

CHARTER OF MOGADORE

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CHARTER

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PREAMBLE

We, the people of the Municipality of Mogadore, Ohio, in order to secure for ourselves the benefits of Municipal Home Rule and to exercise all the powers of local self-government under the constitution and laws of the State of Ohio, do hereby adopt this Charter for our Municipality.

***ARTICLE I
NAME AND BOUNDARIES*****SECTION 1.01 NAME AND BOUNDARIES.**

The present Municipality, known as the Village of Mogadore, Ohio, shall continue to be a body politic and corporate, under the name of the Village of Mogadore, or the City of Mogadore, as the Constitution of Ohio requires, and with the same boundaries, with powers and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the General Laws of Ohio.

ARTICLE II
FORM OF GOVERNMENT AND POWERS

SECTION 2.01 FORM OF GOVERNMENT.

The form of government established by this Charter shall be known as "Mayor-Council." This shall consist of the Council and Mayor elected by the voters of the Municipality, and shall possess respectively the legislative and executive and judicial powers specified in this Charter. The Municipality shall have only such other officers as are provided for in this Charter or in ordinances enacted hereunder.

SECTION 2.02 POWERS.

The Municipality shall have all the powers, general or special, governmental or proprietary, that now or hereafter may be possessed or exercised lawfully by municipal corporations under the constitution and general laws of the State of Ohio. The powers of this Municipality shall be exercised in the manner prescribed in this Charter, or to the extent that the manner is not prescribed herein, in such manner as the Council may determine. The powers of the Municipality may also be exercised, except as a contrary intent or implication appears in this Charter or in the enactments of the Council, in such manner as may now or hereafter be provided by the general laws of the state of Ohio.

SECTION 2.03 GENDER NEUTRAL STATEMENT.

Whenever the male gender is used in this Charter, it shall include the female gender.
(Amendment passed by electorate 7-5-00)

ARTICLE III
THE COUNCIL

SECTION 3.01 COMPOSITION AND TERM.

Council shall consist of seven (7) members, all of whom shall be elected at large. The members of Council shall serve for a term of four (4) years commencing on the first day of January next following their election, except that with respect to the General Election held in 1995, four (4) members shall be elected for a term of four (4) years commencing on January 1, 1996, and the remaining three (3) members shall be elected for a term of two (2) years commencing January 1, 1996, except as otherwise provided herein at Section 19.03. The four (4) elected members receiving the greatest number of votes

at the General Election in 1995 shall serve the four year terms and the remaining three elected members shall serve the two year terms. If any member elected to Council shall fail to qualify for office within fifteen (15) days following the commencement of his term, such office shall thereupon be vacant and shall be filled as provided in Section 3.08 of this Charter.

(Amendment passed by electorate 11-7-95)

SECTION 3.02 QUALIFICATIONS.

A member of Council shall have been continuously a resident and an elector of the Municipality for one (1) year immediately prior to the date of his/her election or appointment, and each such member shall continue to be a resident and an elector therein throughout his term of office. No member of Council shall hold any other elective public office or any other municipal office or employment except as otherwise provided in this Charter. Except for compensation received as a member of Council, no member of Council shall be interested in the profits, fee or salary of any contract, job, work or service for which monies of the Municipality are expended. Council shall be the sole and final judge of the election and qualification of its members.

SECTION 3.03 COMPENSATION.

Council shall fix the compensation of the Mayor, members of Council, Clerk-Treasurer, and each officer and employee, or member of any board or commission, of the Municipality, whether elected or appointed except as specifically provided otherwise in this Charter. Any changes in the compensation of the Mayor, Clerk-Treasurer and each member of Council for the next term shall be made not less than one hundred twenty (120) days immediately preceding the date of the next municipal election and shall not thereafter be changed with respect to such term. The compensation of every other employee, and member of any board of commission, of this Municipality, as fixed by Council, may at any time be changed by resolution or ordinance at the discretion of Council.

The Mayor, Clerk-Treasurer, Director of Public Service, and such other officials or employees, or members of boards or commissions as Council may by resolution or ordinance require, shall give bond in such amount and form and with such surety as may be approved by Council. The premium on such bonds shall be paid by the Municipality.

SECTION 3.04 ORGANIZATION.

On or after the 1st day of January but not later than the 5th day of January following each regular municipal election, the members of Council shall meet at the Council Chambers for the purpose of organization. At such meeting the Council shall elect one of its members as President of the Council to serve until his successor has been elected. In the event the President of the Council ceases to be a member thereof, the Council shall elect another member to serve as President until a successor has been elected.

SECTION 3.05 QUORUM.

A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a number less than a quorum may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, resolution or by rules of the Council. At any meeting at which a quorum is present, any action may be taken by the affirmative vote of a majority of the members of Council unless a larger number be required by the provisions of this Charter or the laws of the State of Ohio.

SECTION 3.06 RULES AND JOURNAL OF COUNCIL.

The Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution, or motion shall be by roll call, and the vote of each member of the Council shall be entered upon the journal.

SECTION 3.07 CLERK OF COUNCIL.

See Clerk-Treasurer, Section 5.04.

SECTION 3.08 VACANCIES.

Whenever a Council office shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of Council. If the vacancy is not filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term.

SECTION 3.09 MEETINGS.**Regular Meetings.**

The Council shall meet in the Council Chambers at such times as may be prescribed by its ordinances, resolutions or rules. Regular meetings shall be held at least twice in each calendar month. All meetings of the Council, whether regular or special, shall be open to the public in accordance with the provisions, requirements, and exceptions set forth in Ohio Revised Code Section 121.22 and as otherwise might be required by law.

Special Meetings.

Special meetings of the Council may be called as provided by its rules. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk upon the written request of the Mayor or President of Council or of three (3) members of Council. Any such request shall state the time, place and date thereof and the subject or subjects to be considered at the meeting. Unless five (5) members in attendance concur, no other subject or subjects shall be considered. Notice in writing of each such meeting called at the request of the Mayor, President of Council or three (3) members of Council shall be given to each member of Council and the Mayor by serving the same on each of them personally or by leaving a copy thereof at his usual place of residence not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived either before or after such a meeting in writing or by attendance at such special meeting.

(Amendment passed by electorate 11-5-96)

SECTION 3.10 POWERS.

Except as otherwise required by the Constitution of the State of Ohio of this Charter, the Council shall have and possess these powers:

- A. All of the legislative powers of the Municipality now or hereafter granted by the Constitution and the laws of the State of Ohio to legislate bodies of municipalities, and such other powers granted by this Charter and all powers now or hereafter granted by the laws of the State of Ohio to Boards of Control, Municipal Tax Commissions, Boards of Trustees of Public Affairs, Recreation Boards, or any other municipal commission, board or body now or hereafter created by law, except as otherwise provided by this Charter.
- B. The power to create, combine or abolish offices, departments, divisions, boards or commissions of the Municipality except for those provided for in this Charter and the power to fix the qualifications, duties, bonds and compensation of all officers and members thereof not fixed in this Charter.
- C. The power to approve and confirm or to disapprove and reject the appointment or removal by the Mayor of any appointive officer or head of a department or division of the Municipality.
- D. The power to establish the number of employees in the various departments of the Municipality and to determine the qualifications, duties, bonds and compensation of such employees. Council may authorize the payment or reimbursement of expenses incurred by any officer or employee, or member of any board or commission of the Municipality, for traveling or other expenses incidental to the authorized furtherance of the interests of the Municipality.
- E. The power to determine the method of and procedure for making, awarding, advertising, modifying and enforcing contracts with the Municipality and the method, procedure, time and manner of payment thereunder. No contract shall be made on behalf of the Municipality unless authorized monies there for have been appropriated by the Council and no contract shall be binding upon the Municipality unless the necessary money has been lawfully appropriated there for.
- F. The power to determine the method, manner, consideration and procedure for the purchase of real and personal property on behalf of the Municipality and the sale or disposal thereof.
- G. The method, manner and procedure for making the following improvements and for levying and collecting assessments on property benefited thereby:
- (1) construction, reconstruction or repair of sidewalks.
 - (2) lighting, sprinkling, cleaning or oiling of streets, highways, public places and public grounds.
 - (3) cutting and disposal of weeds and abatement of nuisances on private property.
 - (4) collection and disposal of garbage, rubbish and refuse.

H. The power to expel or remove:

- (1) any member of Council for gross misconduct, misfeasance, malfeasance or nonfeasance in office, or disqualification for holding office, or for conviction while in office of a crime involving moral turpitude, or for violation of the oath of office, or for persistent failure to abide by the rules of Council or for absence for three (3) consecutive regular meetings of Council unless excused by Council.
- (2) the Mayor or Clerk-Treasurer (or gross misconduct, malfeasance, misfeasance or nonfeasance in office or for disqualification for holding office, or for conviction while in office of a crime involving moral turpitude, or for the violation of the oath of office.

No such expulsion or removal shall take place except on concurrence of five (5) members of Council, nor until the accused person shall have been notified in writing of the charge against him/her at least ten (10) days in advance of any hearing upon such charge, and until their counsel shall have been given the opportunity to appear before the Council and to be heard, to present evidence and to examine witnesses appearing in support of the charge.

I. The power to make such other general regulations as the Council may deem necessary in the public interest including the exercise of the power granted in Section 2.02 of this Charter.

SECTION 3.11 PROVISIONS AS TO LEGISLATIVE ACTION.

A. All legislative action by the Council in the form of ordinance or resolution shall be introduced in written or printed form. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution.

B. Every ordinance or resolution shall be fully and distinctly read on three (3) different days at meetings of Council unless five (5) members of Council vote to dispense with the second and third readings thereof, in which event such ordinance or resolution shall be fully and distinctly read at least once before passage. Such second and third readings of any ordinance or resolution shall be by title only unless otherwise requested by any member of Council.

C. No ordinance or resolution shall contain more than one general subject, which subject shall be clearly expressed in its title. Any ordinance or resolution revising or amending previous legislation shall set forth the entire section as it is to be revised or amended. It shall set forth the entire section as revised or amended and state that the same section unrevised or as it existed prior to amendment shall be deemed repealed.

D. The Council may adopt standard codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating, air conditioning, and similar subjects by reference to the date and source of such codes without reproducing the same at length in the adopting ordinance. In case of such adoption, publication of the code at length shall not be required but there shall be at the time of adoption thereof and at all times thereafter on file for

public inspection in the office of the Clerk-Treasurer of the Municipality at least one copy of such code. If the agency which originally promulgated or published code thereafter amends said code, Council, if it has adopted said code by the provisions in this section, may adopt such amendment or change by incorporation by reference in an amending ordinance by the same procedure as required for the adoption of the original code without the necessity of setting forth in full in the amending ordinance the provisions of the original ordinance or code.

E. Revisions, codification or rearrangements of ordinances may be published in book form. If so revised, codified or rearranged under appropriate titles, chapters and sections, such revisions, codification or rearrangements may be made in one ordinance comprising one or more subjects. The publication in book form as aforesaid with certification of the passage and adoption thereof by the Clerk-Treasurer shall constitute sufficient publication of the ordinance or ordinances contained therein. The book so published and certified shall be received in evidence in any court, for the purpose of proving the ordinance or ordinances therein contained, in the same manner and for the same purpose as the original book, ordinances, minutes or journal would be received. If a revision, codification or rearrangement of ordinances contains new matter not previously published, a notice of the enactment thereof, setting forth the titles of the ordinances and the titles of the chapters and sections containing such new matter, shall be published in the manner provided in Section 3.12 of this Article, which notice shall constitute a sufficient publication of such new matter.

SECTION 3.12 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES.

A. Except as herein otherwise provided, every ordinance or resolution of a general or permanent nature, including but not limited to those granting, renewing or extending a franchise, creating a right, involving expenditures of money, levying of a tax, or concerning the purchase, lease, sale or transfer of public property and every notice, statement, order, proclamation or report required to be published, shall be published either by posting a copy thereof in a conspicuous place in the Mogadore Municipal Building for a period of not less than fifteen (15) days or by publishing the same in any English language newspaper printed in and of general circulation in the Municipality. If there is no such newspaper so printed, then such publication may be made in any newspaper of general circulation therein, if so determined by Council.

B. Council may by ordinance designate additional public places in the Municipality for posting copies of ordinances or resolutions and may make provision in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the Municipality.

C. In the case of newspaper publication, ordinances and resolutions shall be published once per week for two (2) consecutive weeks; notices shall be published not less than two (2) nor more than four (4) consecutive weeks, and all other matters once.

D. Proof of any publication provided for in this Section shall be made by the Clerk-Treasurer as provided by ordinance, or by the laws of the State of Ohio.

SECTION 3.13 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

A. Each ordinance or resolution providing for the appropriation of money or for any annual tax levy, or for the authorization or making of improvements petitioned for by the owners of not less than a majority of the front footage or area of property to be benefited and specially assessed therefor, or the submission of any question to the vote of the electors of the Municipality, and any emergency ordinance or resolution declared by the Council to be necessary for the immediate preservation of the public peace, health or safety shall take effect, unless a later date be specified therein, (1) upon its approval by the Mayor, (2) upon the expiration of the time within which it may be disapproved by the Mayor, or (3) upon the passage thereof after disapproval by the Mayor, as the case may be.

B. No other ordinance or resolution shall become effective until thirty (30) days after, (1) its approval by the Mayor, (2) the expiration of the time within which it may be disapproved by the Mayor, or (3) its passage after disapproval by the Mayor, as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least five (5) members of Council for its enactment, provided that if it fails to receive such affirmative vote but receives the necessary majority for passage as a non-emergency measure, it shall be considered passed and shall be effective as a non-emergency measure. The first ordinance, resolution or action of the Council authorizing any change in the boundaries of the Municipality, or authorizing the surrender or joint exercise of its powers, or granting, renewing or extending any franchise, or contracting for the supply to the Municipality or its inhabitants of the product or service of any utility shall not be taken as an emergency measure.

**ARTICLE IV
THE MAYOR****SECTION 4.01 ELECTION AND TERM.**

The Mayor shall be elected at the regular municipal election held in the year 1995, and every fourth year thereafter, for four (4) years or until his successor is chosen and qualified, except as otherwise provided in Section 19.03 of this Charter. The Mayor's term shall commence and the Mayor shall assume office on the first day of January next following such election.

(Amendment passed by electorate 11-7-95)

SECTION 4.02 QUALIFICATIONS.

The Mayor shall have been a resident and an elector of the Municipality for at least two (2) years immediately prior to the date of his election and shall continue to be a resident and an elector therein throughout his term of office. Regardless of the minimum voting age, the Mayor shall have attained twenty-one (21) years of age prior to his election. He shall not hold any other elective public office or any other municipal office or employment. Except as to salary or reimbursement of expenses

received as Mayor, he shall not, directly or indirectly, solicit, contract for, receive or be interested in any profits, fee or salary, from or on account of any contract, job, work or service with or for the Municipality.

SECTION 4.03 ABSENCE OR VACANCY.

A. Absence.

When the Mayor is absent or inaccessible or is unable for any cause or reason to perform his duties, the President of Council shall become the Acting Mayor and during such period shall have the same powers and perform the same duties, including judicial, as the Mayor with the following exceptions:

- (1) Said person cannot disapprove legislation of the Council.
- (2) Said person does not have the power to break a tie vote of the Council. He shall also continue as a member Of Council with all the powers and duties of such member.

B. Vacancy.

In the event the office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor and shall serve for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided. Upon becoming Mayor, the offices of President of Council and member of Council shall become vacant.

C. Absence of President of Council.

In the event the President of Council shall be absent or inaccessible or for any reason unable to perform his duties as Acting Mayor, and an emergency or urgent necessity so requires, the Council, by vote of a majority of the remaining members of Council may designate one of their number Acting Mayor for the purposes and duration only of such emergency or urgent necessity, who thereupon shall have the same powers and perform the same duties, including judicial, as the Mayor with the following exceptions:

- (1) Said person cannot disapprove legislation of the Council.
- (2) Said person does not have the power to break a tie vote of the Council.

SECTION 4.04 EXECUTIVE POWERS.

A. The Mayor shall be the chief executive officer of the Municipality. He shall supervise the administration of the affairs of the Municipality and shall exercise control over all departments and divisions thereof. The Mayor shall be the chief conservator of the peace within the Municipality and shall cause all laws and ordinances to be enforced therein.

B. The Mayor shall be responsible for the faithful observance and performance of the conditions imposed in favor of the Municipality or its inhabitants by any franchise or contract to which the Municipality is a party.

B-1. During each year in which the State of Ohio does not conduct its own audit of the Municipal Financial Records of the Village, such records may be audited by the Village. In the event of such audit, the Council shall employ a public audit firm to perform such audit or designate three of its members to perform such audit.

C. Except as otherwise provided by this Charter, the Mayor shall have the power to appoint, promote, transfer, suspend for a period of not more than thirty (30) days, reduce or remove any officer or employee of the Municipality except elected officials, provided, however, that such appointment, promotion, transfer, reduction or removal of officers including members of boards and commissions provided for by this Charter and the heads of Departments or Divisions established pursuant thereto shall not take effect without the concurrence of a majority of the members of Council.

D. After notice and public hearing as hereinafter provided the Mayor with the concurrence of a majority of the members of Council may remove any member of a Municipal Board or Commission for inefficiency, incapacity, incompetency, neglect of duty, malfeasance, misfeasance or nonfeasance in office. To effect such removal, the Mayor shall mail to the individual concerned, by registered mail, a written notice to show cause why he should be removed accompanied by a statement of reasons for removal and shall fix therein a date, time and place for a public hearing not earlier than ten (10) days after the date of delivery of such notice and statement. Pending such hearing the Mayor may suspend such individual from office and prohibit him from exercising any duties, functions or authority of his office or position. At such hearing such individual shall have the right to be heard in person and to be represented by counsel in respect to any charge specified in said written statement of the Mayor. If following such hearing the Mayor shall remove such individual, the Mayor shall file with the Clerk-Treasurer a signed order of removal accompanied by a written statement of the findings at such hearing and the reasons for such removal. Upon approval of such order with affirmative vote of five (5) members of Council, such removal shall become final and the Clerk-Treasurer shall notify the individual so removed.

E. The Mayor and Clerk-Treasurer shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which it is a party. The Mayor shall be recognized as the official and ceremonial head of the Municipality, by the Governor, for military purposes and, by the courts, for the purpose of serving civil processes.

(Amendment passed by electorate 11-7-95)

SECTION 4.05 LEGISLATIVE POWERS.

A. The Mayor shall preside at all meetings of the Council but shall have no vote therein except in the event of a tie vote of members of Council upon any ordinance or resolution or other action of the Council including that required by Section 4.04 C. In the event of such tie vote, the Mayor, presiding at such meeting, shall have the power to vote upon such ordinance, resolution or other action and his vote shall have the same legal effect as a vote of a member of Council. The Mayor, in addition to presiding at Council meetings, may take part in the discussion upon all matters under consideration

by the Council and may introduce and propose ordinances and resolutions. If adoption thereof be moved by a member of Council, the same shall be considered and acted upon as if introduced and proposed by a member of Council.

B. Every ordinance or resolution adopted by the Council shall be signed by its President or in his absence by a President pro-tem, designated by the Council, shall be attested by the Clerk-Treasurer, and promptly presented to the Mayor. If the Mayor approves such ordinance or resolution, he shall sign it within five (5) days after its passage by the Council. If he does not approve it, he shall return the same to the Council, by delivery to the Clerk-Treasurer, within said five (5) day period together with a written statement of his objections, which statement in its entirety shall be entered on the journal of the Council.

C. The Mayor may approve or disapprove in the manner above provided, the whole or any item of an ordinance or resolution appropriating money and the item or items so disapproved shall be void unless repassed by the Council in the manner herein prescribed, but otherwise his approval or disapproval shall cover the entire ordinance or resolution.

D. If the Mayor does not sign or disapprove an ordinance or resolution within said five (5) day period after its passage by the Council, it shall take effect in the same manner as if he had signed it on the last day of such five (5) day period.

E. The Council may reconsider the vote on the passage of any legislation disapproved by the Mayor not later than thirty (30) days after the date upon which the Mayor returned the same to the Council. If on reconsideration such legislation is approved by five (5) members of the Council, it shall become effective as of the time provided in Section 3.13.

SECTION 4.06 JUDICIAL POWERS.

The Mayor shall have all judicial powers granted from time to time by the general laws of the State of Ohio to mayors of municipalities.

ARTICLE V CLERK-TREASURER

SECTION 5.01 ELECTION AND TERM.

The Clerk-Treasurer shall be elected at the regular municipal election held in the year 1995 for a term of two (2) years commencing on the first day of January, 1996. Commencing with the regular municipal election held in the year 1997, and every fourth year thereafter, the Clerk-Treasurer shall be elected for a term of four (4) years commencing on the first day of January after such election or until the Clerk-Treasurer's successor is chosen and qualified, except as otherwise provided in Section 19.03 of this Charter.

(Amendment passed by electorate 11-7-95)

SECTION 5.02 QUALIFICATIONS.

Except as otherwise provided in this Article V, the Clerk-Treasurer shall have been a resident and an elector of the Municipality for at least two (2) years immediately prior to the date of said election and shall continue to be a resident and an elector therein throughout the term of office. The Clerk-Treasurer shall not hold any other elective public office, and except as to salary or reimbursement of expenses received as Clerk-Treasurer, shall not, directly or indirectly solicit, contract for, receive or be interested in any profit, fee or salary from or on account of any contract, job, work or service with or for the Municipality.

SECTION 5.03 ABSENCE OR VACANCY.**A. Absence.**

When the Clerk-Treasurer is absent or inaccessible or is unable for any cause or reason to perform said duties, or there is a vacancy in such office, Council may designate an Assistant to the Clerk-Treasurer to have the powers and perform the duties of the Clerk-Treasurer in all respects.

B. Vacancy.

Any vacancy in the office of Clerk-Treasurer shall be filled by appointment by the Mayor subject to affirmative vote of five (5) members of Council. A person serving as Clerk-Treasurer by appointment shall meet the qualifications as called for under Article V.

SECTION 5.04 CLERK OF COUNCIL.

The Clerk-Treasurer shall be the Clerk of the Council, and as such, shall attend all meetings of the Council and shall keep a record of its proceedings in a journal as prescribed in Section 3.06 of this Charter. The Clerk shall keep and have custody of the records of all ordinances, resolutions, rules, regulations, and by-laws adopted by the Council and of its proceedings, and such records shall be available for public inspection.

SECTION 5.05 FISCAL OFFICER.

A. The Clerk-Treasurer shall be the Fiscal Officer of the Municipality and shall be the head of the Department of Finance, when created, the Clerk-Treasurer shall be the financial advisor of the Municipality and shall at all times keep the Mayor and the Council informed of the financial condition and needs of the Municipality.

B. To the extent required by the Constitution Of the State of Ohio the Clerk-Treasurer shall comply with the applicable laws of the State of Ohio and the terms of this Charter relating to certification for and expenditures of public monies. The Clerk-Treasurer shall prepare and execute all warrants for the disbursements of monies of the Municipality and shall audit all payrolls, bills and other claims against the Municipality. Unless such payroll, bill or claim is in proper form, correctly computed and duly approved; that the same is due and payable; that a lawful appropriation has been made for the payment

thereof; and that the amount required to pay the same is in the Treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances, the Clerk-Treasurer shall issue no warrant for the payment thereof.

C. The Clerk-Treasurer shall prepare the annual estimate of receipts and expenditures and all appropriation measures and submit the same to the Mayor for transmittal to the Council.

D. On or before the 31st day of March of each year, the Clerk-Treasurer shall prepare and submit to the Mayor and Council a report of the financial condition of the Municipality and of receipts and expenditures for the preceding calendar year, which report shall be published in accordance with the provisions of Section 3.12 of this Charter.

SECTION 5.06 OTHER DUTIES.

A. The Clerk-Treasurer and the Mayor shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and other instruments to which the Municipality is a party.

B. The Clerk-Treasurer shall authenticate and have custody and charge of such records, documents and instruments of the Municipality as may be from time to time required by Council.

C. The Clerk-Treasurer shall perform such other duties consistent with the office as the Mayor or the Council may request or direct.

D. The Clerk-Treasurer shall be custodian of all monies of the Municipality and of all evidences of investments of Municipality monies, and shall keep and preserve the same in such manner and at such place or places as shall be determined by the Council.

E. The Clerk-Treasurer shall pay out from the Municipality's Treasury only on warrants and shall keep a detailed record of all receipts from taxes and other sources, as well as a detailed record of all disbursements and a record of the expenditures and balances of various appropriated funds.

F. In general, and without limitation as to particularity the Clerk-Treasurer shall discharge the duties and functions of the Clerk-Treasurer of a Municipality except as otherwise provided in this Charter.

ARTICLE VI DEPARTMENT OF PUBLIC SERVICE

SECTION 6.01 DIRECTOR OF PUBLIC SERVICE.

The Director of Public Service shall be the head of the Department of Public Service. The Mayor, in addition to his other duties, shall be, and shall perform the duties of the Director of Public Service, until such time as Council may determine that it is in the best interest of the Municipality to appoint

some other person to that office. Upon making such determination, the Council shall declare the office of Director of Public Service vacant, and the Director of Public Service shall then be appointed by the Mayor.

SECTION 6.02 QUALIFICATIONS.

The Director of Public Service shall be selected on the basis of his executive and administrative qualifications with special references to his experience in, and knowledge of, accepted practices in respect to the duties of his office as hereinafter set forth, but he shall not necessarily be required to be an engineer.

SECTION 6.03 DUTIES IN GENERAL.

The Director of Public Service shall have the responsibility for construction, improvement and maintenance of all public works, buildings, grounds, roads, streets, and all other public places of the Municipality, except as may be otherwise provided in this Charter. The Director of Public Service shall have charge of and shall supervise the maintenance of all Municipal property and equipment and the storage of all material and supplies except as otherwise provided for in Article XI.

SECTION 6.04 EMPLOYEES.

The Director of Public Service, subject to appropriation by Council, may employ such assistance and employes as may from time to time be necessary.

SECTION 6.05 MUNICIPAL ENGINEER.

The Mayor shall appoint within the Department of Public Service, subject to an affirmative vote of five (5) members of Council, a Municipal Engineer for a term not to exceed two (2) years. Such appointee shall be a registered civil engineer and shall perform such duties as are from time to time required of him by the Director of Public Service.

ARTICLE VII DEPARTMENT OF PUBLIC SAFETY

SECTION 7.01 DIRECTOR OF PUBLIC SAFETY.

The Director of Public Safety shall be the head of the Department of Public Safety. The Mayor, in addition to his other duties, shall be, and shall perform the duties of, the Director of Public Safety,

until such time as Council may determine that it is in the best interest of the Municipality to appoint some other person to that office. Upon making such determination, the Council shall declare the Office Of Public Safety vacant, and the Director of Public Safety shall then be appointed by the Mayor.

SECTION 7.02 DUTIES IN GENERAL.

The Director of Public Safety shall be the head of the Police and Fire Departments and shall be responsible for the enforcement of all police, fire, health, safety and sanitary regulations that may be prescribed by resolutions and ordinances of the Municipality or laws of Ohio.

SECTION 7.03 POLICE DEPARTMENT.

The Police Department shall consist of a Chief of Police and such other officers, patrolmen and personnel as Council shall deem necessary or advisable. The Chief of Police shall reside within the Municipality or within five (5) miles of the Municipality limits and shall be appointed by the Director of Public Safety with the affirmative vote of five (5) members of council. Other officers, patrolmen and personnel shall be appointed and promoted by the Director of Public Safety subject only to applicable Civil Service provisions of this Charter. Members of the Police Department shall be transferred, reduced, removed, suspended or otherwise disciplined by the Director of Public Service subject only to the applicable Civil Service provisions of this Charter.

A. Notwithstanding any of the provisions of the Ohio Revised Code to the contrary, the Village of Mogadore agrees to abide by all provisions contained in Section 4117 of the Ohio Revised Code, and permit their full-time and part-time police personnel, with the exception of the Police Chief and captains:

- (1) The right to form, join, or participate in any employee organization of their choosing;
- (2) To bargain collectively with their public employer to determine wages, hours, terms, and other conditions of employment, and to enter into collective bargaining agreements; and
- (3) To engage in other lawful concerted activities for the purpose of collective bargaining including arbitration, except that said employees are prohibited from engaging in any work stoppage or strike.

(Amendment passed by electorate 11-8-05)

SECTION 7.04 FIRE DEPARTMENT.

The Fire Department shall consist of a Fire Chief and such other officers, firemen and personnel as Council shall deem advisable. The Fire Chief shall be a resident of the Village's School District and shall be appointed by the Director of Public Safety with the affirmative vote of five (5) members of Council. Other officers, firemen and personnel shall be appointed by the Director of Public Safety

subject only to applicable Civil Service provisions of this Charter. Members of the Fire Department shall be transferred, reduced, removed, suspended or otherwise disciplined by the Director of Public Service subject only to the applicable Civil Service provisions of this Charter.

SECTION 7.05 RULES FOR GOVERNMENT OF POLICE AND FIRE DEPARTMENTS.

The Director of Public Safety shall make and publish with the approval of Council, after consulting with Chiefs of the Police and Fire Departments, written rules for the Government of the Police and Fire Departments and the conduct and discipline of members thereof.



**ARTICLE VIII
DEPARTMENT OF LAW**

SECTION 8.01 DIRECTOR OF LAW.

The Law Director shall be head of the Department of Law and shall be appointed by the Mayor, with the affirmative vote of five (5) members of Council to a term not to exceed two (2) years.

SECTION 8.02 QUALIFICATIONS.

The Law Director shall be an attorney-at-law in good standing admitted to practice in the courts of Ohio.

SECTION 8.03 DUTIES IN GENERAL.

The Law Director shall be the legal advisor and attorney for the Municipality in all of its affairs and shall perform such duties as are consistent therewith and as may be required by Council or the Mayor.

**ARTICLE IX
PLANNING AND ZONING COMMISSION**

SECTION 9.01 COMPOSITION AND TERM.

The Planning and Zoning Commission shall consist of five (5) members, one of whom shall be the Mayor serving exofficio and without vote except in a tie. One member shall be a Councilman selected by the Council to serve during his term as a Councilman. The other member shall be electors of the Municipality not holding other Municipal office and appointed by the Mayor with approval by the Council to serve, one for three years, one for two years and one for one year or until their successors are appointed and assume office. Their successors, except for the Mayor and the Council member, shall be appointed in like manner for three years or until their successors are appointed and assume office. Vacancies shall be filled for the unexpired terms in the same manner as original appointments. All members of this Commission shall have been continuously a resident and an elector of the municipality for at least one (1) year prior to the date of his/her appointment and each such member shall continue to be a resident and an elector therein throughout his/her term.

(Amendment passed by electorate 11-7-06)

SECTION 9.02 POWERS AND DUTIES.

The Commission shall have all of the powers and duties granted and imposed by the laws of Ohio unless otherwise provided by Council, as well as the powers and duties granted and imposed by this Charter and by ordinances not inconsistent herewith. The adoption of this Charter shall not change the status of presently zoned property in the Municipality.

**ARTICLE X
BOARD OF ZONING APPEALS**

SECTION 10.01 COMPOSITION AND TERM.

The Board of Zoning Appeals shall consists of seven (7) members who are electors of the Municipality. All members of this Board shall have been continuously a resident and an elector of the Municipality for at least one (1) year prior to the date of his/her appointment and each such member shall continue to be a resident and an elector therein throughout his/her term. One of the seven members shall also be a member of the Planning and Zoning Commission and shall be designated and appointed by such Commission. The term of such member on the Board of Zoning Appeals shall be one year. The remaining six members of the Board of Zoning Appeals shall be appointed by the Mayor with Council approval to serve staggered three year terms, two new members being appointed each year to replace the two members whose terms are expiring. Vacancies with respect to those members appointed by the Mayor shall be filled by appointment by the Mayor and the approval of Council for unexpired terms. A vacancy with respect to the member appointed by the Planning and Zoning Commission shall be appointed by such Commission for the unexpired term of such member.

(Amendment passed by electorate 11-5-96; Amendment passed by electorate 11-7-06)

SECTION 10.02 JURISDICTION.

The Board shall have the power and authority to grant relief from undue hardship or practical difficulties which would result from the strict application of zoning ordinance in any particular case in accordance with standards therefor established by the Council but such action shall be effective only on the affirmative vote of at least four (4) members.

(Amendment passed by electorate 11-7-06)

ARTICLE XI
CEMETERY, PARK AND RECREATION BOARD

SECTION 11.01 CEMETERY BOARD.

A. Composition and Term.

The Cemetery Board shall be composed of not less than three (3) members nor more than five (5) members. One shall be the Director of Public Service. The other members shall be appointed by the Mayor with Council approval to serve, one for one year and one for two years or until their successors are appointed and assume office. Thereafter, subsequent or additional members shall be appointed in January of each year to serve for three years or until their successors are appointed and assume office. Vacancies shall be filled by similar appointment for the unexpired terms. All members of this Board shall have been continuously a resident and an elector of the municipality for at least one (1) year prior to the date of his/her appointment and each such member shall continue to be a resident and an elector therein throughout his/her term.

B. Organization.

On or before the 15th day in each January, the Mayor shall call the members to organize the Cemetery Board.

C. Powers and Duties.

The duties and powers of the Cemetery Board shall be that of an advisory board to the Mayor with respect to the overall operation of the Village Cemetery facilities and shall include the submission of the yearly budget to the Mayor. The administration, operation and maintenance of the facilities shall be included within the powers and duties of the Mayor. The Cemetery Board shall have and exercise such other similar duties and responsibilities as the Council may confer.

D. Meetings and Procedures.

The Cemetery Board meetings shall be open to the public and a copy of its minutes, to report its activities, shall be filed with the Clerk-Treasurer for review by Council.
(Amended by electorate 11-7-06)

SECTION 11.02 PARK AND RECREATION BOARD.

A. Composition and Term:

The Park and Recreation Board shall be composed of not less than three (3) members nor more than seven (7) members. One shall be the Director of Public Service. The other members shall be appointed by the Mayor with Council approval to serve, one for one year, one for two years or until their

successors are appointed and assume office. Thereafter, subsequent or additional members shall be appointed in January of each year to serve for three years or until their successors are appointed and assume office. Vacancies shall be filled by similar appointment for the unexpired terms. All members of this Board shall have been continuously a resident and an elector of the municipality for at least one (1) year prior to the date of his/her appointment and each such member shall continue to be a resident and an elector therein throughout his/her term.

B. Organization.

On or before the 15th day in each January the Mayor shall call members to organize the Park and Recreation Board.

C. Powers and Duties.

The duties and powers of the Parks and Recreation Board shall be that of an Advisory Board to the Mayor with respect to the overall operation of the parks, public playgrounds and recreational programs now or subsequently owned, controlled or sponsored by the Municipality, and shall include the submission of a yearly budget to the Mayor. The administration, operation and maintenance of such facilities and programs shall be included within the powers and duties of the Mayor. The Parks and Recreation Board shall have and exercise such other similar duties and responsibilities as the Council may confer.

D. Meetings and Procedures.

The Park and Recreation Board meetings shall be open to the public and a copy of its minutes, to report its activities, shall be filed with the Clerk-Treasurer for review by Council.
(Amended by electorate 11-7-06)

ARTICLE XII
CIVIL SERVICE COMMISSION AND CIVIL SERVICE SYSTEM

SECTION 12.01 ESTABLISHMENT.

At such time as the Municipality shall become a City, the Council shall by ordinance provide for and establish a Civil Service Commission and Civil Service System or equivalent personnel system to provide for the appointment and promotion of persons in the service of the Municipality according to merit and fitness to be determined, as far as practicable, by competitive examinations, and shall determine which employees of the Municipality shall be within the classified service and which shall be within the unclassified service or similar categories of service. Such ordinance shall provide that all persons who have been continuously employed in the service of the Municipality in the same or similar

position included in the classified service or equivalent category of service for at least ninety (90) days preceding the effective date of the ordinance, shall retain their position without examination until discharged, reduced, promoted, or transferred in accordance with the rules and regulations of the Civil Service Commission or other body authorized by ordinance to adopt such rules and regulations. The provisions of the laws of Ohio regarding selection, promotion, and removal shall be applicable except as otherwise provided by ordinance.

SECTION 12.02 COMPOSITION AND TERM.

The Commission shall consist of five (5) members including the Mayor who shall have no vote except in case of a tie. They shall be appointed by the Mayor, with approval by the Council, to serve, one for one year, one for two years, one for three years and one for four years or until their successors are appointed and assume office. Thereafter one shall be appointed each year in like manner to serve for four years or until their successors are appointed and assume office. Vacancies shall be filled by similar appointment for unexpired terms.

SECTION 12.03 PROCEDURES.

Records of all the Commission's activities and meetings shall be made and one copy shall be filed with the Municipality's Clerk-Treasurer. The Commission shall have the power to adopt such rules and regulations as are proper to carry out the provisions of this Article XII and the ordinances adopted thereunder.



**ARTICLE XIII
FRANCHISES**

SECTION 13.01 FUNCTION.

The Council may, by ordinance approved by five (5) members, grant a non-exclusive franchise to any person, firm or corporation to construct, operate and maintain a public utility system or service in, on, above, across, over or under any public street or property within the Municipality or any extension thereof for a period of not more than twenty-five (25) years. Any such franchise may be amended or extended in the same manner and subject to the same provisions as herein provided for an original grant.

The Council may, in like manner, prescribe the kind, quality, quantity or type of the product or service which is to be furnished, provided or supplied to the Municipality or to its inhabitants and the rates to be charged there for.

All such grants, amendments and rights of extension within the Municipality and within annexed territory shall be made subject to the continuing right of Council to enact and enforce reasonable regulations as may be necessary to protect the interest or safety of the public.

**ARTICLE XIV
FINANCE**

SECTION 14.01 LIMITATION ON RATE OF TAXATION.

The Power of Council to levy taxes shall be limited to any tax or tax rate imposed by said Council prior to January 1, 1971. Any additional tax or tax rate increase shall be by simple majority vote of the people voting on said issue.

SECTION 14.02 CONTRACTS AND FISCAL MATTERS.

Provisions of the Constitution and laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures and the control thereof, debts, tax levies, bonds, contracts and other fiscal matters of a Municipality shall be applicable to this Municipality except as modified by, or necessarily inconsistent with, the provisions of this Charter.

SECTION 14.03 CONTRACTS AND PURCHASING.

The Clerk-Treasurer may, within the limits, amounts and items appropriated therefor by Council make purchases and enter into contracts in the manner provided in Section 5.06 A. on behalf of the

Municipality, involving expenditures of less than one-half (1/2) the amount that shall, from time to time, be determined by the Ohio Revised Code for statutory municipalities except as may be otherwise provided by Council.

No purchase nor contract involving an expenditure of one-half (1/2) the said statutory amount or more shall be made except from or with the lowest responsive and responsible bidder as determined by Council after advertising for bids once a week for a period of at least two weeks in a newspaper of general circulation within the Municipality. Council may authorize contracts for personal services without advertising for bids and Council may authorize purchases or enter into contracts involving an expenditure of one-half (1/2) the said statutory amount or more without advertising for bids if it determines and declares by the affirmative of five (5) members that an emergency exists affecting the public health, safety or welfare and specifying the nature thereof in its minutes.
(Amendment passed by electorate 11-8-05)

ARTICLE XV NOMINATIONS AND ELECTIONS

SECTION 15.01 REGULAR MUNICIPAL ELECTION.

The regular Municipal election shall be non-partisan and held on the first Tuesday after the first Monday in November of odd numbered years. All ballots and ballot labels shall be without party mark or designation.

SECTION 15.02 PRIMARY ELECTION.

There shall be no Primary Municipal Election for selection of candidates for any elective office of this Municipality.

SECTION 15.03 NOMINATIONS.

Nominations for each elective Municipal Office shall be made by petition only, on the standard Forms provided by the County Boards of Elections for the nomination of non-partisan candidates, filed with such Board at least ninety (90) days before the day of election. Each petition for the nomination of a candidate for Municipal office shall be signed by not less than 25 qualified electors of the Municipality.

SECTION 15.04 CAUCUS.

Nothing in this section shall be construed to prohibit the holding of a caucus for the purpose of selecting nominees for elective Municipal offices.

SECTION 15.05 OTHER ELECTIONS.

Council may, by resolution, order a special election to be held at any time, the purpose and date of which shall be set forth in the resolution.

SECTION 15.06 GENERAL PROVISIONS.

Except as otherwise provided in this Charter, the laws of Ohio applicable to elections shall govern.

**ARTICLE XVI
GENERAL PROVISIONS**

SECTION 16.01 TERMS OF PRESENT OFFICERS.

The terms of all elective officers shall terminate with the adoption of this Charter. Those holding offices in Council and the Mayor at the time of the adoption of this Charter shall thereafter continue in office with all the powers, duties, responsibilities and remunerances provided in this Charter for Council and Mayor until January 1, 1966, when those duly elected to the offices of Council and Mayor shall succeed them. The position of Clerk-Treasurer shall be assumed by the person holding the office of Village Clerk at the time of adoption of this Charter and shall continue with all the power, duties, responsibilities and remunerances provided in this Charter for the Clerk-Treasurer until January 1, 1966, when the person duly elected in the November, 1965 election shall assume office. The existing term of the Treasurer shall terminate on December 31, 1964. Any vacancy occurring in the offices of Mayor, Council or Clerk-Treasurer prior to January 1, 1966, shall be filled in the manner provided in this Charter and the size of the Council shall be increased to seven (7) members prior to such date by the appointed procedure set forth herein at Section 3.08.

SECTION 16.02 EFFECTIVE DATE OF CHARTER AND CONTINUANCE OF PRESENT OFFICERS AND EMPLOYEES.

The provisions of this Charter shall become effective January 1, 1965. All officers and members of boards and commissions holding office on December 31, 1964, shall continue in office and in the performance of duties until provisions shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. Every employee of the Municipal Government on December 31, 1964, shall continue in such employment subject to the provisions of this Charter.

SECTION 16.03 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

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

No action or proceeding pending against the Municipality or an officer thereof shall be abated or affected by the adoption of this Charter, but all such actions or proceedings shall be prosecuted or defended under the laws in effect at the time of the filing thereof.

SECTION 16.04 EFFECTS OF PARTIAL INVALIDITY.

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

SECTION 16.05 INTERPRETATION OF THE CHARTER.

The Article and Section headings herein have been inserted for convenient reference and are not intended to define or limit the scope or effect of any provision of this Charter.

SECTION 16.06 OPENING PRAYER AT MEETINGS.

In recognition of our dependence upon God for guidance, each regular or special meeting of Council shall be opened with prayer by the Mayor, a member of Council, the Clerk-Treasurer, a guest, or by the observance of not less than one (1) minute of silent prayer.

SECTION 16.07 SUCCESSION.

The Village of Mogadore, under this Charter, is hereby declared to be the legal successor of the Village of Mogadore, under the laws of the State of Ohio, and as such it has title to all property, real and personal, owned by its predecessor including all monies on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The Municipality is liable for all outstanding orders, contracts and debts of its predecessors, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. All contracts entered into by the Municipality for its benefit prior to November 3, 1964, shall continue in full force and effect.

SECTION 16.08 ORGANIZATION OF BOARDS AND COMMISSIONS.

Boards and Commissions created in accordance with this Charter shall elect their officers from the appointed members and shall determine their own rules of procedure, except as otherwise provided in this Charter or by ordinances enacted pursuant thereto.

**ARTICLE XVII
AMENDMENTS TO CHARTER****SECTION 17.01 SUBMISSION TO ELECTORS.**

Any provision of this Charter may be amended as provided in Article XVIII Section 9 of the Ohio Constitution, by submission of a proposed amendment to the voters of the Municipality and approval by a majority of those voting on the question of its adoption.

**ARTICLE XVIII
CHARTER REVIEW COMMISSION****SECTION 18.01 COMPOSITION, TERM AND DATES.**

Commencing in January of 2006 and every four (4) years thereafter an eight (8) member panel shall be appointed to review this Charter, to be known as the Mogadore Charter Review Commission. All members of the Commission shall have been continuously a resident and an elector of the municipality for at least one (1) year prior to the date of his/her appointment and each such member shall continue to be a resident and an elector therein throughout his/her term. One member of the panel shall be an alternate without voting rights, except in the event the alternate member is selected to fill a vacancy on the Commission. The panel will be selected in the following manner:

(1) Four (4) members to be selected by the Mayor no later than February 28 of the year in which the Commission is to meet; and

(2) Four members to be selected by a majority vote of Council no later than February 28 of the year in which the Commission is to meet.

Failure of the Mayor or Council to make selections as provided herein shall authorize the Mayor to select such members as Council failed to select, and/or Council, by majority vote, to select such members as the Mayor failed to select, as the case may be.

If both the Mayor and Council fail to meet the February closing date then the Council, by majority vote, will select all eight (8) members of the Charter Review Commission before March 30 of the year in which the Commission is to meet.

Upon selection of the eight member Commission, the alternate member shall be designated. Designation of the alternate member shall be made by voluntary nomination or by a lottery.

Within five (5) calendar months after such appointment, the Charter Review Commission shall recommend to Council such revisions or additions to the Charter, as in its judgment are desirable. The Council must submit to the electors not later than the next succeeding general election any such proposed alterations, revisions or amendments.

(Amendment passed by electorate 7-5-00; Amendment passed by electorate 11-8-05; Amendment passed by electorate 11-7-06)

ARTICLE XIX
INITIATIVE, REFERENDUM AND RECALL

SECTION 19.01 INITIATIVE.

The electors of this Municipality shall have the power to propose ordinances and other measures by initiative petition in accordance with the provisions of the Constitution and laws of Ohio.

SECTION 19.02 REFERENDUM.

The electors of this Municipality shall have the power to approve or reject at the polls any ordinance or other measure enacted by Council except as otherwise provided by this Charter or the laws of Ohio. The exercise of said power of referendum shall be in accordance with the provision of the Constitution and laws of Ohio.

SECTION 19.03 RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of this Municipality. No petition shall be filed against an elective official during the first six (6) months of such official's term of office. The procedure to effect such removal shall be:

- A. A petition form shall be filed with the Clerk-Treasurer containing the following:

- (1) the name, address and signatures of five (5) electors of the Village who, as the Recall Committee, shall be responsible for the circulation and filing of the petition;
- (2) the name of the elective official whose removal is sought;
- (3) a general statement, in not more than two hundred words, of the grounds upon which removal is sought;
- (4) space for the printed name, residence address, date and signature of each elector to be affixed to the petition; and
- (5) a circulator affidavit in a form identical in content to the following:

"I (Circulators Name), under the penalty of election falsification, circulated this petition paper and witnessed the affixing of every signature contained on it, that all signers were to the best of my knowledge and belief residents of the Village of Mogadore and otherwise qualified to sign, that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be, and this petition paper contains (insert number of signatures) signatures."

The petition form as filed with the Clerk-Treasurer shall contain no signatures other than those of the Recall Committee. Upon the filing of a recall petition form that the Clerk-Treasurer determines meets the requirements hereof, the Clerk-Treasurer shall announce the receipt of the petition form at the next regular meeting of Council. No recall form may be circulated for signatures of anyone other than the Recall Committee until announced to Council by the Clerk-Treasurer.

B. A recall may be commenced by the filing with the Clerk-Treasurer of recall petitions in a form previously accepted by the Clerk-Treasurer containing the printed name, residence address, and signature of qualified electors equal in number to at least twenty-five percent (25%) of the total number of persons voting in the Municipality at the last general election. The Clerk-Treasurer shall note the name and address of the person filing the petition and the date of such filing.

C. Within twenty (20) days after the day on which such petition is filed, the Clerk-Treasurer shall consult with the appropriate Board of Elections to determine the sufficiency of the petition. Such time may be extended only upon written certification by the Board of Elections that the petitions were timely delivered to it by the Clerk-Treasurer and the Board of Elections required additional time to verify the signatures contained on the petitions.

If the Clerk-Treasurer shall find the petition insufficient, the Clerk-Treasurer shall immediately deliver such determination to the person who filed the petition and make a record of such delivery. The delivery shall include a statement of the Clerk-Treasurer containing the reason the petition was insufficient. Such person shall be allowed a period of twenty (20) days after the date on which such delivery was made in which to make the petition sufficient.

If the Clerk-Treasurer finds the petition sufficient or made sufficient with said twenty (20) days, the Clerk-Treasurer shall so certify to the Council at its next regular meeting and immediately deliver a copy of such a certificate to the officer whose removal is sought, and shall make a record of such delivery.

D. If the petition is sufficient, and if the person whose removal is sought does not resign within five (5) days after the day of delivery of the certificate of sufficiency, the Council shall thereupon fix a day for holding a recall election. The date of the recall election shall be at the next scheduled general or primary election, provided that such an election is scheduled to occur not less than sixty days nor more than ninety days from the date of delivery of the certificate of sufficiency. In the event no general or primary election is scheduled within such time period, Council shall authorize a special election for the purpose of the recall. Such special election shall occur not less than sixty days nor more than ninety days from the date of delivery of the certificate of sufficiency.

E. At a recall election this question shall be placed on the ballot: "Shall (naming the officer) be recalled from office as (name of office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast shall be voted affirmatively, such officer shall be considered removed upon the announcement of the official canvass of such election, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer so removed shall not be eligible for appointment to the vacancy created thereby.

F. In the event that the petition demands the removal of the Clerk-Treasurer, then the duties imposed upon the Clerk-Treasurer shall be performed by the Mayor.
(Amendment passed by electorate 11-8-05)