shall become a resident within the Milford School District within one year after his appointment.
(Amended 11-2-99)

SEC. 6.03 FIRE DEPARTMENT, EMERGENCY MEDICAL SERVICES.

Council may contract for fire protection services and emergency medical services protection as needed. When deemed advisable by Council, Council may establish a paid Municipal Fire Department and/or Emergency Medical Services Department.
(Amended 11-4-86)

SEC. 6.04 WATER DEPARTMENT.

The direction of and the responsibility for the Water Department shall be vested in the Manager. The Department Head shall be appointed and may be removed by the Manager with approval by a two-thirds (2/3) vote of the full legal Council.
(Amended 11-4-86)

SEC. 6.05 SEWER DEPARTMENT.

The direction of and the responsibility for the Sewer Department shall be vested in the Manager. The Department Head shall be appointed and may be removed by the Manager with approval by a two-thirds (2/3) vote of the full legal Council.

The Manager with the approval of Council may combine the Water Department and the Sewer Department.
(Amended 11-4-86)

SEC. 6.06 BUILDING DEPARTMENT.

Council shall provide for a Building Department adequate to meet the needs of the Municipality and to administer and enforce the Building Code of the Municipality and may contract for such services.

The administration of this Department shall be under the Manager.
(Amended 11-4-86)

SEC. 6.07 OTHER DEPARTMENTS.

Council may establish Municipal departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

SEC. 6.08 DIRECTION BY MANAGER.

All departments, offices, and agencies under the direction and supervision of the Manager, shall be administered by an official appointed by and subject to the direction and supervision of the Manager. With the approval of Council, the Manager may serve as head of one or more such departments, offices or agencies. The Manager may appoint one person as head of two or more departments, offices, or agencies.

SEC. 6.09 PARKS AND RECREATION COMMISSION.

There shall be a Parks and Recreation Commission, the membership, authority and duties of which shall be provided by ordinance. The Parks and Recreation Commission shall provide for the development, maintenance and operation of play grounds and recreational facilities and programs for the City. (Amended 11-2-99)

ARTICLE VII - PLANNING COMMISSION**SEC. 7.01 PLANNING COMMISSION.**

There shall be a Planning Commission which shall have the powers conferred upon it by ordinance of Council. Council may establish by ordinance the rules and procedures governing the Planning Commission.

The Commission shall be composed of five members, four of whom shall be electors of the Municipality appointed by Council and one of whom shall be a member of Council elected by Council. Council shall have the option of appointing as the fifth member of the Commission a nonresident employee or owner of a business within the Municipality. Members of the Planning Commission shall hold no other public office in the Municipality during their term.

The four nonCouncil members shall serve a four year term, unless sooner removed by a two thirds (2/3) vote of the full legal Council. The Council member appointed to the Planning Commission shall serve for the term of his office, unless sooner removed by a simple majority vote of the remaining members of Council.

Council may fix the compensation of Planning Commission members, subject to the same provisions respecting increases while in office as those governing Council.

Any recommendation of the Planning Commission may be approved, modified or amended by a simple majority vote of the full legal Council or may be overruled and rejected by a two-third (2/3) vote of the full legal Council.

(Amended 11-2-99)

ARTICLE VIII - BOARD OF ZONING APPEALS

SEC. 8.01 BOARD OF ZONING APPEALS.

There shall be a Board of Zoning Appeals which shall have the powers conferred upon it by ordinance of Council. Council may establish by ordinance the rules and procedures governing the Board of Zoning Appeals.

The Board of Zoning Appeals shall consist of five members all of whom shall be electors of the Municipality. One member shall be a member of Council appointed by Council. No member of the Planning Commission may also serve as a member of the Board of Zoning Appeals at the same time.

The four nonCouncil members shall serve a four year term, unless sooner removed by two-thirds (2/3) vote of the full legal Council. The Council member appointed to the Board of Zoning Appeals shall serve for the term of his office, unless sooner removed by a simple majority vote of the remaining members of Council.

Council may fix the compensation of the members of the Board of Zoning Appeals subject to the same provisions respecting increases while in office as those governing Council.
(Amended 11-5-91)

ARTICLE IX - BOARD OF HEALTH

SEC. 9.01 BOARD OF HEALTH.

Council may organize a Board or Department of Health or contract for health services according to the provisions of the laws of the State of Ohio.
(Amended 11-3-81)

ARTICLE X - PERSONNEL

SEC. 10.01 PERSONNEL COMMISSION.

The Personnel Commission shall consist of three (3) electors of the Municipality, who shall be appointed by a two-thirds (2/3) vote of the full legal council. The members of the Commission shall serve a four year term, unless sooner removed by a two-thirds (2/3) vote of the full legal Council. No member of the Commission shall hold any other office or employment with the Municipality.

Council may fix the compensation of Personnel Commission members, subject to the same provisions respecting increases while on office as those governing Council.
(Enacted 11-2-99)

SEC. 10.02 MERIT SYSTEM ESTABLISHED.

All appointments and promotions in the service of the Municipality shall be made according to merit and fitness or other evidence of competence, to be ascertained, so far as practicable, by competitive examination given under the supervision and rules of the Personnel Commission. If the Commission in its discretion considers it practicable, it may arrange with the Personnel or Civil Service Commission of another jurisdiction to conduct examinations for the Municipality of Milford. (Enacted 11-2-99)

SEC. 10.03 EXEMPT POSITIONS.

No person who is a permanent employee of the Municipality at the time this Charter goes into effect shall be required to take any examination to retain his positions, but shall thereafter be subject to the provisions established pursuant to this Charter.

All positions in the administrative service of the Municipality shall, so far as practicable, be filled pursuant to open competitive examinations except:

1. Elected officials.
 2. The Manager, Clerk of Council, Finance Director and Law Director.
 3. All department heads, including the Chief of Police, Assistant Chief of Police and Fire Chief.
 4. All part-time employees, seasonal employees and temporary employees.
 5. Members of boards and commissions appointed by Council or the City Manager.
 6. The Assistant City Manager.
 7. The personal secretaries of all department heads, agencies, boards and commissions.
 8. Any office or position requiring exceptional or professional qualifications.
 9. The Manager's immediate staff including assistants, interns and secretaries.
- (Enacted 11-2-99)

SEC. 10.04 PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in any position in the service of the Municipality which is not exempt under the provisions of Section 10.03, it shall be filled in the manner provided in the personnel ordinance. (Enacted 11-2-99)

SEC. 10.05 APPEALS.

The Personnel Commission shall hear appeals when any officer or employee of the Municipality in the non-exempt service feels aggrieved by action of the Manager or by any department head which suspends, reduces or removes said officer or employee, and requests such hearing. The Commission shall have authority to subpoena witnesses and to require the production of records. For that purpose Council, by ordinance, shall prescribe the process of citing witnesses, administering oaths and producing evidence and its enforcement through the Department of Law. The judgment of the Personnel Commission shall be final.
(Enacted 11-2-99)

SEC. 10.06 COMMISSION PROCEDURES.

The Personnel Commission shall adopt its own procedures for the conduct of meetings and hearings. All procedures adopted by the Personnel Commission shall supersede and override any and all State of Ohio statutes, rules and regulations including, but not limited to, state civil service provisions. (Enacted 11-2-99)

SEC. 10.07 RULES AND REGULATIONS.

The Council shall adopt by ordinance all rules and regulations which are or may be necessary for the enforcement of this Article X and all such rules and regulations shall supersede and override statutes, rules and regulations of the State of Ohio including, but not limited to, state civil service provisions. (Enacted 11-2-99)

SEC. 10.08 EXCLUSIVE PROVISIONS.

The provisions of this Charter and ordinances enacted pursuant thereto are paramount and exclusive of all other provisions of Ohio Law relating to personnel and civil service. There shall be no requirement for the provision of civil service or personnel services except as provided herein and no board, commission, committee or office governing or relating to civil service or personnel shall be created or exist except as provided by this Charter and ordinances enacted pursuant to it. (Enacted 11-2-99)

ARTICLE XI - FINANCIAL**SEC. 11.01 FISCAL YEAR.**

The fiscal, budget, and accounting year of the Municipality shall be the calendar year beginning January 1 and ending December 31.

SEC. 11.02 BUDGET.

The budget procedures of the Municipality of Milford shall operate according to the laws of the State of Ohio.

SEC. 11.03 TAX LEVY.

Taxes and assessments shall be levied in accordance with the Constitution of the State of Ohio and the laws of the State of Ohio.

SEC. 11.04 SHARING OF TAXES.

Council shall have the authority to enter into agreements with other political subdivisions for the sharing of taxes.

SEC. 11.05 APPROPRIATION ORDINANCE.

At the first regularly scheduled Council meeting in December, the Manager shall submit to Council an appropriation ordinance containing a financial plan for conducting the affairs of the Municipality during the ensuing fiscal year. Council shall specify the form of and information to be contained in the appropriation ordinance.

Council may provide for a public hearing upon such ordinance and may amend such ordinance at any time. This ordinance shall be passed with a single reading and shall become effective upon its adoption unless otherwise provided therein.

Council may pass a temporary appropriation ordinance for meeting ordinary expenses of the Municipality but must charge all appropriations therein to the annual appropriation ordinance which will be approved no later than March 31st for the fiscal year concerned.

Council may pass such supplemental appropriation ordinances as it deems necessary, adjusting appropriations between the various funds. This is subject to the limitation that the total appropriation for any fiscal year cannot exceed total balances carried forward from previous years plus estimated revenue for the current fiscal year.

Should Council fail to adopt a temporary appropriation ordinance by December 31st, or a permanent appropriation ordinance by March 31st, the Manager's proposed temporary or permanent budget appropriation shall become effective.

(Amended 11-5-91)

SEC. 11.06 BONDED INDEBTEDNESS.

Council may borrow for any purpose valid under the Constitution of the State of Ohio, and in accordance with applicable statutory provisions.

SEC. 11.07 CAPITAL IMPROVEMENT RESERVE FUND.

Council shall create and maintain a Capital Improvement Reserve Fund and during the last two months of any fiscal year may transfer to this Fund monies accruing to any other fund of this Municipality and available for transfer under the laws of the State and under this Charter. In addition, Council may, by affirmative vote of two-thirds (2/3) of all its members, authorize transfer to this Fund of all or any part of the unencumbered balance remaining in the general fund of the Municipality at the end of the fiscal year.

Monies in this Capital Improvement Reserve Fund shall not be expended for any purpose except to finance public improvements and or equipment needed for the use of the Municipality. Such improvements or equipment shall have a minimum life expectancy of three years. Monies in the Fund may not be later transferred to any other fund.

SEC. 11.08 INVESTMENT OF FUNDS.

The Director of Finance shall invest any surplus, interim, reserve, active or inactive funds into such investments as Council shall direct by ordinance. Council shall direct by ordinance for the crediting of interest from such investments.

The Director of Finance shall maintain appropriate investment records and shall render to Council a monthly accounting of all investment transactions.
(Amended 11-4-86)

SEC. 11.09 PURCHASES AND CONTRACTS.

No contract involving the expenditure of money or purchase order shall be made unless there is attached thereto the certificate of the Manager that the amount required to meet the obligation has been appropriated for such purpose and is available or in the process of collection. Notwithstanding the above provision, however, provisions of law regarding appropriations and availability of funds shall govern as to contracts running beyond the fiscal year in which they are made and contracts paid in whole or in part by special assessment for improvements.

Competitive bidding shall not be required for contracts for professional or expert personal services or for expenditures required because of a real or present emergency or for contracts with or purchases from other governmental units or for purchases made through the State of Ohio Cooperative Purchasing Agreement or for purchases or contracts where the expenditure does not exceed \$40,000.

Where competitive bidding is required, no purchase or contract shall be made except after one advertisement in a newspaper of general circulation in the City at least ten days prior to the final day for receipt of sealed bids to be received and opened by the Manager or his designee at a time and place stated in the advertisement. Council shall authorize acceptance of the bid made by the most responsive bidder who in Council's judgment offers the best and most responsive proposal to the City considering quality, service, price, reputation and past performances of the bidder, his financial condition and any other pertinent information; or Council may direct the rejection of all bids.

When an expenditure exceeds \$7500, such expenditure shall first be authorized and directed by ordinance.

Modifications to contracts and purchase orders which exceed \$7500 may be authorized by ordinance without further advertising or bidding. Modifications to contracts and purchase orders which do not exceed \$7500 shall not require further advertising, bidding or Council action.

Council may authorize by ordinance for the purchase or sale of or trade for real estate without the necessity of competitive bidding.

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

The Council and various City officers and officials shall not be bound to make public any cost estimates prior to receiving bids on public improvements. (Amended 11-2-99)

SEC. 11.10 PREVAILING WAGE AND COST ESTIMATES.

The City shall not be bound by any of the provisions of the Ohio Revised Code presently in effect, or as enacted or amended from time to time, which require compliance with prevailing wages on public contracts. (Enacted 11-2-99)

SEC. 11.11 EXPENDITURES.

All expenditures of Municipal funds shall be made by proper warrant drawn against an appropriate fund. Any such warrant shall show upon its face the appropriation against which such expenditure is made and the fund against which the warrant is drawn.

Notwithstanding the foregoing provision, the Director of Finance may establish a petty cash fund or funds as directed by Council. The fund may be replenished as necessary by said Director of Finance who shall keep an accounting of all such expenditures in accordance with established accounting practices.
(Amended 11-3-81)

SEC. 11.12 ANNUAL AUDITS.

Council may in its discretion authorize a financial audit of any or all affairs of the Municipality; however, this shall not be more often than once in each fiscal year. This may be in addition to audits by the State of Ohio and shall be made by a certified public accountant who is not in the employ of the Municipality or financially interested in any transaction to be audited. Council may, in addition, cause other audits of specific funds to be made at any other time.

SEC. 11.13 SEPARATION OF FUNDS.

All funds derived from and associated with the Water Department and the Sewer Department shall be kept in accounts completely separate and apart from the General Fund. Council shall have no power to divert or transfer the Water and the Sewer Department Funds to the General Fund. However, Council may draw upon the Water Department and the Sewer Department Funds for a proper allocation of the Manager's and Director of Finance's compensation.
(Amended 11-3-81)

SEC. 11.14 DEPOSITORIES.

Council shall direct by ordinance the depositories for the Municipality's active funds.
(Amended 11-3-81)

ARTICLE XII - ORDINANCES AND RESOLUTIONS

SEC. 12.01 ACTION OF COUNCIL.

Every action of a permanent nature or having the force and effect of law, including, but not limited to, the granting of a franchise, levying a tax, appropriating money, contracting an indebtedness to be evidenced by the issuance of bonds or notes shall be taken by ordinance in the manner hereinafter provided. All other action may be taken by resolution or upon oral motion as Council may deem appropriate.
(Amended 11-2-99)

SEC. 12.02 INTRODUCTION OF ORDINANCES.

Ordinances and resolutions shall be proposed by committee action only. When ordinances and resolutions are to be prepared, Council shall, by majority vote, request their preparation by the Law Director who has the sole responsibility for preparation of ordinances and resolutions.

Each proposed ordinance shall be introduced in writing by a member of Council in a form prepared by the Law Director and shall contain a descriptive title and opening clause reading "Be it ordained by the Council of the Municipality of Milford, Ohio" and a body in which there shall be set forth the action proposed to be taken. Each ordinance, except an appropriation ordinance, shall contain one subject, which shall be set forth in the title. (Amended 11-4-86)

SEC. 12.03 ADOPTION BY REFERENCE.

Council may, by reference to the date and source and without reproducing it at length in the ordinance, adopt model or standard codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilation, air conditioning and other similar matters.

Council may also adopt by reference other documents or instruments which, by their length, would be impractical to reproduce in their entirety in the ordinance including, but not limited to, contracts, temporary and permanent appropriation ordinances, legal descriptions, model ordinances, pay plan scales, personal policies and procedures manuals and any and all ordinances providing for the issuance and sale of notes and bonds and any other documents or instruments which Council determines should be adopted by reference. In all cases in which such codes, documents or instruments are adopted by reference, publication by the Municipality in its entirety shall not be required. However, at least one (1) copy of each such code, document or instrument shall be kept in the office of the Manager for examination by interested persons during regular office hours.

In all cases involving the incorporation of codes, Council may also provide in the enacting ordinance that any amendments to the incorporated code by the promulgating agency shall also, without further action by Council, be deemed an amendment to the enacting ordinance. Should Council desire to modify, add to, or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance, together with a cross reference to its location in the code.
(Amended 11-2-99)

SEC. 12.04 INTRODUCTION OF RESOLUTIONS.

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

SEC. 12.05 ADOPTION OF ORDINANCES AND RESOLUTIONS.

No Ordinance or Resolution shall be passed without the concurrence of the majority of the full legal Council. Before passage, every ordinance shall be fully and distinctly read on two separate days at an official meeting of Council, unless an emergency is declared as hereinafter provided, or unless by vote of two-thirds (2/3) of the full legal Council a reading thereof in full on two different days is dispensed with. In cases where an emergency is declared to exist or where Council has dispensed with the second reading, the ordinance shall be read in full one time at an official meeting and may be passed on the day of such meeting. For its second reading, such an ordinance may be read by title only upon the vote of a majority of the members of Council, provided there has been no change in the text of the ordinance between the first and second reading. Resolutions may be acted upon immediately after a single reading.

Every vote upon every ordinance shall be taken by a roll call and entered in the journal. A vote upon other matters on which any member shall so demand shall be taken by roll call. Passage of every ordinance and every resolution shall be certified by the signatures of the Mayor, or Vice Mayor, and the Clerk of Council. The Clerk of Council shall record all ordinances and resolutions, in full, in separate ordinance and resolution volumes, which shall be a public record available for examination, upon request, in the Clerk of Council office by interested persons during regular office hours. (Amended 11-2-99)

SEC. 12.06 EMERGENCY ORDINANCES.

An emergency ordinance as referred to above is one which must be passed and made effective at once to meet an emergency in the operation of the Municipal government or which is necessary to the immediate preservation of the public peace, health, welfare, safety. An emergency ordinance must contain therein a separate section setting forth reason for the emergency. No ordinance granting a franchise or other special privilege or fixing a rate to be charged by a public utility shall be passed as an emergency measure. (Amended 11-3-81)

SEC. 12.07 EFFECTIVE DATE.

Ordinances providing for appropriations for the usual daily expenses of the Municipality, for raising revenue or for public improvements petitioned for by the owners of a majority of the front footage of property benefited and to be specifically assessed for the cost thereof, ordinances wherein an emergency is declared to exist or ordinances where the second reading thereof has been dispensed with by Council shall become effective at such date as may be provided therein, or if no date is therein provided, it shall take effect immediately.

All other ordinances shall take effect and be in force thirty (30) days after the certification by the Clerk of Council of publication under the requirements of this Charter.

All resolutions shall take effect immediately upon passage. (Amended 11-5-91)

SEC. 12.08 PUBLICATION.

Except as provided in Section 12.03, ordinances shall, within fourteen (14) days after passage, be published at least one time in summary form in a newspaper of general circulation within the Municipality of daily, weekly, or biweekly frequency, and whether paid or unpaid. Such summary shall consist of a brief statement of the purpose, substance, and effective date of the ordinance.

Council may by ordinance provide, in lieu of the aforesaid publication in summary form in a newspaper, that all such ordinances may be published by posting the complete text of the ordinance in each of the four public places in the Municipality, such places to be designated by Council, for a period of at least seven days.

In addition, all ordinances shall be posted on one prominent protected bulletin board in the Municipality for a period of at least seven days.

When ordinances are revised, codified, rearranged, or published in book form, and are made available to the general public and certified as correct by the Clerk of Council and the Mayor, such publication shall be a sufficient publication and the ordinances so published under appropriate titles, chapters, and sections shall be held the same in law as though they had been published in a newspaper. A new ordinance so published in book form which has not been published as required by this section and which contains entirely new matter, shall be published as required by this section.

Immediately after publication the Clerk of Council shall enter on the ordinance a certificate giving the manner and date of publication and shall sign his name thereto officially.

ARTICLE XIII - INITIATIVE AND REFERENDUM

SEC. 13.01 INITIATIVE.

Ordinances and other measures may be proposed by initiative petition and adopted by election by the electorate, to the extent and in the manner now or hereafter provided by the Constitution and laws of the State of Ohio. If two (2) or more petitions of the same subject or two (2) or more petitions conflict with each other, the one receiving the greater vote shall be adopted. Any ordinance so adopted shall not be subject to repeal by Council for a period of five (5) years.

SEC. 13.02 REFERENDUM.

Except as otherwise provided herein, all ordinances adopted by Council shall be subject to referendum according to the procedures now or hereafter provided by the Constitution or laws of the State of Ohio. The following ordinances shall not be subject to referendum:

- (a) Ordinances making or transferring annual appropriations or amendments thereto;
- (b) Ordinances providing for the discharge of any obligation legally due from the Municipality;
- (c) Ordinances submitting any measure to a vote of the electors;
- (d) Ordinances directing the performance of any official duty or providing for investigations or reports;
- (e) Ordinances not having the force or effect of law;
- (f) Ordinances for public improvements petitioned for by the owners of the majority of the front footage benefited and to be specifically assessed for the cost thereof;

All other ordinances shall be subject to referendum and shall be in effect until repealed by the vote in the referendum.

Council may, in its discretion, submit any proposed ordinance to the referendum.

(Amended 11-3-81)

ARTICLE XIV - NOMINATIONS AND ELECTIONS

SEC. 14.01 NOMINATIONS.

Candidates for Municipal offices shall be nominated by individual nominating petitions only. Nominating petitions shall be in the form prescribed by the laws of the State of Ohio for the nominations of individual nonpartisan candidates. In addition, a nominating petition shall contain a statement of the candidate that he is or will be, at the time of the commencement of the term of office he seeks, qualified to hold such office under the provisions of this Charter and the laws of the State of Ohio. Each nominating petition shall be signed by not less than fifty (50) electors of the Municipality and shall be filed with the Board of Electors no later than seventy-five (75) days prior to the date scheduled for the regular Municipal election as determined by Section 3.03 of this Charter.

The procedures for write-in candidates to Council shall be as set forth in an ordinance duly adopted by Council or pursuant to the laws of the State of Ohio if no such ordinance is adopted. (Amended 11-5-91)

SEC. 14.02 ELECTIONS.

All Municipal elections shall be on a nonpartisan basis and there shall be no party designation on either nominating petitions or ballots for any Municipal office.

Both regular and special Municipal elections shall be conducted by the Board of Elections of Clermont and Hamilton Counties, Ohio, under the provisions of this Charter and any ordinances passed pursuant to this Charter. Where this Charter is silent or where no ordinance pertaining to this matter has been adopted by Council, the provisions of the election laws of the State of Ohio shall apply.

Regular Municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Any matter which, by the terms of this Charter, may be submitted to the electors of the Municipality at any special election, may be submitted at the time of a primary election or of a general election.

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

Passage of tax levies and bond issues shall require an affirmative vote of a simple majority of those voting thereon.

In case of a tie vote between candidates or issues the plan of the laws of the State of Ohio shall be followed concerning such emergencies.

(Amended 11-5-91)

SEC. 14.03 RECALL.

The electors shall have the power to remove from office by a recall any elective officer of the Municipality, to the extent and in the manner now or hereafter provided by the Constitution or laws of the State of Ohio.

ARTICLE XV - GENERAL PROVISIONS

SEC. 15.01 OATH OF OFFICE.

Each elected official, appointed official, and employee of the Municipality shall, before entering upon the duties of his office or employment, take and subscribe to an oath or affirmation, to be filed and kept in the office of the Clerk of Council, to support the Constitution of the United States and the Constitution of the State of Ohio, the Charter of the Municipality of Milford, Ohio, and to faithfully, honestly, and impartially discharge the duties of his office or employment. Elected and appointed officials shall be sworn in at a regular or special meeting of Council.

(Amended 11-4-86)

SEC. 15.02 OFFICIAL BOND.

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

SEC. 15.03 CONFLICT OF INTEREST.

All questions of conflict of interest and incompatibility of offices or dealings not otherwise covered by this Charter shall be resolved to the extent and in the manner now or hereafter provided by the Constitution or laws of the State of Ohio.

SEC. 15.04 MALFEASANCE, MISFEASANCE AND NONFEASANCE OF OFFICIALS, EMPLOYEES OR MEMBERS OF BOARDS OR COMMISSIONS.

Whenever in this Charter, in ordinance, or under the laws of the State of Ohio certain acts on the part of Municipal officials, employees or members of boards or commissions are described as constituting malfeasance, misfeasance or nonfeasance in office, the procedure for complaint, trial, and judgment thereon shall be that prescribed by the Constitution and laws of the State of Ohio.

SEC. 15.05 FEES.

All fees received by any officer or employee of the Municipality in connection with his office or employment with the Municipality shall be the property of the Municipality and accounted for and promptly paid into the appropriate account of the Municipal treasury. The Mayor and Vice Mayor may retain the fees received by him regarding his officiating at marriage ceremonies.

(Amended 11-5-91)

SEC. 15.06 RECORDS.

All records and accounts of every office, department, board, or agency of the Municipality shall be maintained at an office provided therefore, as directed by the Manager. Council may provide, by ordinance, for the orderly maintenance and retention of all Municipal records.

(Amended 11-4-86)

ARTICLE XVI - AMENDMENT

SEC. 16.01 METHOD.

This Charter is intended to be flexible and to meet changing conditions as the Municipality grows and develops. Amendments to this Charter shall be effected in the manner prescribed in Article XVIII, Section 9 of the Constitution of the State of Ohio.

If two or more amendments, contradictory or similar in nature, qualify to appear on the ballot at the same time and both are approved by a majority of the votes cast, the one receiving the highest number of votes shall be the amendment to the Charter.

SEC. 16.02 CHARTER REVISION COMMITTEE.

Council may, at any time it deems advisable, appoint a Charter Revision Committee for the purpose of reviewing this Charter and recommending any amendments deemed desirable, provided that such review shall be made at least once every five (5) years. The Charter Revision Committee shall be composed of seven (7) members with each member of Council making one appointment to the Committee.

(Amended 11-5-91)

SEC. 16.03 DEFINITIONS.

(a) "Statutory" means covered by or contained in the general laws of the State of Ohio and amendments thereto.

(b) "Official" includes both elected and appointed officials.

(c) "Elector" means a person having the qualifications provided by general law of the State of Ohio to vote in a general or special election.

(d) "Municipality" means the City of Milford, Ohio, as the case may be.

(e) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(f) Words in the singular shall include the plural, and words in the plural shall include the singular.

(Amended 11-5-91)

SEC. 16.04 CONSTRUCTION OF CHARTER.

The powers of the Municipality under this Charter shall be liberally construed in favor of the Municipality and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers granted in Article II. If this Charter specifies general law or the laws of the State of Ohio and the applicable law is repealed and no substitute provision enacted, then Council may by ordinance establish the procedure to be followed.

SEC. 16.05 SAVINGS CLAUSE.

The provisions of this Charter are hereby declared to be severable, and if any provision of this Charter or the application thereof to any person or circumstance is found to be unconstitutional, or invalid, the remainder of this Charter and the application of such provision to other persons or circumstances shall not be affected thereby.