

# RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

## ORDINANCE 2022-10

AN ORDINANCE SUBMITTING THE QUESTION TO THE ELECTORS OF THE VILLAGE OF DOYLESTOWN, OHIO FOR THEIR APPROVAL OR REJECTION AT THE GENERAL ELECTION TO BE HELD WITHIN THE VILLAGE OF DOYLESTOWN ON NOVEMBER 8, 2022, WHETHER A CHARTER FRAMED BY THE VILLAGE OF DOYLESTOWN CHARTER COMMISSION THAT WAS ELECTED ON NOVEMBER 2, 2021, SHALL BE ADOPTED AND BECOME EFFECTIVE ON JANUARY 1, 2023.

WHEREAS, pursuant to the Village of Doylestown Ordinance No. 2021-11, adopted by the Village of Doylestown on July 14, 2021, the question was placed on the General Election ballot whether a commission should be chosen to frame a charter; and

WHEREAS, the Certification of result of the election indicated 419 affirmative votes and 287 negative votes were cast; thereby approving the issue; and

WHEREAS, the Village of Doylestown Charter Commission approved the Village of Doylestown Charter document during their February 8, 2022 meeting, and is attached hereto as Exhibit A; and

WHEREAS, Article XVIII, Section 8 of the Ohio Constitution requires that the legislative authority of a municipality provide for the submission to the electors of the question, "Shall a Charter, framed by the Village of Doylestown Charter Commission that was elected on November 2, 2021, be adopted in the Village of Doylestown effective January 1, 2023?"

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF DOYLESTOWN, STATE OF OHIO;

SECTION 1: That the authority is hereby granted for the submission to the electors of the Village of Doylestown, the question:

SHALL A CHARTER, FRAMED BY THE VILLAGE OF DOYLESTOWN CHARTER COMMISSION THAT WAS ELECTED NOVEMBER 2, 2021, BE ADOPTED IN THE VILLAGE OF DOYLESOWN EFFECTIVE JANUARY 1, 2023?

SECTION 2: The Clerk is hereby directed to deliver a certified copy of this Ordinance and the Village of Doylestown Charter attached hereto, to the Wayne County Board of Elections for placement on the ballot.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, a vote of two-thirds (2/3) or more of voting members concurring; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance shall take effect and be in force from and after the earliest period permitted by law and that a certified copy of this Ordinance upon its passage must be submitted to the Wayne County Board of Elections by August 10, 2022, in order for the matter to be placed on the November 8, 2022 General Election.

RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, \_\_\_\_\_

Mr. CJ Gadosik	<u>YES</u>
Mr. Mark Hammer	<u>YES</u>
Mrs. Kay Kerr	<u>YES</u>
Mr. Doug Nestor	<u>YES</u>
Mr. Tim Smith	<u>YES</u>
Mr. DJ Youngblood	<u>YES</u>

ADOPTED: May 4, 2022

Attest:

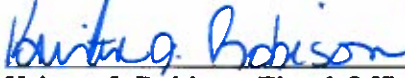
  
 Terry L. Lindeman, Mayor

CERTIFICATION OF CLERK

State of Ohio )  
County of Wayne) SS:

I, Kristen J. Robison, Fiscal Officer and Clerk of the Village of Doylestown, Wayne County, Ohio, in whose custody and control the files and records of said council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original ordinance now on file, and that the foregoing has been compared by me with said original ordinance, and the same is a true and correct copy thereof.

WITNESS my signature this 4<sup>th</sup> day of May, 2022.

  
 Kristen J. Robison, Fiscal Officer and Clerk

**CHARTER  
OF THE  
VILLAGE OF DOYLESTOWN**

**PREAMBLE**

<b>ARTICLE I</b>	<b>NAME AND BOUNDARIES</b>
Section 1.1	Name
Section 1.2	Boundaries
<b>ARTICLE II</b>	<b>MUNICIPAL POWERS</b>
Section 2.1	Powers
Section 2.2	Exercise of Powers
Section 2.3	Intergovernmental Relations
<b>ARTICLE III</b>	<b>FORM OF GOVERNMENT</b>
Section 3.1	Form of Government
<b>ARTICLE IV</b>	<b>COUNCIL</b>
Section 4.1	Number and Terms.
Section 4.2	Qualifications
Section 4.3	Vacancy
Section 4.4	Powers
Section 4.5	Council Relations with Municipal Administrator
Section 4.6	Clerk of Council
Section 4.7	Council Meetings
Section 4.8	President of Council
Section 4.9	Quorum and Legislative Procedures
Section 4.10	Effective Date of Legislation
Section 4.11	Compensation of Officials
<b>ARTICLE V</b>	<b>THE MAYOR</b>
Section 5.1	Term
Section 5.2	Qualifications
Section 5.3	Judicial Powers
Section 5.4	Legislative Powers
Section 5.5	Other Powers
Section 5.6	Vacancies
Section 5.7	Transition
<b>ARTICLE VI</b>	<b>MUNICIPAL ADMINISTRATOR</b>
Section 6.1	Appointment, Removal, Compensation and Qualifications
Section 6.2	Powers and Duties
Section 6.3	Absence or Disability
<b>ARTICLE VII</b>	<b>ADMINISTRATIVE OFFICERS AND DEPARTMENTS</b>
Section 7.1	General Provisions
Section 7.2	Law Director
Section 7.3	Finance Director
Section 7.4	Board of Trustees of Public Affairs
<b>ARTICLE VIII</b>	<b>PLANNING COMMISSION</b>
Section 8.1	Composition and Terms
Section 8.2	Powers and Duties
Section 8.3	Notice of Meetings and Hearings
<b>ARTICLE IX</b>	<b>TAXATION</b>
Section 9.1	Income Tax
Section 9.2	Property Taxes
Section 9.3	Submission of Levies to Ballot
Section 9.4	Other Taxes
<b>ARTICLE X</b>	<b>NOMINATIONS AND ELECTIONS</b>
Section 10.1	Nominations
Section 10.2	Ballots
Section 10.3	Elections
<b>ARTICLE XI</b>	<b>CIVIL SERVICE COMMISSION</b>

EXHIBIT A

- Section 11.1 Civil Service Commission and System
- Section 11.2 Composition and Terms.
- Section 11.3 Classified and Unclassified Service
- Section 11.4 Police, Fire and EMS Chiefs.
- Section 11.5 Employees with Prior Service
- Section 11.6 Ohio Law

**ARTICLE XII INITIATIVE, REFERENDUM AND RECALL**

- Section 12.1 Initiative
- Section 12.2 Referendum
- Section 12.3 Recall

**ARTICLE XIII AMENDMENTS TO CHARTER**

- Section 13.1 Amendments to Charter
- Section 13.2 Charter Review Commission

**ARTICLE XIV GENERAL PROVISIONS**

- Section 14.1 Effective Date of Charter
- Section 14.2 Effect on Existing Laws and Rights
- Section 14.3 Effect on Existing Boards, Commissions, and Committees
- Section 14.4 Oath of Office

EXHIBIT A

## EXHIBIT A

### PREAMBLE

We the people of the Village of Doylestown, Ohio, in order to secure the benefits of municipal home rule, to provide for efficient and fair methods of administering the affairs of the community, to exercise all of the powers of local self-government conferred under the Constitution and Statutes of the State of Ohio, and to provide the best possible protection for the health, safety, and welfare of the community, do hereby frame and adopt this Charter.

### ARTICLE I NAME AND BOUNDARIES

#### Section 1.1 Name

The municipal corporation now existing in the County of Wayne, State of Ohio, and known as the Village of Doylestown shall continue to be a municipal corporation under the name of Doylestown with all the privileges and powers pertaining thereto. The provisions of this Charter shall apply whether Doylestown is classified as a city or village under Ohio law.

#### Section 1.2 Boundaries

The Municipality shall have the boundaries that now exist and shall have the authority to change its boundaries by annexation, detachment, and other proceedings authorized by the general laws of the State of Ohio. Any territory added to the Municipality shall immediately become subject to the provisions of this Charter.

### ARTICLE II MUNICIPAL POWERS

#### Section 2.1 Powers

The Municipality shall have all the powers, general or special, governmental or proprietary, expressed or implied, which now or hereafter lawfully may be possessed or exercised by municipalities under the Constitution and general laws of the State of Ohio. No enumeration of specific powers in this Charter shall be held to be exclusive.

#### Section 2.2 Exercise of Powers

All powers of this Municipality shall be exercised in the manner prescribed in this Charter, or to the extent not prescribed herein, in such manner as Council may determine by ordinance or resolution. When not prescribed in this Charter or by ordinance or resolution, the powers shall be exercised in such manner as now or hereafter may be provided by the general laws of the State of Ohio.

#### Section 2.3 Intergovernmental Relations

The Municipality may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any state of the United States or any state civil division agency, or the United States or any of its agencies.

### ARTICLE III FORM OF GOVERNMENT

#### Section 3.1 Form of Government

The form of government established by this Charter shall be known as "Mayor-Council-Administrator." The representative branch shall consist of the Council and Mayor elected by the voters of the Municipality, and shall possess the legislative, judicial and administrative powers specified in this Charter. The Council shall

## EXHIBIT A

appoint a Municipal Administrator who shall execute the laws and administer the government of the Municipality. The Municipality shall have such other officers as are provided for in this Charter or in ordinances enacted hereunder.

### ARTICLE IV COUNCIL

#### Section 4.1 Number and Terms

The Council shall consist of six (6) members, all of whom shall be elected at large for a term of four (4) years or until their successor is elected or qualified. Each council member shall remain a resident of the Municipality during their entire term on council. The two (2) council members elected in 2019 shall serve until the end of their terms in 2023. In November of 2023, two (2) new council members shall be elected for four (4) year terms. The four (4) council members elected in 2021 shall serve until the end of their terms in 2025. In November of 2025, four (4) new council members shall be elected for four (4) year terms.

#### Section 4.2 Qualifications

In order to serve on Council an individual must be a registered voter in the Municipality, must have been a resident of the Municipality for at least one (1) year prior to filing for election, and must remain a resident during that individual's term in office.

#### Section 4.3 Vacancy

A vacancy in the office of councilperson shall be filled by the election of a person having the qualifications for councilperson by a majority of the members of the Council. Council shall have sixty (60) days or three (3) meetings, whichever is greater, to make such appointment. Should Council fail to make such appointment in the prescribed period of time, the Mayor shall have the authority to fill such vacancy. The person so elected shall serve the unexpired term of the vacated office of councilperson unless the vacancy occurs more than 180 days before the next municipal election, in which case a successor shall be elected at the next municipal election for the unexpired term. The person appointed by operation of this section may be a candidate for election.

#### Section 4.4 Powers

All the legislative power of the Municipality and the determination of all matters of policy shall be vested in the Council including the creation of offices, boards, departments, and commissions not otherwise provided for in this Charter. Without limitation of the foregoing, the Council may, by ordinance, make provision differing from the general law with respect to:

- A. The time and place of regular meetings of the Council.
- B. The method of calling and giving notice of special meetings of the Council.
- C. The method of giving public notice of the enactment of its ordinances and adoption of its resolutions, and of any other of its acts or proceedings which it deems proper to publish.
- D. The procedure for making public improvements and the levying of assessments, including the procedure for combining two or more public improvements in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly.
- E. The making, advertising, and awarding of contracts.
- F. Such other general regulations as the Council may deem necessary, including regulations as to the custody and use by the Clerk of Council of an official seal which shall be the seal of the Municipality.

#### Section 4.5 Council Relations with Municipal Administrator

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his or her removal from, office by the Municipal Administrator or by any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the

## EXHIBIT A

Municipality except as otherwise expressly provided by this Charter. The Council and its members shall deal with the administrative service solely through the Municipal Administrator and neither the Council nor any member thereof shall give orders to any subordinates of the Municipal Administrator, either publicly or privately.

### **Section 4.6 Clerk of Council**

The Council shall appoint annually at its organizational meeting a Clerk of Council. He or she shall give notice of Council meetings, keep the journal of its proceedings, authenticate by his or her signature and record at length in a book kept for the purpose all ordinances and resolutions adopted by the Council and perform such other duties as may be required by this Charter or by Council. Council may combine the role of Clerk of Council with that of another Municipal official.

### **Section 4.7 Council Meetings**

- A. The Council shall have an organizational meeting in January of each year. Thereafter the Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. All meetings of the Council shall be open to the public and shall be governed by the open meeting laws of the Ohio Revised Code.
- B. Special meetings may be called by the Mayor or any three (3) members of Council. There shall be given at least twenty-four (24) hour notice of any such special meeting.
- C. Emergency meetings may be called by the Mayor or President of Council without twenty-four (24) hour notice.
- D. The members of Council may hold an executive session only after a majority of the Council determines, by a roll call vote, to hold an executive 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 public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual.
  - (2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding.
  - (3) Conferences with an attorney for Council concerning disputes involving the public body that are the subject of pending or imminent court action.
  - (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
  - (5) Matters required to be kept confidential by federal law or regulations or state statutes.
  - (6) Specialized details of security arrangements if 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.

Council may request and/or permit other individuals to be in attendance at an executive session as Council may deem necessary or appropriate.

- E. Notice of meetings shall be made by placement of an announcement of the time, date, and place of the meeting on the Municipal website and posting of a written notice at two (2) prominent places in the Municipality as may be determined by Council at their organizational meeting.

### **Section 4.8 President of Council**

At the organizational meeting of Council in January of each calendar year, a member of Council shall be elected by a majority of the members of Council to the office of President of Council for a term to commence immediately following his or her election and expire the first in January one year hence. When the Mayor is absent or



## EXHIBIT A

inaccessible or is unable for any cause or reason to perform his or her duties, the President of Council shall become the acting Mayor, but shall not thereby cease to be a councilperson. In the event the office of President of Council shall become vacant for any reason, Council shall elect a successor at its next regular meeting, who shall serve the unexpired term.

### **Section 4.9 Quorum and Legislative Procedures**

- A. Four (4) members of Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members.
- B. Council shall act by ordinance, resolution or motion.
- C. Any member of Council or the Mayor may introduce an ordinance or resolution at a regular or special meeting of Council. All legislation introduced shall be in written form and shall contain a concise title. The form and style of ordinances and resolutions shall be as established by Council.
- D. Each ordinance shall be read at regular or special meetings of the Council held on three separate days, unless this requirement is dispensed with by vote of not less than five (5) members of Council.
- E. Resolutions need only be read at one meeting.
- F. Each ordinance or resolution shall be read by title only.
- G. The affirmative vote of a simple majority of those members of Council present and voting shall be necessary for the passage or adoption of any ordinance, resolution or legislative enactment, or the selection, appointment or removal of any official, where such action lies within the power of Council, unless otherwise herein provided. Every vote upon such ordinance, resolution or legislative enactment and upon the said election, appointment or removal of any official, and upon every other matter as to which any member of Council shall demand shall be taken upon a roll call and entered upon the journal. Council may adopt rules not inconsistent with this Charter, governing its own proceedings and all other matters pertaining to the exercise of its powers and the performance of its duties.
- H. Each ordinance and resolution shall be authenticated by the signature of the Mayor and the Clerk of Council. The failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

### **Section 4.10 Effective Date of Legislation**

- A. The following ordinances and all resolutions shall take effect immediately upon passage unless a later time is specified in such legislation:
  - (1) Appropriation of money.
  - (2) Annual tax levies for current expenses.
  - (3) Improvements petitioned to be done by assessment.
  - (4) Submission of any question to the Board of Elections to be presented to the electorate of the Municipality.
  - (5) Approval of a revision, codification, recodification or rearrangement of ordinances.
  - (6) Any emergency ordinance or resolution stating that it shall take effect immediately.
- B. All other ordinances shall go into effect thirty (30) days from the date of their passage by Council.

### **Section 4.11 Compensation of Officials**

The Council shall fix the salary or compensation of members of Council, the President of Council, the Mayor, the Clerk of Council, the Municipal Administrator and all other Municipal employees within the limits provided by general laws of the State of Ohio. Council shall establish by ordinance the terms of employment for all Municipal employees and contract employees. Any officer or employee of the Municipality may be required by the Council to furnish bond for the faithful performance of his or her duties and the Council shall provide for the payment of

EXHIBIT A

the premium for such bond by the Municipality. Nothing herein shall be construed to prohibit a blanket bond.

**ARTICLE V THE MAYOR**

**Section 5.1 Term**

The Mayor shall be elected for a four (4) year term. The Mayor elected in 2019 shall continue to serve as Mayor in conformance with Section 5.7 hereof and the other terms and conditions of this Charter until the end of the term in 2023. In November 2023, a Mayor shall be elected who shall take office in January of 2024 and shall serve a four (4) year term or until his or her successor is elected and qualified.

**Section 5.2 Qualifications**

In order to serve as Mayor an individual must be a registered voter in the Municipality, must have been a resident of the Municipality for at least one (1) year prior to filing for election, and must remain a resident during that individual's term in office.

**Section 5.3 Judicial Powers**

The Mayor shall have all of the judicial powers now or hereafter authorized by the general laws of the State of Ohio to mayors and municipalities. The Mayor may delegate the judicial powers to a magistrate as prescribed by State law.

**Section 5.4 Legislative Powers**

The Mayor shall set agendas for and preside at all meetings of Council but shall have no vote therein except in case of a tie vote. The Mayor shall be considered a member of Council when so voting. The Mayor shall attend and preside at Executive Sessions of Council unless specifically excluded therefrom by a majority vote of Council members. The Mayor shall have the authority to call Special and/or Emergency meetings of Council and to provide notice of such meetings.

**Section 5.5 Other Powers**

The Mayor shall be recognized as the official head of the Municipality for all ceremonial purposes, by the Governor for military purposes, and by the courts for the purpose of serving civil process.

**Section 5.6 Vacancies**

When the Mayor is absent or inaccessible or is unable for any cause or reason to perform his or her duties, the President of Council shall become the acting Mayor, but shall not thereby cease to be a councilperson. In the event the office of Mayor shall become vacant for any reason, the President of Council shall thereon become the Mayor and serve for the unexpired term and his or her offices as President of Council and councilperson shall become vacant. When the President of Council is absent or inaccessible or for any reason unable to perform his or her duties as acting Mayor, then Council, by a vote of the majority of the remaining members of Council, shall designate one of their members to act as Mayor.

**Section 5.7 Transition**

The individual serving as Mayor on the effective date of this Charter shall also serve as the interim Municipal Administrator, with all of the powers and duties of that position, until such time as a Municipal Administrator is duly appointed by Council pursuant to Section 6.1 hereof. The Mayor shall continue to be compensated at his or her current pay rate until a new Mayor takes office in January 2024 at which time the Mayor's compensation shall be as determined by Council pursuant to Section 4.11 hereof.

## EXHIBIT A

### ARTICLE VI MUNICIPAL ADMINISTRATOR

#### Section 6.1 Appointment, Removal, Compensation and Qualifications

The Municipal Administrator shall be chosen by the Council on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office as hereinafter set forth. The Municipal Administrator shall be appointed by a vote of at least five (5) of the members of the Council and shall serve at the pleasure of the Council. A Municipal Administrator who is removed shall receive at least one (1) month's salary from the date of such removal, unless such removal is due to conviction of a felony or other crime involving moral turpitude. The compensation and other terms of employment of the Municipal Administrator shall be as established by Council. The Municipal Administrator need not be a resident of the Municipality, but shall not reside more than one (1) hour travel time from the administrative offices of the Municipality.

#### Section 6.2 Powers and Duties

The Municipal Administrator shall be the chief administrative officer of the Municipality. He or she shall be responsible to the Council for the proper administration of all affairs of the Municipality within the scope of his or her powers and duties, and the enforcement of all laws and ordinances. He or she shall manage all divisions of the Municipal government and to this end he or she shall have the power and be required to:

- A. Appoint officers and employees of the Municipality in conformance with the provisions of this Charter and may authorize the head of a department or an officer to appoint personnel of his or her department or office except as otherwise provided in this Charter.
- B. Remove, when necessary for cause, all officers and employees appointed pursuant to subparagraph (A) hereof.
- C. Prepare the budget annually, in conjunction with the Finance Director, and submit it to the Council, and administer the budget adopted by the Council.
- D. Prepare and submit annually, in conjunction with the Finance Director, to the Council a complete report on the financial and administrative activities of the Municipality for the preceding year.
- E. Submit to Council, in conjunction with the Finance Director, a monthly report showing the condition of all funds.
- F. Appoint such citizen advisory committees, other than those provided by the Charter, as seem to him or her desirable and discharge them when their function has been completely served.
- G. Attend all regular and special meetings of Council, with the right to participate in discussions and bring matters to the attention of Council but without the right to vote. He or she shall attend executive sessions of Council when requested to do so by the Council.
- H. Recommend any legislation for adoption by Council or recommend the repeal of legislation.
- I. Sign all contracts, bonds, notes, and certificates of indebtedness on behalf of the Municipality.
- J. Perform such other duties and have such other responsibilities as may from time to time be assigned by Council.

#### Section 6.3 Absence or Disability

The Municipal Administrator may designate, by letter filed with the Clerk of Council, a person to perform his or her duties during his or her absence or disability. Council may, at any time, by motion, remove such designee. In the event of such removal or in the event that no designation has been made, the Council may, by motion, appoint some other person for such purpose. Any person so designated by the Municipal Administrator or appointed by the Council need not be an elector of the Municipality and may be an officer or employee thereof, unless prohibited by this Charter.

EXHIBIT A

**ARTICLE VII ADMINISTRATIVE OFFICERS AND DEPARTMENTS**

**Section 7.1 General Provisions**

The Municipality shall have Departments of Law and Finance. Council may establish by ordinance new departments and divisions thereof and with the exception of departments established by this Charter, Council may combine, separate, or abolish departments or divisions thereof as it may deem necessary. The Council may authorize and require one (1) person to be the head of two (2) or more departments. The Municipal Administrator shall appoint the head of each department created and authorized by Council provided that the appointment of each department head shall be subject to confirmation by a majority of the members elected to Council. Until other provision is made by ordinance, the Municipal Administrator shall be the head of each Department.

**Section 7.2 Law Director**

- A. The Law Director shall be appointed by the Municipal Administrator subject to confirmation by a majority of the members elected to Council. The position of Law Director may be designated as a full-time, part-time, or contract position as determined and authorized by Council. Assistants may be provided for as Council shall from time to time see fit.
- B. The Law Director shall be an attorney-at-law duly licensed in the State of Ohio and admitted to the practice of law before the Courts of the State of Ohio. The Law Director shall have experience in the active practice of law, including litigation experience and experience in the practice of municipal and/or governmental civil law.
- C. The Law Director shall be the head of the Law Department and shall be adviser of and attorney and counsel for the Municipality and for all officers and departments thereof in all matters relating to their official duties, and shall, when requested, give legal opinions in writing, and shall represent the Municipality in all proceedings in court or before any administrative body. The Law Director shall represent the Municipality in all suits or cases in which it may be a party and shall prosecute for all offenses against the ordinances of the Municipality and such offenses against the laws of Ohio as may be required. The Law Director shall on request of the Municipal Manager or Mayor prepare contracts, legislation, bonds and other instruments in writing in which the Municipality is concerned and shall endorse on each his or her approval of the form and corrections thereof. He or she shall perform such other duties as the Municipal Manager or Council may impose consistent with his or her office.
- D. The Law Director shall hold office at the pleasure of the Municipal Administrator.

**Section 7.3 Finance Director**

- A. The Director of Finance shall be appointed by the Municipal Administrator subject to confirmation by a majority of the members elected to Council. The position of Finance Director may be designated as a full-time, part-time, or contract position as determined and authorized by Council. Assistants may be provided for as Council shall from time to time see fit.
- B. The Director of Finance shall have sufficient knowledge and experience in accounting, taxation, and business administration, and provide evidence of either experience in municipal government accounting or a bachelor's degree with a major in finance, accounting, or business-related field.
- C. The Director of Finance shall hold office at the pleasure of the Municipal Administrator.
- D. The Finance Director shall be the head of the Finance Department and shall:
  - (1) Collect all taxes, special assessments, license fees and other revenues due the Municipality or for whose collection the Municipality is

## EXHIBIT A

responsible, and receive all money receivable by it from the County, State or Federal government or others, or from any court or from any office, department or agency of the Municipality, or any moneys payable to the Municipality from any source.

- (2) Have custody of all public funds belonging to or under the control of the Municipality, or any office, department or agency thereof, and deposit or invest all funds coming into his or her hands in such manner as may be provided by ordinance; all interest resulting from deposits or investments shall be the property of the Municipality and shall be accounted for and credited to the proper account; deposit slips shall be marked with the name of the proper fund of the Municipality.
- (3) Have custody of all investments and invested funds of the Municipality, or in its possession in a fiduciary capacity, and have safekeeping of all bonds and notes of the Municipality and the receipt and delivery of its bonds and notes for transfer, registration or exchange.
- (4) Determine that all payment vouchers that are to be paid from Municipal funds are approved for payment by the Municipal Manager and other officials as required.
- (5) Determine that payment vouchers submitted for payment from Municipal funds are allocated to a specific appropriated expenditure and not in excess of such appropriation except with the approval of the required vote of Council.
- (6) Prepare, sign, and issue checks to cover approved payment vouchers; note payment vouchers; note payment date and check number on payment voucher.
- (7) Submit to Council and the Municipal Administrator a monthly report showing the condition of all funds and keep a running balance of funds available for withdrawal from the various bank accounts authorized by Council and issue a fund balance report as directed by Council.
- (8) Assist the Municipal Administrator in the preparation of an annual budget and prepare and submit annually to Council and the public a complete report on the financial activities of the Municipality as of the end of each fiscal year, using generally accepted accounting principles.
- (9) Respond to State audits as necessary and appropriate.

### **Section 7.4 Board of Trustees of Public Affairs**

The existing Board of Trustees of Public Affairs of the Village of Doylestown shall be abolished and the terms of the existing Trustees shall be terminated by an ordinance adopted by Council not later than July 1, 2023. Upon such termination, the operation of the Municipal utilities shall thereafter be under the direction and authority of the Municipal Administrator and Council.

## **ARTICLE VIII PLANNING COMMISSION**

### **Section 8.1 Composition and Terms**

The Planning Commission shall consist of two (2) members of Council to be appointed annually at the organizational meeting of Council, whose terms shall run until the next organizational meeting of Council, and three (3) electors of the Municipality who do not hold a Municipal elective office, who shall be appointed by the Council. One of the members of Council appointed to the Planning Commission may, at Council's discretion, be the Mayor. The three (3) electors shall be appointed by the Council for terms of three (3) years, except that in January 2023 one (1) member shall be appointed for a three (3) year term, one (1) member shall be appointed for a two (2) year term and one (1) member shall be appointed for a one (1) year term. The terms of the current members of the Planning Commission and Board of Zoning Appeals shall terminate on the effective date of this Charter. A vacancy occurring during the term of any member of the Planning Commission shall

## EXHIBIT A

be filled for the unexpired term in the manner authorized for an original appointment.

### **Section 8.2 Powers and Duties**

- A. The Municipal Planning Commission shall have all powers to consider and plan the location, construction, reconstruction, and vacation of public buildings, thoroughfares and public and private utilities, and the platting of developments, and such other powers as are now or may hereafter be conferred upon it by the laws of Ohio or by ordinance of Council.
- B. There shall be referred to the Commission all ordinances pertaining to zoning and building codes, and no ordinance so referred shall be passed by Council until a report or recommendation is received from the Planning Commission. If no report or recommendation shall be filed with the Clerk of Council by the Commission within sixty (60) days after a proposed ordinance has been referred to it, the proposed ordinance shall be deemed to have been approved. Any ordinance disapproved by the Planning Commission shall require the affirmative vote of at least five (5) members of Council to be approved.
- C. The Commission shall have power to hear and determine appeals from refusal of building and zoning permits and to permit exceptions to and variations from the zoning and building code regulations in individual cases as may be required to afford justice and avoid practical difficulties or unreasonable hardships to property owners in accordance with standards established by ordinance of Council. Decisions of the Planning Commission regarding such appeals, exceptions, and variances shall be final and may be appealed to the Wayne County Common Pleas Court.

### **Section 8.3 Notice of Meetings and Hearings**

Notice of regular or special meetings shall be made by placement of an announcement of the time, date, and place of the meeting on the Municipal website and posting of written notice at two (2) prominent places in the Municipality as determined by Council at least twenty-four (24) hours prior to the meeting. Notice of public hearings shall be in such manner and time frame as established by ordinance of Council.

## **ARTICLE IX TAXATION**

### **Section 9.1 Income Tax**

There is hereby imposed a municipal income tax on salaries, wages, commissions, and other compensation, and on net profits, subject to such conditions, regulations, rates, and provisions as determined by the Council from time to time, provided, however, that said rate shall not exceed two percent (2%) unless such excess shall be submitted to and approved by the electorate.

### **Section 9.2 Property Taxes**

The amount of property taxes that may be levied by the Municipality as inside millage without submission to the electorate on any taxable property assessed and listed for taxation according to value for all purposes of the Municipality shall not in any one (1) year exceed three and four-tenths (3.4) mills for each dollar of assessed valuation. This limitation upon the power of Council relative to inside millage shall not operate as a limitation upon the power of Council to levy additional property taxes as may be lawful under the Constitution and laws of the State of Ohio in accordance with Section 9.3 hereof.

### **Section 9.3 Submission of Levies to Ballot**

At least sixty (60) days prior to a general, regular municipal or any special election, Council may declare by resolution, adopted by a vote of at least four (4) of the members elected thereto, that the amount of taxes permitted by the Constitution

## EXHIBIT A

and this Charter without a vote of the electors will be insufficient to provide an adequate amount for the necessary requirements of the Municipality and it is necessary to levy a tax in excess of such limitation for any municipal purpose or purposes specified in such resolution and permitted by law. Such resolution shall be confined to a single purpose, specify the exact amount of the additional levy required, the purpose thereof and the period of time, not to exceed the duration allowed by law, that it shall be in effect, which may or may not include a levy on the duplicate for the current year. A majority of those electors voting thereon in any election will be sufficient for its passage. If passed the Council may immediately make such levy, or such part thereof as it finds necessary.

### **Section 9.4 Other Taxes**

Council shall have the power to levy such other taxes as may be lawful in accordance with the provisions of the Constitution and the laws of the State of Ohio and the terms of this Charter.

## **ARTICLE X NOMINATIONS AND ELECTIONS**

### **Section 10.1 Nominations**

There shall be no primary election for Municipal offices. Nominations for elective offices of the Municipality shall be made by petition only, signed by not less than twenty-five (25) electors on the standard forms for the nominations of non-partisan candidates for such office, filed with the Board of Elections at least ninety (90) days before the day of election. Each candidate shall file a separate petition; group petitions shall not be used. The signature of the candidate indicating his or her acceptance of the nomination and willingness to accept the office if elected shall appear on each copy of his or her petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator as required by law.

### **Section 10.2 Ballots**

The names of all candidates nominated for elective office in the Municipality shall be printed on the official ballot without party designation. The names of all candidates shall be rotated on the ballot as provided by the laws of the State of Ohio. A blank space shall be provided under the title of each office and below the name or names of the candidate or candidates for that office wherein an elector may write in the name of a person not printed on the ballot under that office for whom he or she desires to vote. Except as otherwise provided in this Charter, the laws of the State of Ohio shall govern the nominations and election of elective officers of this Municipality.

### **Section 10.3 Elections**

Elections shall be held at the times prescribed by the general laws of the State of Ohio, except as otherwise provided in this Charter. Nothing in this Charter directly or through incorporation of state election laws shall prevent the Municipality from adopting its own ballot language for Municipal issue.

## **ARTICLE XI CIVIL SERVICE COMMISSION**

### **Section 11.1 Civil Service Commission and System**

At such time as the Municipality shall become a city, the Council shall by ordinance provide for and establish a Civil Service Commission and a Civil Service System, to become effective on the first day of January thereafter.

### **Section 11.2 Composition and Terms**

The Civil Service Commission shall consist of three (3) electors of the City not holding other Municipal elective or appointive office to be appointed by Council for a term of four (4) years. Said terms shall begin on the first day of January. A vacancy occurring during the term of any member of the Civil Service Commission shall be

## EXHIBIT A

filled for the unexpired term in the manner authorized for in the original appointment.

### **Section 11.3 Classified and Unclassified Service**

Regular members of the Department of Safety, except the department heads, the Police Chief, and the Fire Chief shall be within the classified service. The Council after consultation with the Municipal Administrator shall determine which of the other City employees shall be within the classified service and which shall be within the unclassified service.

### **Section 11.4 Police, Fire and EMS Chiefs**

For purposes of lay-off, disciplining, suspension or removal, the Police Chief and the Fire Chief shall be considered members of the classified service in the Department of Safety.

### **Section 11.5 Employees with prior service.**

Council shall provide that all persons who have been continuously employed in the service of the Municipality in the same or similar position included in the classified service for at least thirty (30) days preceding the effective date of the ordinance referred to in Section 11.1 hereof shall retain their position without examination until discharged, reduced, promoted or transferred in accordance with the rules and regulations of the Civil Service Commission.

### **Section 11.6 Ohio Law**

The provisions of the laws of Ohio regulating selection, promotion, lay-off, disciplining, suspension and removal shall be applicable except as provided in this Charter and except as otherwise provided by ordinance.

## **ARTICLE XII. INITIATIVE, REFERENDUM AND RECALL**

### **Section 12.1 Initiative**

The electors shall have the power to propose any ordinance or resolution except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to Council by a petition signed by at least ten percent (10%) of the total number of electors at time of such submission. A petition in such form may be circulated in separate parts but the separate parts shall be bound together and filed as one instrument. When so submitted, the Clerk of the Council shall determine the sufficiency of the petition and if found sufficient the Council shall take final action, either enacting, amending, or rejecting the proposed ordinance, within forty (40) days after submission of the petition. If Council fails to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the petitioners through the committee named on such petition may by the next regular meeting of Council request in writing that it be submitted to a vote of the electors. Thereupon, Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general or regular municipal election occurring more than ninety (90) days after the filing of such petition.

### **Section 12.2 Referendum**

Within thirty (30) days after the enactment by Council, of any ordinance or other measure enacted by Council, except one which is not subject under this Charter or the laws of the State of Ohio to referendum, a petition signed by no less than ten percent (10%) of the total number of electors of the Municipality on the date of such filing, may be filed with the Council requesting the ordinance or other action be repealed, or submitted to a vote of the electors. A petition in such form may be circulated in separate parts but the separate parts shall be bound together and filed as one instrument. When said petition is filed the Clerk of the Council shall first ascertain the sufficiency of the petition, and, if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition reconsider such



## EXHIBIT A

ordinance or resolution. If Council fails to repeal said ordinance or resolution within thirty (30) days after such reconsideration, the Council shall submit it to a vote of the electors at the next general or regular municipal election occurring more than ninety (90) days after the filing of such petition.

### **Section 12.3 Recall**

- A. The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served six (6) months of his or her term, a form of petition demanding his or her removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. A petition in such form may be circulated in separate parts but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least fifteen percent (15%) of the total number of registered electors as of the date the petition is filed with the Clerk of Council.
- B. Within fourteen (14) days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, he or she shall promptly certify the particulars in which the petition is defective, deliver a copy of his or her certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, he or she shall so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery.
- C. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than one hundred twenty (120) days after the date of such delivery. At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his or her office shall be declared vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

## **ARTICLE XIII        AMENDMENTS TO CHARTER**

### **Section 13.1 Amendments to Charter**

The Council may, by affirmative vote of at least four (4) of its members, submit to the electors any proposed amendment or amendments to this Charter; or upon petition signed by not less than ten percent (10%) of the electors of the Municipality, setting forth any proposed amendment or amendments to this Charter, the Council shall submit such proposed amendment or amendments to the electors in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect. If any such proposed amendment or amendments shall be approved by a majority of the electors voting thereon, it or they shall become a part of this Charter; except that if two (2) or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one (1) of such

EXHIBIT A

amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

**Section 13.2 Charter Review Commission.**

In January, 2033 and every ten (10) years thereafter, Council shall appoint a Commission of seven (7) electors of the Municipality holding no other Municipal elective or appointive office except on advisory bodies of the Municipality to serve as members of the Charter Review Commission. Such Commission shall review the Municipal Charter, and within five (5) calendar months after such appointment, recommend to Council such alterations, revisions, and amendments, if any, to this Charter, as in its judgment are desirable. The Council shall submit to the electors any such proposed alterations, revisions or amendments of this Charter in the manner provided in Section 15.1 hereof. The members appointed to said Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

**ARTICLE XIV GENERAL PROVISIONS**

**Section 14.1 Effective Date of Charter**

This Charter shall take effect January 1, 2023.

**Section 14.2 Effect on Existing Laws and Rights**

The adoption of this Charter shall not affect any pre-existing rights of the Municipality nor any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the Municipality shall continue in effect until legally amended or repealed.

**Section 14.3 Effect on Existing Boards, Commissions, and Committees**

Except as otherwise provided in this Charter, all existing boards, commissions and committees shall remain in place and operation until modified or eliminated at the discretion Council.

**Section 14.4 Oath of Office**

Every officer of the Municipality shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Clerk of Council:

"I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and of the State of Ohio; that I will, in all respects, observe the provisions of the Charter and ordinances of Doylestown and will faithfully discharge the duties of the office of \_\_\_\_\_."