

CHARTER OF THE CITY OF OBERLIN, OHIO

EDITOR'S NOTE: The Charter of the City of Oberlin was originally adopted by the electors on November 2, 1954. Dates appearing in parentheses following a section heading indicate that the section was subsequently amended, enacted or repealed on the date given.

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CHARTER OF THE CITY OF OBERLIN, OHIO

PREAMBLE

We, the people of the City of Oberlin, in the County of Lorain, and the State of Ohio, to secure the benefits of local self-government under the Constitution of the State of Ohio, do adopt this Charter.

SECTION 1. NAME AND BOUNDARIES.

The municipal corporation now existing and known as the City of Oberlin shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries in the manner authorized by the laws of the State of Ohio, except that no territory of this Municipality shall be detached from, annexed to or merged with any other body politic without the assent of the Council and of a majority of the electors of the City voting on such question at a general election held and conducted in the manner provided by law. Contiguous territory may be annexed to the Municipal Corporation in the manner provided by the laws of the State of Ohio.

SECTION II. POWERS.

The City of Oberlin shall have all powers of local self-government, and all the powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed by municipalities under the Constitution and laws of Ohio. All such powers may be exercised in the manner prescribed in this Charter, or by ordinances of Council created hereby. Enumeration of or reference to particular powers by this Charter shall not be construed to be exclusive.

SECTION III. COUNCIL.

A. Powers, Number and Terms. All the legislative powers of the City of Oberlin, except as limited by this Charter and the Constitution of Ohio, shall be vested in a Council of seven (7) members elected at large in a nonpartisan election, for a term of two (2) years. Members shall serve concurrently, beginning on the first Monday of January of the year following their election and until their successors are elected and qualified, and no member shall be elected to more than five (5) consecutive terms.

B. Qualifications. No person shall be eligible to be a member of Council unless at the time of his or her election or appointment he or she is qualified under the then existing requirements for election of council members of municipalities set forth in the Constitution and laws of the State of Ohio. No person shall continue to serve as a member of Council unless, during his or her term of office, he or she shall continue to be a resident. No member of Council shall hold any appointive office within the Municipality. No member shall be interested in the profits or emoluments of any contract, job, work or service for which monies of the Municipality are, or will be expended. A municipal employee of the City of Oberlin shall not be eligible to serve as a member of Council. An employee of the City Schools of the City of Oberlin or any other school district or educational system shall be eligible to serve as a member of Council. (Amended May 7, 1974; Init. 11-7-78; amended Nov. 2, 2004.)

C. Removal. Council shall be the sole and final judge of the election and qualification of its members, subject however to the recall provision of this Charter. It may expel or remove any member for gross misconduct, or for misfeasance, malfeasance or nonfeasance in, or disqualification from holding office, or for conviction while in office of a crime involving moral turpitude, or for the violation of his or her oath of office, or for persistent failure to abide by the rules of Council, or for absence without justifiable excuse for three consecutive regular meetings of Council. Such expulsion shall not take place except on concurrence of five (5) of the members of Council, nor until the accused member shall have been notified in writing of the charge against him or her at least ten days in advance of any hearing upon such charge, and until he or she or his or her counsel shall have been given the opportunity to appear before Council and be heard, present evidence and examine witnesses appearing in support of the charge.
(Amended Nov. 8, 1994)

D. Vacancies. Whenever the office of a member of Council becomes vacant for any reason, the vacancy shall be filled for the unexpired term by a majority vote of the then remaining members of Council. Each Council member appointed to fill a vacancy shall hold office for the balance of the unexpired term, or until his or her successor is elected and qualified.

E. Salaries. Council may determine and fix the salary of its members at its discretion; but the salaries of Council members shall not be increased or decreased during the elective term of office which they are serving. If Council determines to change the established salary in respect to a succeeding term of office, such change must be made by Council on or before the first day of February of the second year of the elective term then being served by Council. Unless and until the salary is so changed it shall remain as last fixed. The salaries of Council members shall be paid in equal monthly installments.

F. Meetings and Organization. On the first Monday after the first day of January next following each regular municipal election, Council shall meet at the Council Chambers of the Municipality for the purpose of organization. Thereafter Council shall meet at such times as may be prescribed by its rules, regulations, ordinances and bylaws; but it shall hold regular meetings at least twice during the calendar months of the year, with the exception of the months of July and August, during each of which months Council may at its discretion dispense with one of its regular meetings. All meetings of the Council, whether regular or special, shall be open to the public in accordance with State law. (Amended Nov. 2, 2004)

G. Police Justice. (EDITOR'S NOTE: Subparagraph G. was repealed by the voters on November 8, 1995. Former subparagraph H. was relettered as subparagraph G.)

G. President of Council. The Council shall at the time of its organization select one of its members to serve as presiding officer, with the title of President of Council and of Mayor. As Mayor he or she shall be recognized as the official head of the Municipality for all ceremonial purposes, and by the Governor for military purposes. The President of the Council shall be empowered to execute legal instruments for the Municipality, but shall have no other administrative functions. He or she shall have all the powers, duties, functions, obligations and rights of any other member of Council.

A Vice-President also shall be selected by Council, and shall serve as presiding officer and/or Mayor in the absence of the person serving the combined position as President-Mayor. (Amended Nov. 2, 2004.)

SECTION IV. NOMINATION FOR ELECTIVE OFFICES.

Nomination for the elective offices of the Municipality shall be made only by petition, carrying the consent of the nominee, signed by registered electors of the Municipality in number not less than 25 nor more than 50. Each candidate shall be nominated by a separate petition, and no primary election shall be held for the selection of candidates for any elective office, and no party mark or designation shall be used in any municipal election. Petition for nomination to an elective office shall be filed with the Lorain County Board of Elections at least 90 days and not more than 150 days prior to election day. The names of all candidates nominated shall be placed on the ballot in the manner provided by the election laws of the State of Ohio.

SECTION V. APPOINTMENT OF CITY MANAGER.

A. City Manager. Council shall, by a vote of at least five (5) of its members, appoint a City Manager who shall act as administrative head of the City under the direction and supervision of Council, and who shall hold office at the pleasure of Council.

B. Designation of Acting City Manager During Temporary Absence. By letter filed with the Clerk of Council, the City Manager shall within sixty (60) days of his or her original appointment as City Manager (and may at such other times as are in the interest of the City) recommend, subject to appointment by Council, a qualified City administrative officer to exercise the powers and perform the duties of Manager during any absence, disability or suspension. During such absence, disability or suspension, the Council may revoke such designation at any time and appoint another qualified City administrator to serve until the Manager returns, the disability ceases, the suspension ends, or a new or Interim City Manager is appointed.

C. Appointment of Interim Manager to Fill Vacancy. In the event of a vacancy in the office of City Manager due to death, resignation or removal, Council may at its discretion appoint an Interim City Manager who will perform all duties of the office of City Manager until such time as Council appoints a new City Manager to fill the vacancy. (Amended Nov. 8, 1994)

SECTION VI. REMOVAL OF CITY MANAGER.

Council may remove the City Manager by a vote of five (5) of its members. At least thirty (30) days before such removal shall become effective, Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his or her removal. By the preliminary resolution Council may suspend the City Manager from duty. The City Manager may reply in writing. Within two weeks after receiving such notice of preliminary resolution, the City Manager may request a public hearing, which shall be held within twenty (20) days after the filing of such request in writing. Within ten (10) days after such public hearing, if one be requested, and after full

consideration, of all evidence presented, Council by a vote of five (5) of its members shall announce its final decision. A City Manager who is being dismissed shall receive salary and residence allowance for a period of three (3) months subsequent to adoption of the preliminary resolution. The action of Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council.

(Amended Nov. 8, 1994)

SECTION VII. CREATION OF NEW DEPARTMENTS, OFFICES, COMMISSIONS AND BOARDS - CHANGE OF DUTIES.

Council by ordinance may create, change or abolish offices, commissions, departments, boards, committees or agencies, other than those established by this Charter. Council by ordinance may assign additional functions or duties to such entities as established by this Charter, but may not discontinue or assign to any other entity any function or duty assigned by this Charter to a particular entity.

Council may by ordinance provide for such other departments, divisions, boards, commissions, officers and employees as it may deem necessary from time to time, and determine the organization and the duties of each. Council may by ordinance change, abolish, combine, divide or rearrange such departments, divisions, boards, commissions, officers or employments except as otherwise provided in this Charter. Administrative officers appointed by Council shall serve during the pleasure thereof.

(Amended Nov. 2, 2004)

SECTION VIII. COUNCIL PROHIBITED FROM INTERFERING IN APPOINTMENTS OR REMOVALS.

Neither 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 City Manager or by any of his or her subordinates, or in any manner take part in the appointment or removal of employees in the administrative service of the Municipality, except at the request of the City Manager. Except for purposes of inquiry, Council and its members shall deal with the administrative services solely through the City Manager and neither Council nor any member thereof shall give orders to subordinates of the City Manager, either publicly or privately.

SECTION IX. PROCEDURE OF COUNCIL.

A. Council Rules and Journal. Council shall determine its own rules and order of business insofar as they are not set forth in this Charter. Council shall keep a record of its proceedings which shall be open to public inspection.

B. Action to be Taken by Ordinance or Resolution. All legislative action shall be by ordinance or resolution, except when otherwise required by the Constitution or the laws of the State of Ohio, but departmental procedure and administrative matters may be transacted by recorded motion.

C. Reading, Passage, Posting and Recording of Legislative Action.

1. The agenda for the next regular City Council meeting shall be made available to the general public at least seventy-two (72) hours prior to the meeting, unless five (5) members of Council vote to proceed in spite of the failure to provide such notice.

2. No ordinance or resolution shall deal with more than one subject, and that subject shall be clearly expressed in the title. Each ordinance and resolution shall be introduced in writing in the form in which it is to be finally passed.
3. Every ordinance and resolution affirmed shall have been considered on three (3) different days, unless five (5) members of Council vote to suspend this rule.
4. Any ordinance or resolution shall be fully and distinctly read upon its introduction, unless five (5) members of Council vote to suspend this rule and read it by number, title and substantive portions only. Any ordinance or resolution shall be read by number and title only upon its second and third considerations, unless five (5) members of Council vote in favor of a fuller reading.
5. After first passage, the ordinance or resolution, in the form in which it was passed, shall be posted for public inspection at City Hall and at two (2) or more public locations, and copies shall be made available at the office of the Clerk of Council. If the ordinance or resolution is subsequently amended, the amended ordinance or resolution shall similarly be made available for public inspection upon passage.
6. Upon due consideration of each ordinance or resolution a vote shall be taken by “ayes” and “nays” and shall be entered into the record. No ordinance or resolution shall be passed without the affirmative vote of at least four (4) members of the Council. All persons interested shall be given opportunity to be heard on any ordinance or resolution before a vote is taken on any reading.
7. Any ordinance which amends a previously existing ordinance shall be passed in a form that will either replace the original ordinance or one or more entire sections.
8. All ordinances or resolutions upon their final passage shall be recorded in a book kept for that purpose. The signatures of the presiding officer and of the Clerk of Council shall authenticate them, but failure to sign an ordinance or resolution for the purpose of authentication shall neither invalidate the ordinance or resolution nor impair its effectiveness.
(Amended 11-2-04.)

D. Revision, Rearrangement and Codification of Ordinances. Council may provide for the revision, rearrangement and codification of the ordinances of the Municipality or any portion thereof at such time as Council may determine.

E. Effective Date of Ordinances and Resolutions. All ordinances and resolutions of a general or permanent nature, or those involving the expenditure of money in which no emergency is declared, shall take effect thirty (30) days after their passage by Council. Emergency ordinances shall take immediate effect as provided by Section X of this Charter. (Amended Nov. 8, 1994)

SECTION X. EMERGENCY ORDINANCES AND RESOLUTIONS.

An emergency ordinance or resolution is an ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, or providing for the usual daily operation of a municipal department, and shall take effect immediately upon passage by Council. Ordinances or resolutions providing for the appropriation of money, or annual tax levy, or for improvements petitioned for by owners of a majority of the front footage of the property benefited and to be specially assessed thereon, may be passed on emergency. Emergency ordinances and resolutions shall only be passed by an affirmative vote of five (5) members of council, and the reasons for declaring such ordinance or resolution an emergency measure shall be set forth in the preamble or in one section of the ordinance or resolution. No ordinance or resolution granting, renewing, or extending a franchise or other special privilege, regulating a rate to be charged for its services by any privately, or municipally, owned public utility, nor any ordinance or resolution changing the boundaries of the Municipality or the surrender or joint exercise of its powers, may be passed on emergency. (Amended Nov. 8, 1994)

SECTION XI. INDEPENDENT AUDIT.

Council may provide at appropriate times for an audit of the financial records of the Municipality. A condensed summary of that audit report shall be published in a manner stipulated by Council. (Amended Nov. 6, 1957)

SECTION XII. SPECIAL MEETINGS.

Special meetings of Council may be called by a vote of Council at any regular or special meeting. Special meetings shall be called by the Clerk upon written request of the President or three (3) members of Council. Any vote or request for a special meeting shall state the subject or subjects to be considered at the meeting and no other subject or subjects shall be considered, except on approval of five (5) members of Council attending the special meeting. Twenty-four (24) hours' notice in writing of such requested special meeting shall be given to each member of Council by personal service, or by leaving said notice at his or her usual place of residence; except that members of Council shall be held to have waived such notice by their attendance at the special meeting. (Amended Nov. 2, 2004)

SECTION XIII. QUORUM.

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 in such a manner and under such penalties as may be prescribed by the rules of Council. (Amended Nov. 8, 1994)

SECTION XIV. THE CITY MANAGER.

A. Qualifications. The City Manager shall be chosen by Council solely 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.

B. Powers and Duties. The City Manager shall be the chief executive officer and the head of the administrative branch of the municipal government. He or she shall be responsible to Council for the proper administration of all affairs of the Municipality, and to that end, subject to the civil service provisions of this Charter, he or she shall have power and shall be required to: (1) appoint, and when necessary for the good of the service, remove all officers and employees of the Municipality except those officers appointed by Council (and their employees) and except as he or she may authorize the head of a department or office to appoint and remove subordinates in such department or office; (2) prepare the budget annually and submit it to the Council and be responsible for its administration after adoption; (3) prepare and submit to Council as of the end of the fiscal year a complete report on the finances and administrative activities of the Municipality for the preceding year; (4) keep Council advised of the financial condition and future needs of the Municipality and make such recommendations as may seem to him or her desirable; (5) perform such other duties as may be prescribed by this Charter or required of him or her by Council, not inconsistent with this Charter; (6) attend all meetings of Council except as excused by Council.

The City Manager shall not serve as a member of any board or commission of the Municipality except in an advisory capacity. He or she may attend any or all meetings of such boards and commissions and may enter into the discussions of those boards and commissions but may not vote. (Amended Nov. 8, 1994)

C. Salary, Oath, Bond, Seal. The City Manager shall receive such salary as fixed by the Council. Such part of the salary of the City Manager as the Council deems proper shall be paid from the income of any publicly owned utility operated by the Municipality. Before entering upon the duties of the City Manager, he or she shall take the oath required and shall execute bond in favor of the Municipal Corporation for the faithful performance of his or her duties, such bond to be fixed and paid by the Municipality. The City Manager shall be furnished with the corporate seal of the Municipal Corporation.

SECTION XV. CLERK.

Council shall appoint a Clerk to serve at Council's pleasure who shall act as Clerk of the Council, keep its records, make annual reports on Council proceedings and perform such other duties as are required by ordinance or resolution. The duties and office of Clerk may be combined by ordinances with that of Treasurer or Finance Director. (Amended Nov. 2, 2004)

SECTION XVI. FINANCE DIRECTOR.

Council shall appoint a Finance Director to serve at Council's pleasure who shall act as the City's chief accountant and auditor, preparing financial statements and budgets in consultation with the City Manager. The Finance Director shall issue warrants to the Treasurer for paying out municipal funds and shall keep an accurate account of all taxes and assessments, and of all money due, all receipts and disbursements by, and of all assets and liabilities of the Municipal Corporation and of all appropriations made by Council. The Finance Director shall at the end of each fiscal year, and more often if required by Council, audit the accounts of the

several departments and officers and shall audit all accounts in which the Municipal Corporation is interested. The Finance Director may prescribe the form of reports to be rendered to his or her department, and the method of keeping accounts by all other departments, and he or she shall require daily reports, showing all money received and disposition thereof, to be made to him or her by each department. The Finance Director shall, upon the death, resignation, removal or expiration of the term of any officer, audit the accounts of such officer, and if such officer is found indebted to the Municipal Corporation, the Finance Director shall immediately give notice to Council and the Law Director.

(Amended Nov. 2, 2004)

SECTION XVII. TREASURER.

Council shall appoint a Treasurer to serve at Council's pleasure who shall be custodian of all municipal funds and shall keep the monies in such manner and in such place as is determined by Council. He or she shall pay out money only on warrants issued by the Finance Director. The office of Treasurer may be combined with that of Clerk or City Manager but not that of Finance Director. (Amended Nov. 2, 2004)

SECTION XVIII. LAW DIRECTOR.

Council shall appoint a Law Director to serve at Council's pleasure who shall act as the legal adviser to and attorney for the Municipal Corporation, and for all officers, boards and commissions of the Municipal Corporation in matters relating to their official duties. He or she shall prepare all contracts, bonds and other instruments in writing in which the Municipal Corporation is concerned, and shall endorse on each his or her approval of the form. No contract with the Municipal Corporation shall take effect until such approval of the Law Director is endorsed thereon.

He or she or their assistants shall be the prosecutor in any municipal court of the City of Oberlin, and shall perform such other duties and have such assistants and clerks as are required or provided. His or her duties as Law Director do not include the legal representation of the Oberlin School District.

(Amended Nov. 2, 2004)

SECTION XIX. BOARDS AND COMMISSIONS.

A. The members of all commissions and boards of the Municipality shall be appointed by Council. The members of all boards and commissions shall be removed only by a vote of five (5) members of Council for cause and upon complaint and a public hearing.

(Amended Nov. 8, 1994)

B. All boards and commissions shall consist of five (5) members with terms of three (3) years, except the members first appointed to five (5) year terms. No member shall be appointed to more than three (3) consecutive terms. Any vacancy during the unexpired term of an appointed member shall be filled by Council for the remainder of the term. All members appointed to boards and commissions shall be residents and registered and qualified electors of the Municipality at the time of their appointment. Change of residence to outside the corporate limits of the Municipality shall automatically end the term of any board or commission member. Boards and commissions shall establish their own organization, procedure, rules and regulations subject to Council approval, and shall serve without compensation and incur no expenses, except as provided by Council. Agendas, minutes and annual reports are to be submitted to the Clerk of Council.

C. Zoning Board of Appeals. Council shall appoint a Zoning Board of Appeals. The Zoning Board of Appeals shall have such powers and duties as are or may be conferred upon it by the general laws of the State of Ohio, and such powers as may be conferred upon it by Council, including but not limited to appeals from refusal of building permits, and shall have the authority to permit exceptions to or variations from the Zoning Code.

D. Public Utilities Commission. Council shall appoint a Public Utilities Commission. The Public Utilities Commission shall serve as an advisory body to the Council on any and all questions concerning the financing, maintenance, operation and improvement of the public utilities serving the Municipality, both privately and municipally owned.

E. City Planning Commission. Council shall appoint a City Planning Commission. The City Planning Commission shall have such powers and duties as are or may be conferred upon it by the general laws of the State of Ohio, and such powers as may be conferred upon it by Council, including but not limited to the plan, design, location, removal, relocation, widening, extension, and vacation of streets, parkways, playgrounds and other public places; the approval of plats for subdivision of land; and the zoning of the Municipality for any lawful purpose. The Commission should constantly endeavor to formulate plans for the future physical development of the Municipality. (Amended 11-2-04)

F. Recreation Commission. Council shall appoint a City Recreation Commission. The City Recreation Commission shall serve as an advisory body to the Council on any and all questions concerning the operation and improvement of City recreation programs. (Amended Nov. 7, 1972)

G. Civil Service Commission. Council shall appoint a Civil Service Commission. The Commission shall keep minutes of its proceedings and records of its examinations, make investigations concerning the enforcement of the Civil Service provisions of this Charter and report annually to Council.

The Commission shall conduct practical and impartial examinations, provide a list of eligible employees and arrange for promotions within the Classified Service, which shall comprise all positions not specifically included by this Charter in the Unclassified Service.

The Unclassified Service shall include:

- (1) Officers elected by the people
- (2) The City Manager
- (3) Appointive positions, commissions and boards
- (4) Heads of departments, including the Police Chief and Fire Chief
- (5) Administrative assistants to appointive and elective officials, department heads and boards or commissions.
- (6) Temporary or part-time employees, except volunteer firefighters and police officers.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service, and shall be divided into competitive and noncompetitive classes.

- (1) The competitive class shall include all positions and employments for which it is practicable to determine merit and fitness of applicants by competitive tests.

- (2) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character and as may be determined by the rules of the Commission, and unskilled labor.

1. Probation. An appointment or promotion shall not be deemed complete until a period of probation not to exceed one (1) year has elapsed, and a probationer may be discharged or reduced in rank or pay at any time within the probationary period upon the recommendation of the head of the department in which said probationer is employed.

2. Discharge or Reduction. An employee shall not be discharged or reduced in rank or pay until he or she has been presented with reasons for such discharge or reduction, specifically stated in writing, and has been given an opportunity to be heard in his or her own defense. The reason for such discharge or reduction, and any reply in writing shall be filed with the Commission.

3. Appeal to the Commission. Any employee of any department in the City in the Classified Service who is suspended, reduced in rank or dismissed from a department by the director of that department or the City Manager, may appeal from the decision of such officer to the Civil Service Commission, and such Commission shall define the manner, time and place by which such appeal shall be heard. The judgment of the Commission shall be final.

4. No Discrimination. All employment and promotion shall be solely on the basis of merit whether for classified or unclassified positions or temporary employment. There shall be no discrimination against individuals with respect to race, color, creed, gender, age, disability, sexual orientation, political affiliation or place of national origin for employment, rates of pay or promotion.

5. Present Civil Service Employees. All persons in the employ of the Municipality holding positions in the Classified Service as established by this Charter at the time it takes effect, shall, unless their positions be abolished, retain same until discharged, reduced, promoted or transferred. (Amended Nov. 8, 1994)

SECTION XX. TAXATION - LIMITATION ON RATE OF TAXATION.

A. The aggregate amount of taxes that may be levied by the taxing authority of the City of Oberlin without a vote of the people, on any taxable property assessed and listed for taxation according to value, shall not in any one year exceed the amount currently authorized by the Ohio Constitution to be so levied, plus an additional 2.60 mills for each dollar of assessed valuation. The additional 2.60 mills as specified above shall be exclusively used for the following purposes:

1. Within the maximum levy provided for in Section A. herein, the Council may levy an amount not to exceed 1.80 mills for the purpose of providing funds for the payment of Police Pension Fund requirements.
2. Within the maximum levy provided for in Section A. herein, the Council may levy an amount not to exceed 0.80 mills for the purpose of providing funds for the payment of Fire Pension Fund requirements.

B. The limitation upon power of Council to levy taxes as specified herein shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of this State.
(Added November 2, 2010.)

SECTION XXI. AMENDMENT OF CHARTER.

This Charter may be amended by the following procedure: Council by a vote of at least five (5) of its members may submit to the electors of the Municipality amendments to this Charter, and Council shall, upon petition being presented to it at a regular meeting of Council, setting forth a proposed amendment, signed by not less than 10 percent of the resident qualified electors, submit such a proposed amendment to the voters for adoption or rejection at any municipal or general election occurring at least 60 days after the action by Council or the filing of the petition. The full text of any proposed amendment shall be published in a newspaper of general circulation in the Municipality at least once per week for three (3) consecutive weeks in the month prior to the date of election at which said amendment shall be voted upon and a copy of said amendment shall be mailed to each registered voter of the Municipality at least 30 days prior to said election.

SECTION XXII. TIME OF TAKING EFFECT.

For the purpose of electing Council members this Charter shall take effect on the first day of January, 1955, and an election shall be held the first Tuesday of November, 1955. Council members previously elected to serve beyond the first day of January, 1956, shall complete the unexpired term to which they were elected. In 1955 there shall be four (4) Council members elected and three (3) Council members having unexpired terms. In 1957 seven (7) Council members shall be elected. Council members elected in 1955 shall take office on the first Monday of January, 1956, and for all other purposes this Charter shall be deemed to be in effect on the first day of January, 1956.

SECTION XXIII. FRANCHISE.

Council may by ordinance grant permission to any person, firm or corporation to construct and operate a public utility in, on, under or above any public street or ground within the Municipality. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rate or rates to be charged therefor, and any other terms conducive to the public interest. Such grant may be amended or renewed in the same manner and subject to the provisions established by this section for original grants. Such grant, amendment or renewal shall be for such period of time as Council may determine, but shall not exceed a period of fifteen (15) years.

(Amended June 7, 1983.)

SECTION XXIV. INITIATIVE AND REFERENDUM.

The rights of initiative and referendum upon ordinances and action taken by Council as prescribed in the Constitution of the State of Ohio, and as set forth in the revised laws of the State of Ohio, are hereby reserved to the people and shall be carried out according to the Constitution of the State of Ohio and the laws of the State of Ohio.

SECTION XXV. RECALL.

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 months of his or her term, a 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. Such petition 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 statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals 20 percent of the electors voting at the last regular municipal election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the

requirements hereof. If the Clerk 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 with him or her, 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 shall find the petition sufficient, he or she shall promptly so certify same to Council, and to the officer whose removal is sought, and shall make a record of such certification and the time thereof. If such delivery shall have been made, the Council shall thereupon order and fix a day for holding a recall election, not less than sixty (60), nor more than seventy-five (75) days after the date of the Clerk's certification of sufficiency. Such recall elections shall be certified to the Board of Elections and held in accordance with the general laws of Ohio. At such recall election, the following question shall be placed on the ballot: "Shall (name of officer) be allowed to continue as (name of office)?", with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the ballots cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the ballots cast shall be voted negatively, such officer shall be considered removed, and his or her office shall be deemed 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.

SECTION XXVI. PARTIAL INVALIDITY.

The determination that any section or part thereof of this Charter is invalid shall not invalidate or impair the force or effect of any other section or part thereof, except to the extent that such other section or part thereof is dependent for its operation upon the part declared invalid.

SECTION XXVII. EFFECT OF CHARTER.

The taking effect of this Charter shall not affect any pre-existing rights of this Municipality, nor any right or liability or pending suit or provision, either on behalf of or against the Municipality, nor any contract entered into by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor.

SECTION XXVIII. CHARTER REVIEW COMMITTEE.

At the second meeting of Council in January, 2003, and each ten (10) years thereafter, a Charter Review Committee of eleven (11) members shall be appointed to study, appraise and evaluate the operation of this Charter. No later than the first Council meeting in March of the following year, the Committee shall submit to Council all recommendations with respect to changes or alterations of this Charter.

Council shall review any recommendations submitted by the Charter Review Committee and shall approve or disapprove each separate recommendation. Council thereafter shall submit to the electorate the changes or alterations it has approved, together with any other Charter issues Council determines to submit to the electorate, pursuant to Article XVIII, Paragraph 9, of the Constitution of the State of Ohio.

Council should endeavor to recruit as members of the Charter Review Committee persons representative of Oberlin's population. No more than two (2) members of the seated Council may serve on the Committee; if no Council member is appointed to serve as a member of the Committee, Council shall appoint at least one sitting member of Council to act as liaison between the Council and the Committee.

(Enacted Nov. 8, 1994)

SECTION XXIX. REPRINTING OF CHARTER.

Following any election at which any amendment to this Charter is adopted, the Clerk, with the approval of the Law Director and Council, may, prior to any reprinting or republication of this Charter, make such changes therein, including grammatical, syntactical, or stylistic changes, or changes to the numbers, titles, or arrangement of sections and subsections hereof, as may be necessary or desirable to maintain or enhance logic and consistency, but no such change shall in any way affect the substance or meaning of this Charter or any part thereof or amendment thereto.

In preparing the Charter for republication or reprinting after the general election of November 8, 1994, the Clerk shall make changes in the language of the Charter to remove any suggestion of discrimination on the basis of sex.

(Amended Nov. 2, 2004)

(EDITOR'S NOTE: This page is intentionally left blank.)