

Ordinance No. 20-20

**AN ORDINANCE PROVIDING FOR SUBMITTING THE QUESTION OF ADOPTING
THE PROPOSED MUNICIPAL CHARTER TO THE ELECTORS**

WHEREAS, pursuant to Article XVIII, Section 8 of the Constitution of Ohio, Council passed Ordinance 10-19 which put the question to the electors of the Village of Plain City of whether to establish a Charter Commission to draft a proposed charter; and

WHEREAS, on March 17, 2020, the electors of the Village of Plain City approved the creation of a Charter Commission to draft a charter for the Village of Plain City and elected 15 qualified electors from the Village to serve on the Charter Commission; and

WHEREAS, the Charter Commission has duly met and concluded its efforts in preparing and drafting a Charter for the Village of Plain City (attached hereto as Exhibit A) for consideration of the electors of the Village at a special election, as authorized by Article XVIII, Section 8 of the Constitution of the State of Ohio; and

WHEREAS, the Charter Commission has designated March 16, 2021 as the date for the special election upon which the electors of the Village shall vote upon the proposed Charter; and

WHEREAS, Council now wishes to submit the question of adopting the proposed Charter to the qualified electors of the Village of Plain City.

NOW THEREFORE, be it ordained by the Council for the Village of Plain City, Madison/Union County, State of Ohio, as follows:

SECTION I: The question of the adoption of the proposed charter for the Village of Plain City, Ohio, as reported by the Charter Commission, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated herein as if fully rewritten, shall be submitted to a vote of the qualified electors of the Village of Plain City at the special election to be held on March 16, 2021, during the regular hours of voting and at the regular places as established by the Board of Elections of Madison and Union Counties, Ohio, and as prescribed by general law.

SECTION II: The ballots for the election shall be entitled Village of Plain City Charter Ballot and the question to be submitted on the ballot shall be in the following form:

"Shall the proposed Charter, as reported by the Charter Commission of the Village of Plain City, be adopted?"

To the left of such wording shall appear, in boxes with appropriate places for marking, the words "Yes" and "No," and each voter shall indicate his vote by placing a cross mark in one of the places so provided; and provision shall otherwise be made by the election authorities for voting on such question in the manner prescribed by general law.

SECTION III: The Fiscal Officer and the Mayor are authorized and directed to make the necessary arrangements with the appropriate election authorities for giving notice, conducting the election, and placing the question on the ballot.

SECTION IV: The Fiscal Officer is directed to mail a copy of the proposed charter to each elector whose name appears on the poll or registration books of the last regular or general election held in the Village of Plain City at least thirty days before the date of the election.

SECTION V: The Fiscal Officer is directed to certify a copy of this ordinance to the appropriate election authorities.

SECTION VI: It is found and determined that all formal actions of this Council concerning and related to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council, the Charter Commission and of any of their respective committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VII: This Ordinance shall be in effect and in force from and after the earliest time permitted by law.

Passed: October 26, 2020.

Attest: Renee Sonnett
Village Fiscal Officer

Jody Carney
Mayor Jody Carney

First reading: October 12, 2020.

Second reading: October ¹⁴~~19~~, 2020.

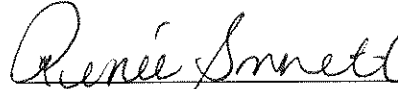
Third reading: October 26, 2020.

Vote: 6 yea ___ nay ___ abstain

CERTIFICATE OF PUBLICATION

The undersigned, being Village Fiscal Officer of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 123.01 of the Codified Ordinances. The posting was done from 10-27, 2020 to 12-31, 2020 at the Office of the Fiscal Officer located at 800 Village Boulevard, Plain City; the Plain City Public Library located at 305 W. Main Street; the Security National Bank located at 105 W. Main Street; the Richwood Banking Co. located at 601 W. Main Street; all being in the Village of Plain City, Ohio and the Village of Plain City Website at www.plain-city.com.

Date: October 27, 2020


Renee Sonnett, Village Fiscal Officer

CERTIFICATION

I hereby certify on this 26th of October, 2020, that the foregoing is a true and accurate copy of the Ordinance passed at the meeting of the Council of the Village of Plain City, Madison/Union Counties, Ohio, held on October 26th, 2020.

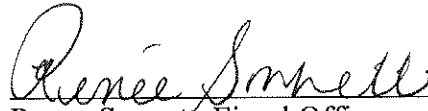

Renee Sonnett, Fiscal Officer

EXHIBIT A



**CHARTER
OF
PLAIN CITY, OHIO**

Adopted at the Special Election on March 16, 2021

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Charter of Plain City, Ohio

PREAMBLE

We, the people of the Village of Plain City, Ohio, for the purpose of governing with integrity and fiscal responsibility by providing quality services and programs to promote prosperity, safety, and well-being of our citizens and community, and to secure the benefits of home rule and exercise the powers of local self-government conferred by the Constitution and the laws of the State of Ohio, do hereby adopt this Charter.

ARTICLE I

NAME, BOUNDARIES, AND FORM OF GOVERNMENT

1.01 Name and Boundaries

The municipal corporation existing as the Village of Plain City under the general statutes of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter. When the Village of Plain City becomes a city in the manner provided by the Constitution and the laws of the State of Ohio, it shall be known as the "City of Plain City." As used in this Charter, "Municipality" shall mean either the Village or City of Plain City, as appropriate.

The Municipality shall have the same boundaries that exist on the effective date of this Charter, with the power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio. Territory annexed to the Municipality shall immediately be subject to the provisions of this Charter.

1.02 Form of Government

The form of government provided for by this Charter shall be known as the "Mayor-Council-Administrator Plan."

[End of Article I]

ARTICLE II

POWERS

2.01 Powers Granted

The Municipality shall have all the powers that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in this Charter.

2.02 Exercise of Powers

All powers of local self-government now or hereafter granted under the Constitution and laws of the State of Ohio to municipal corporations shall be exercised in the manner prescribed in this Charter, or when not prescribed, then in such manner as the Council may determine; and, when not prescribed by this Charter or determined by the Council, then in such a manner as may now or hereafter be provided by the general laws of Ohio.

2.03 Construction of Powers

The powers of the Municipality under this Charter shall be construed liberally 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 this Charter.

2.04 Cooperative Authority

The Municipality may exercise any of its powers, perform any of its functions, and provide related financing, jointly or in cooperation, by contract or otherwise, with any one or more states, including, without limitation, the State of Ohio and any of its political subdivisions, special districts, instrumentalities, divisions, or agencies; the United States or any of its divisions or agencies; or any individual, partnership, corporation, or other type of entity, whether for profit or not-for-profit, unless prohibited by the Constitution of the State of Ohio.

[End of Article II]

ARTICLE III

COUNCIL

3.01 Powers of Council

(A) All legislative power of the Municipality shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers to:

- (1) levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter and the Constitution of Ohio;
- (2) adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws;
- (3) provide for the exercise of all powers of local self-government and utility powers granted to the Municipality by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio;
- (4) create, combine, change, and abolish departments, divisions, offices, bureaus, boards, commissions, and committees of the Municipality not specifically created by this Charter;
- (5) establish or authorize the number of positions in the various departments, divisions, offices, bureaus, boards, commissions, and committees of the Municipality, to adopt a wage, salary, and benefit structure for all positions within the classified and unclassified service, and to provide for such other conditions of employment as deemed proper by the Council;
- (6) require such insurance or surety bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Municipality, and the premium for any such insurance or surety bonds shall be paid by the Municipality;
- (7) establish the rates or charges made of consumers of all municipal utilities and services;
- (8) receive, acquire, sell, or otherwise convey interest in real property, and the power to lease, as lessor or lessee, or otherwise grant or receive interests in real property;

(9) provide for an independent audit of the accounts and records of the Municipality, which may be in addition to audits by State offices and agencies as may be required under the general laws of the State of Ohio;

(10) conduct inquiries and investigations regarding the affairs of the Municipality and the conduct of the Administrator or any department, division, office, bureau, board, commission, or committee of the Municipality, and for this purpose subpoena witnesses, administer oaths, take testimony, and require the production of evidence;

(11) exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio; and

(12) override the Council meeting agenda set by the Mayor with the vote of a majority of the members of Council. The procedures and notice requirements for items changed by the Council on an amended meeting agenda shall be provided for in the Rules adopted by the Council as provided in Section 3.06.

3.02 Composition, Term and Qualifications

(A) The Council shall be composed of six members. The members of the Council under the general statutory plan of government for the Village of Plain City at the time the Charter becomes effective are hereby designated as members of the Council under this Charter. At the regular election to be held in November of 2021 and each four years thereafter, three persons shall be elected from the Municipality at large. Three elective offices shall serve terms of four years each. At the regular election to be held in November of 2021, one person shall be elected from the Municipality at large to serve a two-year term that expires on December 31, 2023. At the regular municipal election to be held in November of 2023 and every four years thereafter, three persons shall be elected from the Municipality at large to serve terms of four years each. The terms of the Council members shall commence as of January 1 of the year immediately following their election.

(B) Candidates for Council shall have been electors of the Municipality or any area annexed to the Municipality for at least one year immediately prior to the time they file for or are appointed to office, and during a term of office the member shall remain so qualified. Members of the Council need not be a full-time official of the Municipality and may hold other employment as permitted by the laws of the State of Ohio, including all ethics laws and shall not have a financial interest in any contracts before the Municipality.

Members of the Council shall not hold any other public office during a term, except they may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold office permitted by this Charter or the laws of Ohio.

3.03 President

(A) At the first regular meeting of the Council in each year, the Council shall elect, by a majority of vote of its members, one of its members as the President of Council for a one year term of office. The President may be removed, without cause, from the office of President at any time by a vote of a majority of the other members of the Council voting on the issue. Any vacancy in the office of President shall be filled for the remainder of the term by a majority vote of the Council.

(B) The President shall become the Acting Mayor and shall perform the duties of the Mayor in the event of the absence or disability of the Mayor and during the period of any unfilled vacancy in the office of the Mayor. The President, when serving as the Acting Mayor, shall continue to hold office as a member of the Council but shall only have one vote on any matter before the Council, unless otherwise provided in this Charter.

3.04 Clerk of Council

The Council shall appoint, by a majority vote of its members, a person to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of the Council and may be suspended or removed without cause by a majority vote of the members of the Council. The Clerk of Council may hold other private or public employment or office or position of employment in the Municipality. The Clerk of Council shall have those powers, duties, and functions as are provided in this Charter, by the Rules of Council, or by ordinance or resolution of the Council. The Clerk of Council shall maintain a record of the Council proceedings and record all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members, the Mayor, and to the public as may be provided by this Charter, the Rules of Council, or by ordinance or resolution. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision of the Administrator. The Council, by ordinance or resolution, may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided under this Charter.

3.05 Council Meetings

(A) The Council shall determine, by a majority vote of its members, the frequency, dates, and times of regular meetings in order to properly conduct its business, but it shall hold at least one regular meeting each month.

(B) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four hours' notice to the Mayor and each member of the Council, which notice may be served personally, left at the usual place of residence, or provided by electronic notification. In the event the Mayor or any three members of the Council determine an emergency exists, the requirement to provide twenty-four hours' notice shall not apply.

Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council and the

Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. Attendance at a special meeting constitutes a waiver of receipt of such special meeting. Special meetings may be canceled beforehand by whoever initially called for such special meeting.

(C) Any regular or special meeting of the Council may be adjourned or recessed to another time, date, or place without giving notice as required in subsection (B) of this Section.

(D) All meetings of the Council and of other boards and commissions of the Municipality shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

3.06 Council Organization and Rules

The Council shall be a continuing body and shall meet for the purpose of organization at its first meeting in January of each year.

The Council shall adopt, by a majority vote of its members, its own rules (the "Rules") which shall not conflict with this Charter and which shall remain in effect until amended or repealed by a majority vote of the members of Council. The Rules of Council shall go into immediate effect unless a later date is specified, and the Rules shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition, and manner of appointment of committees of the Council and such other matters as the Council shall determine to be necessary for the proper functioning and governance of the Council.

3.07 Salaries of Elected Officials

Once in any calendar year and only as a non-emergency ordinance, the Council may determine the annual compensation and benefits of all elected officials of the Municipality to commence not earlier than January 1 of the following calendar year. No ordinance increasing the compensation of the Council or Mayor shall become effective until the date of commencement of the terms of the Mayor or the members of Council elected at the next regular election. If the Council fails to establish salaries and benefits as required in this Section, the current salaries and benefits shall remain in effect until changed in accordance with this Section. The initial salary and benefits of elected officials under this Charter shall be the salaries and benefits established for each office and in effect on the effective date of this Charter.

3.08 Council Vacancies

(A) A vacancy in the membership of the Council shall be filled by a majority vote of the members of the Council within 30 days after the vacancy occurs; provided, however, that Council may, by a majority vote of the members of the Council, extend this period by an additional 30 days. After the applicable 30-day or 60-day period, the power of the Council to fill the vacancy shall lapse, and the Mayor shall fill the vacancy by appointment.

(B) If the vacancy occurs on or after July 1 of the second year of a Council member's term, the person selected by the Council or appointed by the Mayor to fill such vacancy shall serve for the remainder of that unexpired term. If the vacancy occurs on or before June 30 of the second year of a Council member's term, the person selected by the Council or appointed by the Mayor shall serve until a successor is elected at the next November election. The person so elected in November shall take office on January 1 following such election and serve the remainder of the original Council term.

3.09 Forfeiture of Office

(A) The office of a Council member, including the Mayor, shall be forfeited upon a determination that the Council member or the Mayor:

- (1) has pled to (including a no-contest plea) or has been convicted of a felony while in office;
- (2) has pled to (including a no-contest plea) or has been convicted of any crime involving dereliction of duties while in office;
- (3) lacks, or is found to have lacked, at any time prescribed by this Charter, any eligibility requirement in Section 3.02;
- (4) has violated any prohibition of Section 3.02; or
- (5) has failed to attend three consecutive regular meetings of Council without being excused by the Council.

(B) The Council shall be the sole judge of the grounds constituting forfeiture of office. The Council shall initiate the process to establish grounds for forfeiture of office by motion and shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

(C) Upon finding that grounds exist which subject a Council member or the Mayor to forfeiture of office, the Council shall instruct the Clerk of Council to notify the Council member or the Mayor. The Clerk of Council shall notify the Council member or the Mayor by any method which includes written evidence of receipt. A Council member or the Mayor so notified shall receive a public hearing before the Council to be held no earlier than 10 days but no later than 30 days after the written evidence of receipt.

(D) The Council shall make the final determination by a majority vote of the members of the Council to regard the office of the Council member or the Mayor as forfeited. The Council member or Mayor subject to forfeiture of office shall also be entitled to vote on such determination. Upon passage, the office shall be deemed vacant, and the Council shall fill the vacancy of a Council member as provided in Section 3.08 and the vacancy of the Mayor as provided in Section 5.04.

[End of Article III]

ARTICLE IV

LEGISLATIVE PROCEDURE

4.01 Form of Action by Council

Action by Council shall be by ordinance, resolution, or motion. Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among and appointments made by Council members, to provide directions to and to make requests of administrative officers and employees and members of boards and commissions, and as otherwise provided in this Charter. All other action shall be by ordinance or resolution. No action of the Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section.

4.02 Introduction of Ordinances and Resolutions

Any Council member or the Administrator or Mayor may introduce any ordinance or resolution at a regular or special meeting of the Council. Whenever possible, copies of proposed ordinance and resolution should be provided to members of the Council in advance of the meeting at which the measure is to be introduced. No action of Council shall be invalidated merely because the prior availability of an ordinance or resolution fails to comply with the provisions of this Section.

4.03 Form of Ordinances and Resolutions

(A) The form and style of ordinances and resolutions shall be determined by the Rules of Council.

(B) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title provided that appropriation ordinances may contain various subjects, accounts and amounts for which monies are appropriated. Ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject.

4.04 Reading of Ordinances and Resolutions

Each ordinance and resolution shall be read on two separate days unless this requirement is dispensed with an affirmative vote of at least five Council members present at the meeting. Readings shall be by title only unless the Council requires a reading to be in full by an affirmative vote of at least a majority of the Council members present at the meeting. Copies of each ordinance and resolution shall be available for public inspection at the meetings of the Council at which the ordinance or resolution is considered.

4.05 Procedure for Consideration of Legislation

The procedures for Council meetings and public hearings on legislative action taken by the Council shall be determined by the Rules of Council. The vote on legislation shall be entered in the minutes or record of Council proceedings.

4.06 Vote Required for Passage

Unless otherwise provided in this Charter, all action taken by the Council shall be by an affirmative vote of at least four Council members; provided, however, that if there are one or more vacancies of the Council, all references in Article III to a “majority vote” of the member of the Council shall mean a majority of the remaining members of the Council.

4.07 Effective Date of Legislation

(A) All resolutions and the following types of ordinances shall take immediate effect upon adoption unless a later time is specified by the Council:

- (1) appropriation of money;
- (2) annual tax levies for current expenses;
- (3) improvements petitioned for by owners of the requisite majority of the front footage or area of the property benefited and to be assessed;
- (4) ordinances directing an election or submitting a question to the electorate, including any election proceedings relating thereto;
- (5) approvals of a revision, codification, recodification, rearrangement, or publication of ordinances; and
- (6) emergency ordinances.

(B) Unless otherwise provided in this Charter, all other ordinances shall be effective thirty days after their adoption or at any later date specified by the Council.

4.08 Emergency Ordinances

(A) An emergency ordinance shall be in the form and manner prescribed for legislation generally, except that each emergency ordinance shall declare that it is necessary for the immediate preservation of the public peace, health, safety, and welfare of the Municipality or its residents.

(B) An ordinance may be adopted as an emergency ordinance by an affirmative vote of at least five council members of the emergency provision. If an emergency ordinance fails to receive an affirmative vote of at least five Council members of the emergency provision but receives a majority vote for passage, the ordinance shall become a non-emergency ordinance and effective as provided in Section 4.07(B).

4.09 Authentication

Each ordinance and resolution shall be authenticated by the signature of a presiding officer of the Council and the Clerk of Council. Any failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

4.10 Recording and Certification of Legislation

Each ordinance and resolution shall be recorded in a book or other record prescribed by the Council. The Clerk of Council or designee shall, upon request of any person and upon the payment of a fee if established by the Council, certify true and accurate copies of any ordinance or resolution, which certified copies shall be admissible as evidence in any court.

4.11 Amendments

(A) A pending ordinance or resolution may be amended in writing at any time prior to its passage by the Council, and such amendment shall not require additional readings of the ordinance or resolution.

(B) Any enacted ordinance or resolution, including the codified ordinances or resolutions of the Municipality, may be amended by the passage of subsequent ordinances or resolutions that revise existing sections or parts thereof, enact new or supplemental sections or parts thereto, or repeal existing sections or parts thereof. This subsection does not prevent, prohibit, or preclude repeals by implication.

4.12 Zoning Ordinances

(A) Ordinances establishing, amending, revising, changing, or repealing zoning classifications, districts, uses, or regulations may be introduced by any member of Council, a majority vote of the Planning and Zoning Commission, or otherwise provided by ordinance. The Council shall determine, by ordinance, all procedures to be followed by the Council and the Planning and Zoning Commission with respect to zoning within the Municipality and other land use regulations and matters, including, without limitation, public hearings, notices to owners of land, and notices to the general public.

(B) An affirmative vote of at least five Council members shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall a zoning ordinance be considered as having passed unless it receives an affirmative vote of at least four Council members.

4.13 Adoption of Technical Codes

(A) The Council may, by ordinance, adopt technical codes for the purpose of drawing on the latest scientific and technological advances, including, without limitation, construction standards and such other matters as the Council may determine to be appropriate for adoption by reference, so long as such technical codes do not conflict with the general laws of the State of Ohio.

(B) An ordinance adopting any technical code shall make reference to the date and source of the technical code without reproducing it at length in the ordinance, and such ordinance may provide for the automatic adoption of future amendments to such technical code without subsequent legislative action by the Council. In such areas, publication of the technical code shall not be required. A copy of each technical code and a copy of the adopting ordinance shall be authenticated and recorded as provided in Sections 4.09 and 4.10. If the technical code is amended after its

adoption by reference and Council did not provide for the automatic adoption of such amendments, the Council may adopt the amendment by incorporation by reference under the same procedure established for the adoption of the original technical code.

4.14 Codification

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of the Municipality to be revised, codified, recodified, rearranged, or published, and such action shall become effective immediately upon approval thereof and may contain new legislation therein. Any such codification shall be maintained, updated, and supplemented every year in the manner prescribed by the Council, and copies thereof shall be available for public use.

4.15 Publication of Ordinances and Resolutions

Unless otherwise provided by this Charter, ordinances and resolutions shall be published after adoption by the Council. The term “publish,” as used in the Section, shall mean posting the ordinance or resolution or a summary thereof on the Municipality’s website and taking such other actions to provide public notice as may be required by the Council. Failure to publish an ordinance or resolution as required by the Section shall not invalidate such legislation, and in such event, the Clerk of Council may authorize the ordinance or resolution to be published at a later date. The Clerk of Council shall make all legislation approved by the Council available digitally or for public inspection at the Municipal Building or the office of the Clerk of Council.

[End of Article IV]

ARTICLE V

MAYOR

5.01 Election and Term

The Mayor under the general statutory plan of government for the Village of Plain City is hereby designated as the initial Mayor of the Municipality under this Charter. The Mayor shall be separately elected at large to a four-year term of office, commencing with the regular municipal election to be held in November 2023. The Mayor's term shall commence on the first day of January of the year immediately following the election.

5.02 Qualifications

(A) Candidates for Mayor shall have been electors of the Municipality, including in any area annexed to the Municipality, for at least one year immediately prior to the time they file for or are appointed to office, and during a term of office the Mayor shall remain so qualified.

(B) The Mayor need not be a full-time official of the Municipality and may hold other employment as permitted by the law of the State of Ohio, including all ethics laws, and shall not have interests in any contracts before the Municipality.

(C) The Mayor shall not hold any other public office during a term, except the Mayor may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold office permitted by this Charter or the laws of Ohio.

5.03 General Powers and Duties

(A) The Mayor shall have the powers and duties as described in the Charter and as follows:

(1) set the agenda for all Council meetings, subject to Council override as provided in Section 3.01(A)(12).

(2) attend all Council meetings and shall have the right to take part in discussions and may only vote to break a tie;

(3) perform all ceremonial duties and functions as necessary for non-administrative purposes;

(4) act as the chief spokesperson for the Municipality in dealing with other governments;

(5) affix the Mayor's seal to official documents and instruments of the Municipality, which shall be the seal of the Municipality, but the absence of such seal shall not affect the validity of any such document or instrument;

(6) to perform such other powers, duties and functions as provided under this Charter, the Municipality's ordinances and resolutions, and the laws of Ohio, to the extent that such laws are consistent with this Charter and the Municipality's ordinances and resolutions; and

(7) appoint members to boards and commissions with the approval of the Council.

5.04 Vacancy, Temporary Absence or Disability

(A) In case of the Mayor's death, resignation, removal or a vacancy in the office of the Mayor, the President of Council shall succeed to the office and powers of the Mayor.

If the vacancy occurs on or after July 1 of the second year of the Mayor's term, the President shall serve for the remainder of that unexpired term. If the vacancy occurs on or before June 30 of the second year of the Mayor's term, the President shall serve until a successor is elected at the next November election. The person so elected in November shall take office on January 1 following such election and serve the remainder of the original Mayor's term.

(B) If the Mayor is temporarily absent from the Municipality or is temporarily unable to perform the duties of Mayor, the President of Council shall become the Acting Mayor and shall, during the period of absence or disability, perform all the powers, duties and functions of the Mayor. The Acting Mayor shall continue in their capacity as President of Council and as a voting member of the Council during the period of the Mayor's temporary absence or disability.

(C) In the event of the temporary absence of both the Mayor and President of Council, the most senior Council member, based on the length of continuous elected service as a Council member with the Municipality, shall serve as the Acting Mayor to exercise the powers and perform the duties of the Mayor. If two or more Council members have held the same length of continuous elected service as a Council member with the Municipality, then an Acting Mayor shall be chosen from among those two or more Council members by a majority vote of the remaining members of the Council present at the Council meeting for the vote on selecting the Acting Mayor. The Council members present at the Council meeting to vote on the Acting Mayor among two or more Council members must vote and no candidate for acting Mayor may abstain from such a vote.

[End of Article V]

ARTICLE VI

ADMINISTRATOR

6.01 Appointment and Qualifications

(A) The Administrator shall be appointed by the Council and shall serve as the chief administrative officer of the Municipality. The Administrator shall be responsible to the Council for the administration of all affairs of the Municipality placed in the Administrator's charge by or under this Charter, the legislation of the Council, and the laws of the State of Ohio.

(B) The Administrator shall be appointed on the basis of education and experience in the accepted competencies of the office. The Administrator need not be a resident of the Municipality.

(C) The Administrator shall, in all respects, be subject to the control, direction, and supervision of the Council. The Administrator shall not hold any elective public office or other public or private employment, unless approved by a majority vote of the Council.

6.02 Powers and Duties

(A) Without limitation of the powers and duties prescribed in Section 6.01(A), the Administrator or designee shall:

(1) hire, appoint, promote, suspend, remove, or otherwise discipline any employee of the Municipality, except those within the Departments of the Director of Law, Director of Finance, and Police Department or as otherwise provided by or under this Charter or by law;

(2) direct and supervise the administration of all departments, offices, and agencies of the Municipality, except as otherwise provided by this Charter or by law;

(3) attend all regular and special Council meetings with the right to participate in discussions and introduce ordinances and resolutions, but not vote;

(4) assist as needed to enforce within the Municipality all laws, provisions of this Charter, and legislation of the Municipality;

(5) provide staff support services for the Council, the Mayor, and the Municipality's boards, commissions, and committees;

(6) prepare and submit budgets and capital programs to the Council, and implement the final budget approved by the Council;

(7) keep the Council fully advised as to the financial condition and future operating capital needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as the Administrator deems desirable;

(8) submit to Council and make available to the public complete records of the financial and administrative activities of the Municipality;

(9) make other reports as the Council may require concerning the operation of departments, divisions, offices, boards, commissions, bureaus, and agencies of the Municipality;

(10) execute on behalf of the Municipality all contracts, leases, deeds, easements, conveyances, and agreements;

(11) delegate to subordinate employees of the Municipality any duties conferred upon the Administrator by this Charter or by Council action, and hold them responsible for the faithful discharge of such duties; and

(12) perform such other powers, duties, and functions as are conferred or required by this Charter, the Council, or by the laws of the State of Ohio.

6.03 Compensation

The Council shall determine the compensation of the Administrator.

6.04 Administration of Employees

No elected official of the Municipality shall, in any manner, direct or demand the hiring or termination of any Municipality employee whom the Administrator is empowered to hire, appoint, promote, suspend, remove, or otherwise discipline. Council may express its views and fully and freely discuss with the Administrator anything pertaining to hiring and termination of such employees.

6.05 Acting Administrator

The Administrator shall designate by letter, filed with the Clerk of Council, an employee of the Municipality to exercise the powers and perform the duties of the Administrator during a temporary absence or disability of the Administrator. If such designation has not been made and the Administrator is unable to perform their duties or to make such a designation, the Mayor may appoint, subject to the consent and approval of the Council, a qualified candidate to serve as the Acting Administrator until the Administrator resumes their duties. The Council may, at any time, revoke any designation of Acting Administrator previously approved by the Council or made by the Administrator. If the designation of the Acting Administrator is revoked, the Council shall appoint another qualified candidate, subject to the consent and approval of the Council, to serve as the Acting Administrator.

6.06 Procedure to Remove the Administrator

The Council may propose to suspend or remove the Administrator by resolution of the Council that sets forth the reasons for suspension or removal. A copy of the resolution shall be served immediately upon the Administrator. The Administrator shall have five days from the date of receipt of the resolution to reply in writing and request a public hearing. Upon the request for a hearing, the

Administrator shall be afforded a public hearing, which shall occur not earlier than 10 days but no later than 30 days after the request for a hearing. If the Administrator fails to request a hearing, no hearing shall be held. After the public hearing, if requested, and after full consideration, the Council may adopt a final resolution of suspension or removal. The decision of the Council to suspend or remove the Administrator shall be in the sole discretion of the Council. If the Administrator is suspended from duty as provided under this Section, the Council shall appoint an Acting Administrator as provided under Section 6.05.

[End of Article VI]

ARTICLE VII

ADMINISTRATIVE DEPARTMENTS

7.01 Departments

The Municipality shall have a Department of Finance, a Department of Law, a Police Department, and such other divisions as the Council may create. Except for the Department of Finance, Police Department and the Department of Law, the Council may abolish, combine, merge, change, or alter any department of the Municipality.

7.02 Powers, Duties, and Functions

Departments of the Municipality shall have those powers, duties, and functions as provided in this Charter and by the Council.

7.03 Department Divisions

The work of each department shall be distributed among such divisions thereof as may be provided for in Charter, by the Council, or the laws of the State of Ohio to the extent that they are not in conflict with the Charter.

7.04 Chief Fiscal Officer, Director of Finance

(A) The Department of Finance shall be headed by the Director of Finance. The Director of Finance shall be appointed and removed by the Administrator, subject to the consent and approval of the Council. The Director of Finance shall serve as the financial advisor and fiscal officer to the Administrator and the Council and shall not hold any elective office of the Municipality or other public or private employment unless approved by a majority vote of the Council.

(B) The Director of Finance shall be qualified by training or experience to carry out the power, duties, and functions of the office. The Director of Finance need not be an elector or resident of the Municipality.

(C) The Director of Finance shall be the chief fiscal officer of the Municipality and shall perform the powers, duties, and functions now or hereafter given to City Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this Charter. The Director of Finance, in addition to the powers, duties and functions prescribed by this Charter, shall have other powers, duties and functions as required by legislation of the Council, or as directed by the Administrator. The Director of Finance shall hire, appoint, promote, suspend, remove, or otherwise discipline any employee of the Department and shall keep the financial records of the Municipality, establish accounting systems, financial records and reports used by the offices, departments, divisions, boards and commissions of the Municipality; conduct internal audits upon the request of the Council; assist the Administrator in the preparation and submission of appropriation measures, estimates, budgets, and other financial matters; provide full and complete information concerning the financial affairs and financial status of the Municipality as required by the Administrator or the Council.

(D) In the event of a vacancy in the office of the Director of Finance, a successor shall be appointed by the Administrator, subject to the consent and approval of the Council. The Administrator shall designate a qualified person to serve as the Acting Director of Finance to carry out the powers, duties, and functions of the office in the case of the temporary absence or disability of the Director of Finance.

7.05 Director of Law

(A) The Director of Law shall be an attorney-at-law duly authorized and licensed, in good standing, to practice law in the State of Ohio. The Director of Law or any attorney engaged by the Director of Law, need not be an elector or resident of the Municipality.

(B) The Director of law shall be appointed and removed by the Administrator, subject to the consent and approval of the Council. The Director of Law shall serve as the legal advisor to the Administrator and the Council.

(C) The Director of Law shall be the legal advisor for the Municipality and shall represent the Municipality in any proceedings before any court or before any administrative body, including serving as Prosecutor of the Mayor's Court. Subject to Council approval, the Director of Law may alternatively facilitate representation of the Municipality by the hiring of assistant(s) or engaging outside counsel. Any assistant(s), outside counsel, or employees of the Department shall be promoted, suspended, removed, or otherwise disciplined by the Director of Law. The Director of Law shall perform all other powers, duties and functions now or hereafter imposed on the Director of Law as required by this Charter, by legislation of the Council, the Administrator or the general laws of Ohio to the extent those laws are not in conflict with this Charter.

(D) In the event of a vacancy in the office of the Director of Law, a successor shall be appointed by the Administrator, subject to the consent and approval of the Council. The Administrator shall designate a qualified person to serve as the Acting Director of Law to carry out the powers, duties, and functions of the office in the case of the temporary absence or disability of the Director of Law.

7.06 Police Department

(A) The Police Department shall be headed by a Chief of Police. The Chief of Police shall be appointed by the Administrator subject to the consent and approval of the Council. The Chief of Police and other members of the Police Department shall have such powers and duties as are provided by this Charter, by the legislation of Council, and the general laws of Ohio to the extent those laws are not in conflict with this Charter. The Chief of Police shall hire, appoint, promote, suspend, remove, or otherwise discipline any employee of the Department. The Chief of Police need not be an elector or resident of the Municipality.

(B) The Chief of Police shall be qualified by training or experience to carry out the power, duties, and functions of the office.

[End of Article VII]

ARTICLE VIII

BOARDS AND COMMISSIONS

8.01 Creation of Boards and Commissions

The Municipality shall have a Planning and Zoning Commission and a Personnel Board of Appeals as set forth herein and such other boards and commissions as may be created by the Council.

8.02 General Rules for Boards and Commissions

The following general rules shall govern all boards and commissions:

- (A) each board or commission created by the Council shall consist of at least three members;
- (B) terms, appointments, and removals shall be determined by the Mayor with approval of the Council unless otherwise provided in this Charter;
- (C) members of boards and commissions shall serve without compensation unless otherwise provided by the Council;
- (D) each member of a board or commission shall be and shall remain an elector of the Municipality during the term of appointment unless otherwise provided by the Council;
- (E) each vacancy shall be filled within 45 days or as soon as practicable if no acceptable candidates can be found within such time;
- (F) a vacancy occurring during the term of any member of a board or commission shall be filled for the unexpired term in the same manner as the original appointment; and
- (G) all meetings of boards and commissions shall be open to the public, excepts as allowed by the laws of the State of Ohio.

8.03 Planning and Zoning Commission

- (A) The Planning and Zoning Commission shall consist of five members who reside in the Municipality and shall include the Mayor and four electors of the Municipality appointed by the Mayor with approval of the Council.
- (B) The Commission shall adopt rules necessary to conduct business.
- (C) Commission meetings shall be held at the call of the Chairman and at such other times the Commission deems necessary. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote upon each question, or if absent or failing to vote, indicating such fact, and keep records of its examinations and other actions, all of which shall be a public record.

(D) The Commission shall have the powers and duties as provided in this Charter, by ordinance, legislation of the Council, and the general laws of the State of Ohio to the extent that those laws are not in conflict with this Charter.

(E) Upon adoption of this Charter, the Mayor with the approval of the Council, may initially appoint some members to shorter terms in order to accomplish staggered terms or carry over existing members and terms of the Planning and Zoning Commission for such purpose. Within thirty days of the effective date of this Charter, or as soon thereafter as reasonably practical, the Mayor with the approval of Council, shall appoint a member qualified under Section 8.03(A) to replace any Council member on the Planning and Zoning Commission.

8.04 Merit System

(A) This shall be effective once Plain City is declared to be and classified as a city under the laws of the State of Ohio.

(B) All appointments and promotions of employees of the Municipality shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by the Council.

(C) The Council shall establish, by ordinance or resolution, a classified and unclassified service for employees of the Municipality.

(D) Appointments to and removal from all elected and appointed offices, including the Municipality's boards, commissions, and committees, shall be made in accordance with the specific applicable provisions of this Charter or the specific applicable legislation of the Council, and shall not be subject to Sections 8.04(B) and (C).

(E) The laws of the State of Ohio governing the retirement of employees of the municipalities shall be applicable to Municipality employees under this Charter.

[Article VIII]

ARTICLE IX

FINANCE, TAXATION, DEBT, AND CONTRACTING

9.01 General

The laws of the State of Ohio relating to budgets, appropriations, taxation, debts, borrowing, assessments, deposits and investment of funds, and other fiscal matters of the Municipality shall be applicable to the Municipality, except as otherwise provided by this Charter or by the Council.

9.02 Contracting Powers and Procedures

(A) Except as otherwise provided in this Charter, the Administrator shall be the contracting officer of the Municipality and shall award and execute all contracts on behalf of the Municipality.

(B) The Administrator shall make contracts, purchase supplies, and provide labor for any work under the Administrator's supervision involving not more than fifty thousand dollars. When an expenditure, other than the compensation of the persons employed by the Municipality, exceeds a minimum of fifty thousand dollars or as otherwise provided by ordinance, such contract or expenditure shall first be authorized and directed by resolution of the Council. When so authorized or directed by the Council, except as provided under Sections 9.02(B) and 9.02(E), the Administrator shall make a written contract with the lowest and best bidder after advertisement for not less than two weeks but no more than four consecutive weeks on the Municipality's website or a newspaper of general circulation in the Municipality. The Administrator may reject any and all bids. The time, date, and place of bid openings may be extended to a later date by the Administrator, provided that written or oral notice of the change shall be given to all persons who have received the requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. Following authorization by ordinance of the Council, all contracts shall be between the Municipality and the bidder, executed in the name of the Municipality, and signed on its behalf by the Administrator.

The Council may provide, by ordinance, for the central purchasing for all offices, departments, divisions, boards and commissions of the Municipality, under the direction of the Administrator, who shall make contracts, purchase supplies, and provide labor for any work of the Municipality in the manner provided by this Section.

(C) By an affirmative vote of at least five members, the Council may waive the competitive bidding requirement of Section 9.02(B) if the Council determines that an emergency threatens public safety or property, or an item or service is only available from a single source or provider, or when funding could be lost due to time constraints, or if the item or service is available under the cooperative purchasing program administered by the Ohio Department of Administrative Services pursuant to Section 125.04 of the Ohio Revised Code, or if the Council determines that a waiver of the competitive bidding requirement is in the best interest of the Municipality.

(D) The Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding.

(E) Notwithstanding any provision of the laws of the State of Ohio, contractors and vendors shall not be entitled to receive interest on funds temporarily retained on a contract pending final acceptance of work performed or goods supplied, nor shall the Municipality be required to maintain a separate escrow amount to hold such retained funds.

(F) Contracts or other agreements for professional services, including, without limitation, architectural, engineering, surveying, testing, inspection, technology/computer, and legal services, shall not be subject to competitive bidding requirements set forth in this Section and shall not require authorization by the Council if the current operating budget provides sufficient funding for the services to be provided or if the Council has otherwise appropriated money for such services. Contracts for professional design services as defined in Section 153.65 of the Ohio Revised Code (as amended or revised) shall not be subject to the requirements of Sections 153.65 through 153.73 of the Ohio Revised Code (as amended or revised), but instead will be procured through procedures set forth in Section 9.02(B).

9.03 Contract Services

Professional services not otherwise provided for in this Charter may be provided by way of contract engagements authorized by the Council. The Council may substitute or supplement services to be provided by municipal personnel through contracts with other political subdivisions or other government agencies or by contracts with private persons, firms, corporations, or other entities.

[End of Article IX]

ARTICLE X

NOMINATIONS, ELECTIONS, INITIATIVE, AND REFERENDUM

10.01 Nominations

Nominations for all elected offices of the Municipality shall be made by petition only and no primary shall be held to nominate officers of the Municipality. Petitions shall be in the form determined by the election officials of the State of Ohio for the nomination of non-partisan candidates and signed by electors of the Municipality as provided under the general laws of Ohio. Petitions shall be filed with the election officials of the State of Ohio as provided by the law of the State of Ohio.

10.02 Elections

(A) Regular Municipal elections shall be held on the dates and times set forth by the election laws of the State of Ohio.

(B) The Council may, at any time, order a special election by legislation which shall set forth the date and purpose of the election, including, without limitation, the referral of pending legislation to the electors for their approval or rejection. Special elections may be held on any date.

(C) All regular and special elections shall be conducted by the election officials of Madison County, Ohio, Union County, Ohio, and the State of Ohio. Elections shall be held in a manner as provided under this Charter or as otherwise provided by the Council.

(D) The Council shall have the power to appropriate and expend public funds to pay the costs of providing information to the public in connection with tax, bond, and other non-partisan public issues, but not in connection with the election of any candidate for public office.

10.03 Initiative and Referendum

Legislation, issues, and other measures may be proposed by initiative petition and adopted by election as provided by the Constitution and laws of the State of Ohio. Legislation adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of the State of Ohio, except that legislation by the Council calling for election shall not be subject to referendum and the Rules of Council shall not be subject to initiative or referendum.

[End of Article X]

ARTICLE XI

GENERAL PROVISIONS

11.01 Conflicts of Interest, Ethics, and Campaign Financing

Unless otherwise provided in this Charter, the laws of the State of Ohio pertaining to conflict of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office, shall apply under this Charter.

11.02 Effect of Partial Invalidity

A determination that any provision of this Charter is invalid shall not invalidate or impair the force and effect of any other provision, except to the extent that the other provision is wholly dependent for its operation upon the provision declared invalid.

11.03 Initiative and Referendum

This Charter may be amended or revised by the electors provided by the Charter or the Constitution and laws of the State of Ohio.

11.04 Definitions

All references to “days” in this Charter shall mean calendar days unless otherwise stated. References to “business days” shall mean Monday through Friday except for federal or state holidays or as provided under Ohio Revised Code Section 1.14.

[End of Article XI]

ARTICLE XII

CHARTER REVIEW COMMISSION

12.01 Composition and Term

In 2031 and as often as necessary thereafter, but no less frequently than every 10 years, the Council shall appoint seven electors of the Municipality, holding no other elected office or employment with the Municipality, as members of a Charter Review Commission to serve until their duties as provided herein are completed. The members shall serve without compensation. The appointment of a Charter Review Commission with the prescribed periods shall not limit or preclude Council from submitting recommended Charter amendments to the voters from time to time as permitted by the Constitution and laws of the State of Ohio.

12.02 Duties

The Charter Review Commission shall study and review the provisions of this Charter and the operations of the Municipality and, by a majority of its members, shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of July following the appointment of the Charter Review Commission, unless a later date is specified by the Council. The Council shall submit any amendments or revisions to the Charter recommended by the Charter Review Commission to the voters in the manner provided by the Constitution and laws of Ohio. The Council shall appropriate funds to the Commission as determined to be necessary to carry out its powers, duties, and functions, including amounts required to pay consultants or special legal counsel to the Commission.

[End of Article XII]

ARTICLE XIII

TRANSITIONAL PROVISIONS

13.01 Effective Date of Charter

Upon approval by a majority of the electors of the Municipality voting thereon at the election held on March 16, 2021, this Charter shall take effect on July 1, 2021. If approved by a majority of the electors voting thereon, any subsequent amendments shall take effect from the date the final results of such election are certified by the relevant election authorities unless such amendments specify a later effective date; provided, however, that such certification date shall be the effective date for the purpose of designating, nominating, and electing officers of the Municipality and conducting municipal elections.

13.02 Succession

The municipal corporation existing as the Village of Plain City under the laws of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter or until such time as it becomes a city in the manner provided by the Constitution and laws of the State of Ohio. At such time, it shall then be known as the "City of Plain City" unless otherwise provided by the Council, and, upon advancing to city status, the provisions of this Charter shall apply to the City of Plain City.

The Municipality under this Charter is hereby declared to be the legal successor of the Village of Plain City under the laws of Ohio and shall have title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The Municipality shall be liable for all outstanding orders, claims, contracts, and debts of its predecessor as well as any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

13.03 Continuation of Ordinances, Resolutions, Codes, Rules, and Regulations

All ordinances, resolutions, codes, rules, and regulations of the Village of Plain City in effect at the time of adoption of this Charter or any amendment thereto shall remain in effect until amended or repealed, except as superseded by the provisions of this Charter.

13.04 Continuation of Employees

Every employee of the Municipality on the effective date of this Charter and any subsequent amendments shall continue in such employment, subject in all respects to the provisions of this Charter and ordinances, resolutions, rules, or regulations existing on such effective date or subsequently enacted or promulgated under this Charter.

13.05 Continuation of Appointments

Any appointed member serving on a board or commission of the Municipality at the time of adoption of this Charter or any amendment thereto shall continue their appointment for the remainder of their term, subject in all respects to the provisions of this Charter and ordinances, resolutions, rules, or regulations existing on such effective date or subsequently enacted or promulgated under this Charter except as superseded by the terms of this Charter, including Section 8.03(E).

13.06 Transfer of Powers

If a department is abolished as provided under Section 7.01 of this Charter, the powers and duties given to it by law shall be transferred to the department designated in this Charter or, if the Charter makes no provision, as designated by the Council.

[End of Article XIII]