

THE CHARTER
of the
MUNICIPALITY
of
SEBRING, OHIO
1979
(Revised 2019)

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PREAMBLE

WE, THE PEOPLE OF THE MUNICIPALITY OF SEBRING, COUNTY OF MAHONING, AND STATE OF OHIO, IN ORDER TO SECURE FOR OURSELVES AND OUR POSTERITY THE BENEFITS OF MUNICIPAL HOME RULE AND THE FREE EXERCISE OF ALL THE POWERS OF LOCAL SELF GOVERNMENT UNDER THE CONSTITUTION AND THE LAWS OF THE STATE OF OHIO, DO HEREBY FRAME AND ADOPT THIS CHARTER FOR THE GOVERNMENT OF THE MUNICIPALITY OF SEBRING.

ARTICLE I

General Organization

Section 1:01 NAME AND BOUNDARIES

This Municipality, known as the Village of Sebring, Ohio, shall continue to be a body politic and corporate, under the name of the Village of Sebring, Ohio, or the City of Sebring, Ohio, as determined by reference to the population whereof pursuant to Article XVIII, Section 1 of the Constitution of the State of Ohio; and with the same boundaries as are established as of the date of adoption of this Charter; with power and authority to alter its boundaries by detachment; annexation, or any other means authorized by the general laws of the State of Ohio.

Section 1.02 FORM OF GOVERNMENT

The form of government established by this Charter shall be known as the “Council-Manager Plan.” The powers and functions of the municipal government hereby created shall be distributed among the Municipality, its citizens, and the various officers, bodies, boards, and commissions according to the provisions of this Charter as set forth hereinafter.

ARTICLE II

Governmental Powers Granted

Section 2.01 POWERS OF MUNICIPAL GOVERNMENT

The Municipality shall possess and exercise all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed and exercised by municipal corporations under the Constitution of the State of Ohio; and the local self-government and home-rule provisions thereof.

Section 2.02 MANNER OF EXERCISE OF MUNICIPAL POWERS

All powers of municipal government shall be exercised in the manner prescribed in this Charter; or, if not prescribed herein, in such manner as shall be provided by ordinance, resolution, or other action of the Council. In the event that the manner of exercise of any municipal power shall neither be prescribed by this Charter, nor provided by ordinance, resolution, or other action of the Council, then such municipal power shall be exercised in the manner provided by the general laws of the State of Ohio.

Section 2.03 CONSTRUCTION OF THE CHARTER

The provisions of this Charter shall be construed liberally so as to provide the broadest possible exercise of powers of local self-government and home-rule consistent with the Constitution of the State of Ohio, and the Constitution of the United States of America; and any provisions for, or enumeration of, particular powers shall not be by way of limitation.

ARTICLE III

Council and Mayor-President of Council

Section 3.01 NUMBER AND TERM

The legislative powers of the Municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council

of six (6) members, consisting of persons elected from the Municipality at large. All members of the Council shall be elected for overlapping terms of four years. At the Municipal general election to be held in November, 1981, four (4) members of the Council shall be elected to four-year terms of office; and at the Municipal general election to be held in November, 1983, two (2) members of the Council shall be elected to four-year terms of office. Prior to the Municipal general election to be held in November, 1981, the composition of the Council shall be determined in accordance with the transitional provisions contained in Section 12.02 of this Charter.

Members of Council shall take office January 1st of the year following their election and shall serve until the expiration of their term of office and until their successors are elected and qualified, or appointed and qualified. If for any reason a member of the Council shall fail to qualify for office within forty-five (45) days after January 1st of the year following his election, a vacancy shall be deemed to exist and such vacancy shall be filled in the manner provided in Section 3.14 of this Charter.

Section 3.02 QUALIFICATIONS

All members of the Council shall have been electors of the Municipality for at least three hundred sixty-five (365) continuous days immediately prior to the time of filing as candidates for office, and shall continue to be qualified electors of the Municipality during their representative terms of office. No member of Council shall hold any other office or employment with the Municipality, except as otherwise allowed by this Charter or by ordinance of the council, nor shall any member of Council hold any other public office, except the following: Notary Public; member of National Guard or State Militia; member of the Reserves of the Armed Forces of the United States; national, state, ward or precinct committeeman of a political party or any other office of a political party; and delegate to a municipal, county, state or national convention of a political party.

Any member of the Council who shall cease to possess or who violates any of the qualifications of office herein provided or who is finally convicted of a felony involving moral turpitude, shall forthwith forfeit his office. Forfeiture of office as provided herein shall not render void or shall not invalidate any action of the Council in which such member participated prior to said forfeiture.

Section 3.03 REMOVAL

A member of Council, after unexcused absence from three (3) consecutive regular Council meetings, may be removed from office and his office declared vacant by a majority vote of the Council; and a member of Council, after absence from five (5) consecutive regular Council meetings, shall be removed from office and his office declared vacant by a majority vote of the Council. A member of Council may be excused from attending a regular Council meeting only by majority vote of the Council. A member of Council sought to be removed from office pursuant to this Section shall be notified of the charge against him, and given an opportunity to be heard in person or by legal counsel.

The Council shall be the judge of the election, qualifications and removal of its members, and for such purpose, shall have powers to subpoena witnesses and require the production of records; and the decision of the Council in any case shall be final and not subject to review by any Court.

A member of the Council shall not vote upon the question of his removal. Failure to maintain qualifications or removal from office shall not render void or shall not invalidate any action of the Council in which such member participated prior to his removal from office.

Section 3.04 MAYOR-PRESIDENT OF COUNCIL

The Mayor-President of Council shall be elected from the Municipality at large. At the general election to be held in November, 1983, and each four (4) years thereafter, the Mayor-President of Council shall be elected to a term of four (4) years, commencing on the first day of January next following such election and shall serve until his successor is elected and qualified. Prior to the Municipal general election to be held in November, 1983; the person holding the office of Mayor-President of Council shall be determined in accordance with the transitional provisions contained in Section 12.02 of this Charter. If for any reason the Mayor-President of Council shall fail to qualify for office within forty-five (45) days after January 1st of the year following his election, a vacancy shall be deemed to exist and such vacancy shall be filled in the manner provided in Section 3.14 of this Charter.

The Mayor-President of Council shall preside at all meetings of the Council, but shall have no vote therein except in case of a tie vote. The Mayor-President of Council shall be considered to be a member of Council when he votes to break a tie as provided herein; otherwise, the Mayor-President of Council shall not be considered to be a member of Council for any purpose; specifically, he shall not be considered to be a member of Council for purposes of computing the necessary number of affirmative votes required for the passage of any ordinance, resolution, or other measure pursuant to any of the provisions of Article IV of this Charter.

The Mayor-President of Council shall be recognized as the official head of the Municipality for all ceremonial purposes; by the Governor of the State of Ohio for military purposes; and by the courts for the purpose of serving civil process.

The Mayor-President of Council shall have no jurisdiction in civil or criminal cases under the laws of the State of Ohio now or hereafter enacted.

When the Mayor-President of Council is absent or inaccessible, or is unable for any reason or cause to perform his duties, then the President Pro Tempore shall become the acting Mayor-President of Council, but shall not thereby cease to be a councilman; and the acting Mayor-President of Council shall retain the right to vote on any and all measures coming before the Council.

In the event that the office of the Mayor-President of Council shall become vacant for any reason, and the President Pro Tempore of Council shall thereupon become the acting Mayor-President of Council and shall serve for the remainder of the unexpired term pursuant to Section 3.14(3) and (4) of this Charter, his office as President Pro Tempore of Council shall become vacant. When the President Pro Tempore of Council is absent or inaccessible, or for any other reason unable to perform his duties as acting Mayor-President of Council; then the Council, by a vote of the majority of the remaining members of the Council, shall designate one of its members to serve as acting Mayor-President of Council.

The Mayor-President of Council shall have no veto power over the actions of the Council.

The Mayor-President of Council shall be possessed of those qualifications set forth in Section 3.02 of this Charter; and shall be subject to removal from office as provided in Section 3.03 of this Charter.

Section 3.05 CLERK OF COUNCIL

The Clerk of Council shall be appointed by a majority vote of the Council and shall serve at its pleasure. The Clerk of Council may be a person having other office, employment, or appointment within the Municipality. The Clerk of Council shall attend all meetings of the Council and shall keep an accurate and complete journal of the proceedings of the Council; and shall perform such other duties as the Charter, the general laws of the State of Ohio, or the Council may require.

The Clerk of Council shall be the official record keeper of all Municipal public records of other offices, departments, divisions, bureaus, boards or commissions created by Council or Charter, except as to the Division of Police, the Division of Fire and the Division of Taxation.

The Clerk of Council shall authenticate or certify copies of the public records under the Clerk's control when called upon pursuant to the Ohio Rules of Evidence, Article IX and Article X.

Section 3.06 AUTHORITY TO HIRE CONSULTANTS

The Council may employ such other persons and consultants as it deems necessary for the proper discharge of its duties.

Section 3.07 ORGANIZATION OF COUNCIL

On or before the 15th day of January in each calendar year, the members of the Council shall meet at the Council Chambers for the purpose of organization. At such meeting, the Council shall elect one of its members thereof as President Pro Tempore of Council, to serve until his successor shall have been elected. In the event the President Pro Tempore of Council ceases to be a member thereof or succeeds to the office of Mayor-President of Council, the Council shall elect another of its members to serve as President Pro Tempore until another President Pro Tempore is elected in the manner hereinbefore provided. The Council may organize as the first order of business at its first regular Council meeting in the month of January pursuant to Section 3.09 of this Charter, providing the same shall occur within the first fifteen days of said month as hereinbefore provided.

Section 3.08 POWERS OF COUNCIL

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

- a. The power to levy taxes and incur debts subject to the limitation imposed thereon by this Charter and the Constitution of the State of Ohio.

- b. The power to adopt and to provide for the enforcement of such local police, sanitary and other similar regulations as are not in conflict with general laws.
- c. The power to provide for the exercise of all powers of local self-government granted to the Municipality by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
- d. The power to fix the number of employees in the various offices, departments, divisions, bureaus, boards, and commissions of the Municipality and to fix the rate of their compensation, hours of work, mandatory retirement ages, and to provide such fringe benefits as may be deemed proper by the Council.
- e. The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Municipality.
- f. The power to create other offices, departments, divisions, bureaus, boards, and commissions; and the power to combine, change and abolish any office, department, division, bureau, board, or commission. The power hereinabove expressed in this sub-section shall be exercised by ordinance. The Council shall not abolish the offices of Manager, Mayor-President of Council, Clerk of Council, Council members or Solicitor. The Manager may hold such other offices and positions with the Municipality as are provided by this Charter or as the Council may authorize by a vote of a majority of its members. The Council may authorize the Finance Director, if other than the Manager, to hold the position of Clerk of Council by a vote of a majority of its members.
- g. The powers to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinance; to adopt and provide for the enforcement of ordinances regulating the subdivision and platting of land within the Municipality; to regulate the subdivision and platting of land outside of the boundaries of the Municipality as provided by general law; to adopt and provide for the enforcement of ordinances requiring actual construction or assurance of construction of streets, utility lines and facilities, sidewalks, curbs and gutters and other improvements or facilities as a condition precedent to the approval of a plat of a subdivision; to adopt and provide for the enforcement of ordinances regulating the construction, reconstruction, alteration, enlargement, repair or demolition of buildings and other structures within the Municipality; to adopt and to provide for the enforcement of housing codes or ordinances, regulating the use and occupancy of any land, building or structure within the Municipality.
- h. The power to establish, by ordinance, the rates of charges made of consumers of all municipal utilities and services.
- i. To provide, without competitive bidding, for an annual or special independent audit of any or all municipal funds. Such audit may be in addition to such audit by representatives of the State Auditor or other state official or agency as may be determined to be required under the Constitution of the State of Ohio.

j. The Council, in addition to all other rights and powers granted to it under the general law, may by ordinance, grant permission to any person, firm, or corporation to construct and operate a public utility on, across, under or above any public street or public 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; provided that such grant of permission shall not extend beyond twenty-five years; however such grant may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. Non consent of the owners of property abutting on any public street or ground shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments or renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for adequacy of service and maintenance and the operation of such utilities with reference to such streets and public grounds, including the right to require such reconstruction, relocation or discontinuance of appliances, plant or equipment used in such streets or public grounds as shall, in the opinion of Council, be necessary in the public interest.

k. The power to acquire title to or interests in real property shall be vested in the Council, whether such property is acquired by the exercise of the power of eminent domain, purchase, gift, lease, lease with option to purchase, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease, lease with option to purchase, or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant shall be in the manner as provided by the ordinance authorizing the sale, conveyance, lease, or grant. Title to all real property shall be taken in the name of the Municipality.

l. The power to adopt the annual budget and appropriation measures of the Municipality.

m. The power to appoint the members of all boards and commissions created by the Charter or by enactments of the Council, except as may be otherwise provided in this Charter.

n. The power to accept gifts and grants to and on behalf of the Municipality.

o. The power to inquire into the conduct of any officer, employee, agent, or independent contractor in the exercise of their powers, duties or functions, or in their performance of work or service or supplying of equipment, materials or supplies to or on the behalf of the Municipality; and to inquire into and investigate any and all municipal affairs. In the exercise of this power, the Council shall have the power to subpoena witnesses and require the production of records and other evidence in the manner provided in the rules, regulations or by-laws of Council; and in the absence of such provisions, the Mayor-President of Council shall have the power to issue subpoenas for witnesses and the production of records and other evidence.

p. The power to exercise all other powers granted to legislative authorities of municipalities by the Constitution and laws of the State of Ohio, and to exercise all other powers granted to the Council by and under this Charter.

Section 3.09 REGULAR COUNCIL MEETINGS

The Council shall meet at such times and places as may be prescribed by its ordinances, resolutions, rules, or by motion. Regular meetings shall be held at least twice in each calendar month, except that during the months of June, July, and August, the Council may dispense with one (1) of its regular meetings.

Section 3.10 SPECIAL COUNCIL MEETINGS

Special meetings of the council may be called in accordance with and as provided for by its rules. In the absence of such provisions, special meetings may be called by motion 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-President of Council, or of any three (3) members of the Council. Any such request shall state the time, place, and date thereof, and the subject or subjects to be discussed at the meeting; and no other subject or subjects shall be considered at such meeting unless four (4) members of the Council in attendance thereat so concur. Notice in writing of each such special meeting called at the request of the Mayor-President of Council, or any three (3) members of the Council shall be given to each member of the Council and the Mayor-President of Council 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 in writing, either prior to or subsequent to such meeting; and shall be deemed conclusively to have been waived by any member of Council or the Mayor President thereof who is present at such special meetings.

Section 3.11 MEETINGS TO BE OPEN TO THE PUBLIC

All meetings of the Council, as the same are defined by the applicable statutes of the Revised Code of Ohio, shall be open public meetings, and formal action or a vote of Council shall be taken therein. Council may hold an executive session only at a regular or special meeting for the sole purpose or purposes of considering those matters which are specifically provided for by the applicable statutes of the Revised Code of Ohio concerning executive sessions of public bodies.

a. Should it be found and determined by a court of record that any committee or sub-committee of Council was not in strict compliance with the applicable statutes of the Ohio Revised Code of Ohio making reference to open public meetings, never-the-less, the formal action or vote of Council taken in an open meeting arising from the committee or sub-committee shall not be declared void and the action or vote shall survive and the ordinance, resolution or motion shall become effective on or after the date of passage as stated therein.

Section 3.12 QUORUM

A majority of all 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 Council.

Section 3.13 RULES OF COUNCIL

The Council may adopt, amend and repeal rules, regulations, and bylaws not inconsistent with this Charter, or the Constitution and general laws of the State of Ohio, by a majority vote of all the members thereof without the necessity of complying with the provisions of Article IV of this Charter relating to the adoption of ordinances and resolutions. Such rules may be waived or suspended upon a motion concurred in by a majority vote of all the members of Council.

Section 3.14 VACANCIES IN OFFICE OF COUNCIL OR MAYOR-PRESIDENT OF COUNCIL

1) A vacancy shall be deemed to occur in the Council upon the occurrence of any of the following; the presentation by a member of council or a written resignation to the Mayor-President of Council, which resignation shall be effective immediately unless a later time is specified herein; the death of a Councilman; the determination by the Council that a member of the Council has failed to qualify within the period of time allowed by Section 3.01 of the Charter, or has ceased to possess or has violated any of the qualifications of the office of Councilman as set forth in Section 3.02 of the Charter; the removal of such Councilman is accomplished pursuant to Section 3.03 or Section 11.04 of this Charter; or a member of Council is recalled pursuant to Section 8.07 of this Charter.

2) A vacancy shall be deemed to occur in the office of the Mayor-President of Council upon the occurrence of any of the following: the presentation by the Mayor-President of Council of a written resignation to the Clerk of the Council, or the President Pro Tempore of the Council, which resignation shall be effective immediately unless a later time is specified therein; the death of the Mayor-President of Council; the determination by the Council that the Mayor-President of Council has failed to qualify within the period of time allowed by Section 3.04 of this Charter, or has ceased to possess or has violated any of the qualifications of the office of Mayor-President of Council; as set forth in Sections 3.02 and 3.04 of this Charter; the removal of the Mayor-President of Council shall have been accomplished pursuant to Section 3.03 or Section 11.04 of this Charter; or the Mayor-President of Council is recalled pursuant to Section 8.07 of this Charter.

3) Any vacancy in the Council shall be filled within thirty (30) days after the vacancy occurs by a majority vote of the remaining members of the Council; and the person chosen to fill a vacancy shall serve until his successor is elected and qualified as hereinafter provided. In the event that the office of Mayor-President of Council shall become vacant, the President Pro Tempore of Council shall become acting Mayor-President of Council and shall serve in such office until his successor is elected and qualified as hereinafter provided. In the event that there should occur a simultaneous vacancy in the office of the Mayor-President of Council and President Pro Tempore as prescribed by Charter, then in this event, the Clerk of Council shall call an emergency meeting of Council for the sole purpose of electing a President Pro Tempore within twenty-four (24) hours after both vacancies occur.

4) If a vacancy in the Council or the office of Mayor-President of Council shall occur less than ninety (90) days prior to the next regular municipal general election, then the person who fills such vacancy, selected in the manner hereinabove provided in paragraph 3) of this Section shall serve for the remainder of the unexpired term of the person whose resignation, death, failure to qualify, or to maintain qualifications, removal or recall created a vacancy; and until his successor is elected and qualified.

5) If a vacancy in the Council or in the office of Mayor-President of Council shall occur at least ninety (90) days prior to the next regular municipal general election, the successor to the person whose resignation, death, failure to qualify or to maintain qualifications, removal or recall created the vacancy shall be nominated as hereinafter provided and elected at such next regular Municipal election.

a. If such a vacancy occurs after the deadline fixed for filing as a candidate for the office which is vacant, but prior to seventy-six (76) days before the next primary election, then any qualified person may seek the nomination to the office by filing declarations of candidacy and nominating petitions, which shall contain the signatures of not less than fifty (50) and not more than one hundred (100) qualified electors of the Municipality as required by Section 8.03 of this Charter, with the Mahoning County Board of Elections not later than 4:00 p.m. of the 76th day before the day of the next primary election; and such persons as are nominated at such primary election in accordance with the provisions of Section 8.04 of this Charter shall stand for election at the next regular municipal general election. The person elected at the next regular municipal general election shall serve for the remainder of the unexpired term of the person whose resignation, death, failure to qualify or to maintain qualifications, removal or recall created the vacancy, and until his successor is elected and qualified.

b. If such a vacancy occurs on or after the 76th day prior to the next primary election but at least ninety (90) days prior to the next regular municipal general election, then any qualified person may be nominated for the office which is vacant by filing petitions containing the signatures of not less than fifty (50) nor more than one hundred (100) qualified electors of the Municipality with the Mahoning County Board of Elections not later than 4:00 p.m. of the 76th day before such next regular municipal general election. The person elected at the next regular municipal general election shall serve for the remainder of the unexpired term of the person whose resignation, death, failure to qualify or to maintain qualifications, removal or recall created the vacancy, and until his successor is elected and qualified.

ARTICLE IV

Legislative Procedure, Ordinances, and Resolutions

Section 4.01 ACTION TO BE TAKEN BY ORDINANCE OR RESOLUTION

Action of Council shall be by ordinance, resolution, or motion. Every action of a general and permanent nature, or granting a franchise, or levying a tax; or apportioning money; or contracting an indebtedness to be evidenced by the issuance

of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor shall be taken by ordinance, in the manner hereinafter provided. All other action may be taken by resolution or motion.

Section 4.02 INTRODUCTION OF ORDINANCES AND RESOLUTIONS

Subject to the restrictions contained in Section 3.10 of this Charter as to special council meetings, any member of the Council may, at a regular or special meeting or at any adjournment thereof, introduce any ordinance, resolution, or motion concerning any subject whatever. Ordinances and resolutions shall be introduced only in written or printed form, and shall contain a concise title.

Section 4.03 STYLE OF ORDINANCES AND RESOLUTIONS

Each ordinance shall contain an enacting clause as follows: "Be it ordained by the Council of the Village (City) of Sebring, Mahoning County, Ohio"; and each resolution shall contain an enacting clause as follows: "Be it resolved by the Council of the Village (City) of Sebring, Mahoning County, Ohio".

Section 4.04 SUBJECT OF ORDINANCES AND RESOLUTIONS

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

Section 4.05 READING OF NON-EMERGENCY ORDINANCES AND RESOLUTIONS

Except as otherwise provided in Section 4.07 hereof, each ordinance shall be read at three (3) meetings of the Council, whether regular or special, providing that the meetings be held on three (3) different days; and each resolution shall be read at one (1) meeting of the Council. Each resolution shall be read in its entirety; but each ordinance shall be read in its entirety at its first reading only, and the subsequent readings shall be by title only; provided, however, that the Council may require any reading to be in full by a majority vote of all its members. The Council may dispense with the requirement that a resolution be read in its entirety or that an ordinance be read in its entirety at its first reading and permit such reading to be by title only upon the majority vote of all its members present at the meeting.

Section 4.06 VOTE REQUIRED FOR PASSAGE OF ORDINANCES, RESOLUTIONS, AND MOTIONS

The vote on the question of passage of each ordinance, resolution, or motion shall be taken by yeas and nays and entered upon the journal. Each ordinance, resolution, or motion shall be passed by the affirmative vote of at least a majority of all of the members of the Council, unless a greater number of affirmative votes is required by other provisions of this Charter or by the Constitution and general laws of the State of Ohio.

Section 4.07 EMERGENCY ORDINANCES OF RESOLUTION PROCEDURES

An emergency ordinance or resolution shall contain the determination that such ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare; and the reasons for such necessity shall be clearly set forth in one section thereof. The Council may dispense with the requirement that an emergency ordinance or resolution be read in its entirety and permit such reading to be by title only upon the majority vote of all its members present at the meeting. The passage on an emergency ordinance or resolution shall require the affirmative vote of at least three-fourths (3/4) of all the members of the Council. In the event that a proposed emergency ordinance or resolution shall fail to receive the affirmative vote of at least three-fourths (3/4) of all the members of the Council required for its passage as an emergency measure; then, in that event, the emergency clause shall be deleted from said legislation, and such legislation shall be deemed to have received its first reading; and its passage shall be controlled by Section 4.05 hereof. Nothing contained in this Section or Section 4.05 shall preclude the amendment of any ordinance or resolution at any time so as to become an emergency measure hereunder.

Section 4.08 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS

Ordinances and resolutions providing for the appropriation of monies, an annual tax levy for current expenses, improvements petitioned for by the owners of the requisite majority of the front footage or of the area of the property to be benefited and to be especially assessed therefore, submission of any question to the electorate or the determination to proceed with an election, providing for the approval of a revision, codification, recodification, rearrangement of ordinances and resolutions, or publications thereof in book form, a Resolution of Removal of the Manager, and all emergency ordinances and resolutions shall become effective, unless a different effective date is specified therein, immediately upon passage. All other ordinances and resolutions shall become effective at 12:01 a.m. on the thirtieth day after the date of passage thereof.

Section 4.09 AUTHENTICATION OF ORDINANCES AND RESOLUTION

Each ordinance or resolution enacted by the Council shall be authenticated by the signature of the Mayor-President of Council, the Solicitor, and the Clerk of Council; however, the failure or refusal of such officers to sign such ordinances or resolutions shall not act to invalidate an otherwise validly enacted ordinance or resolution.

Section 4.10 RECORDING OF ORDINANCES AND RESOLUTIONS

Each ordinance or resolution shall be recorded in a book, or other record prescribed by the Council, established and maintained by the Clerk of Council for that purpose. The Clerk of Council, or a duly authorized Deputy to said Clerk shall, upon the request of any person, and upon the payment of a fee as established by the Council, certify and deliver true copies of any ordinance or resolution, which certified copies shall be admissible as evidence in any Court.

Section 4.11 AMENDMENT OF ORDINANCES AND RESOLUTIONS

No ordinance or resolution or any section thereof shall be revised or amended unless the legislation revising or amending contains the entire provision of the ordinance, resolution, or section thereof in its amended or revised form, and the ordinance, resolution or section thereof so revised or amended, be repealed.

This requirement shall not prevent the amendment of an ordinance or resolution by the addition of a new section, sections, subsection, or subsections; and in such case, the full text of the former ordinance or resolution need not be set forth. This requirement shall not prevent repeal by implication in the case of subsequent enactment of provisions inconsistent with previous legislation.

Except in the case of a codification or recodification of ordinances and resolutions, a separate vote shall be taken on each ordinance or resolution proposed to be amended.

Ordinances and resolutions that have been introduced, may be amended or revised by a majority vote of all of the members of the Council at any time prior to a vote on passage thereof; and such ordinance or resolution as amended or revised need not receive three (3) additional readings under Section 4.05 of this Charter merely because of such revision or amendment.

Section 4.12 REFERRAL OF ZONING ORDINANCES TO PLANNING COMMISSION

Each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses, or regulations shall be referred to the Planning Commission immediately after its first reading. Within thirty (30) days of such referral, the Planning Commission shall cause such ordinance or resolution to be returned to the Clerk of the Council together with the written recommendations of the majority of the members of such commission.

No such ordinance or resolution which violates, differs from, or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than three-fourths (3 / 4) of all the members of the Council. This provision shall not be construed to mean that an ordinance or resolution recommended for passage by the Planning Commission shall be passed by less than the votes required by Section 4.06 of this Charter.

Section 4.13 PUBLIC HEARING ON ZONING ORDINANCES OR RESOLUTIONS

The Mayor-President of Council or other presiding officer of the Council shall set a date for a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses, or regulations, which hearing shall be after the thirty day period provided in Section 4.12 within which the Planning Commission is required to return its written recommendations to the Clerk of Council. The Clerk of Council shall cause a notice of such public hearing to be published one time in a newspaper determined by the Council to be of circulation within the Municipality at least fifteen (15) days prior to the date of such public hearing; and when such amendment, revision, change, or repeal involves ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by certified mail with return receipt, at least fifteen (15) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other lists as may be required by the Council. The failure of delivery of such notice shall not invalidate any such ordinance or resolution.

During such fifteen (15) days, the text or copy of the text of such ordinance or resolution, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance or resolution; and the maps, plans, and reports submitted by the Planning Commission, shall be on file, for public examination, in the office of the Clerk of Council, or in such other office as is designated by the Council.

Section 4.14 ADOPTION OF TECHNICAL CODES BY REFERENCE

Council may, by ordinance, adopt standard ordinances and codes prepared by the federal government or any agency thereof, the state or any department, board or other agency or political subdivision of the state, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, heating code, air conditioning code, housing code, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference. The ordinance adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance. In such cases, publication of the standard ordinance or code shall not be required, but at least one copy of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons. If the standard ordinance or code, after its adoption by reference by the Council, is amended, the Council may adopt the amendment or change by incorporation by reference in an ordinance under the same procedure as is established herein for the adoption of the original standard ordinance or code without the necessity of setting forth in full in the ordinance the provisions either of the amendment or change to the original ordinance or the standard ordinance or code.

The publication required by Section 4.16 of this Charter shall be satisfied by the publication of the adopting ordinance only, providing such adopting ordinance shall clearly identify such standard ordinance or code adopted thereby; shall state the purpose of the standard ordinance or code; shall state that a complete copy of such standard ordinance or code is on file with that Clerk of Council and is available for reference by interested persons; and that said Clerk has copies available for distribution to the public at cost.

Section 4.15 CODIFICATION OF ORDINANCES AND RESOLUTIONS

By a majority vote of all of the members of the Council, the Council may cause the ordinances and resolutions of the Municipality to be revised, codified, recodified, rearranged, or published in book form. Such revision, codification, recodification, rearrangement, or publication of ordinances and resolutions in book form shall be immediately effective upon affirmative vote of a majority of all of the members of the Council; and may contain new matter therein. The Clerk of Council shall cause a notice of such proposed revision, codification, and recodification, rearrangement, or publication of ordinances and resolutions in book form to be published one (1) time in a newspaper determined by the Council to be of circulation within the Municipality at least seven (7) days prior to the final approval thereof by the Council, which approval shall be by way of ordinance; and no further publication shall be necessary. Such notice shall contain the title of the approving ordinance, and a summary of the new matters to be enacted thereby.

Section 4.16 PUBLICATION OF ORDINANCES AND RESOLUTIONS

Each ordinance or resolution passed by the Council shall be published, unless otherwise provided or excepted from the requirement of publication by this Charter:

- a. By publication in full once in a newspaper determined by Council to be of circulation within the Municipality; or
- b. By publication of its title once in a newspaper determined by Council to be of circulation within the Municipality; and such publication shall contain a statement that a copy of the full text of such ordinance or resolution is available for inspection at the office of the Clerk of Council, Municipal Building, Sebring, Ohio; or
- c. By posting for seven (7) continuous days in a prominent place at the Municipal Building, Sebring, Ohio.

The method of publication, in accordance with this section, shall be determined by motion of the Council and the Clerk of Council shall cause such publication to be made immediately following passage.

A failure to post or to publish, omission, delay or error in said publication on the part of a newspaper, its officers, employees or agents, shall not cause such ordinance or resolution to be declared invalid, or otherwise affect the validity of such ordinance or resolution, and in such events the Clerk of Council may post or authorize publication at a later date. After the posting or publication of each ordinance or resolution as hereinabove provided, the Clerk of Council shall affix the appropriate following certification to the copy of the ordinance or resolution maintained in the official journal or record provided for in Section 4.10 of this Charter, and such certification shall be prime facie evidence of such publication.

1. The following Certificate of Publication shall be used when the full text of an ordinance or resolution is published as provided by subsection a. of this section:

Certificate of Publication

I, the undersigned Clerk of Council of the Municipality of Sebring, Ohio, hereby certify that the full text of the foregoing (ordinance or resolution) was published in the (name of newspaper in which publication took place) on the day of, 20....., and that at such date said newspaper was determined by the Council to be of circulation within the Municipality of Sebring, Ohio. Dated this day of, 20.....

Clerk of Council
Municipality of Sebring, Ohio

2. The following Certificate of Publication shall be used when the title to an ordinance or resolution is published as provided by subsection b. of this section.

Certificate of Publication

I, the undersigned Clerk of Council of the Municipality Of Sebring, Ohio, hereby certify that the title to the foregoing (ordinance or resolution) was published in the (name of newspaper in which publication took place) on the

..... day of, 20..... and that at such date said newspaper was determined by the Council to be of circulation within the Municipality of Sebring, Ohio; and that said publication contained in addition to the title to the foregoing (ordinance or resolution) a statement that a copy of the full text of such (ordinance or resolution) was available for inspection at the office of the Clerk of Council, Municipal Building, Sebring, Ohio

Dated this day of, 20.....

Clerk of Council
Municipality of Sebring, Ohio

3. The following Certificate of Publication shall be used when an ordinance or resolution is posted as provided by subsection c. of this section:

Certificate of Publication

I, the undersigned Clerk of Council of the Municipality of Sebring, Ohio, hereby certify that the foregoing (ordinance or resolution) was posted in a prominent place at the Municipal Building, Sebring, Ohio, for seven (7) continuous days, to wit: (insert dates of posting).

Dated this day of, 20.....

Clerk of Council
Municipality of Sebring, Ohio

The failure of the Clerk of Council to affix the appropriate “Certificate of Publication” provided hereinabove shall not affect the validity of an otherwise duly and properly enacted ordinance or resolution.

ARTICLE V
Manager

Section 5.01 –APPOINTMENT AND REMOVAL OF MANAGER.

The Council shall appoint an officer who shall have the title of Village (or City) Manager by the affirmative vote of a majority of all its members. The Manager shall be appointed to an indefinite term; and he shall at the pleasure of the Council. The Council may remove the Manager at any time with or without cause, and with or without notice, upon the passage of a Resolution of Removal adopted by an affirmative vote of the **two thirds (2/3)** majority of its members. Council may provide within the Resolution of Removal a severance benefit consisting of a maximum dollar amount equal to one-fourth (1/4) of the base salary in effect at the time of the removal of the Manager and (3) months paid health care under the current terms of the health care plan for the Municipality in effect at the time. In lieu of immediate removal, the Resolution of Removal may suspend the Manager from duty for up to thirty (30) days, and remove him at the end of the period of suspension; in which event the Manager shall receive his salary during such period of suspension. The Council may suspend a Manager from his duties without compensation for a period of time not to exceed thirty (30) days, with or without cause, and with or without notice, upon the passage of a Motion concurred in by a majority of all of its members. The decision of the Council to remove and/or suspend the Manger shall be in the sole discretion of the Council, and shall not be subject to review by any Court. The Manager may also be removed by a Resolution of Removal proposed by initiative petition pursuant to Section 9.01 of this Charter.

Section 5.02 QUALIFICATIONS

The Manager shall be appointed solely on the basis of his executive and administrative qualifications, and need not to be a resident of the Municipality at the time of

his appointment, but shall become a full-time sole resident of the Municipality within six (6) months after his **appointment (with a 30 day extension not to exceed 90 days with council's approval)** For the purposes of this Charter, full-time sole resident of the Municipality shall mean a person who establishes their sole residence within the municipal corporate limits and shall be an actual resident of and physically live within the Municipality of Sebring, and shall continue to be an actual resident and physically live within the municipality of Sebring spending significant parts of each day at the residence location for purposes consistence with a residence. No one elected or appointed as a member of Council shall be eligible to be appointed as Manager until two (2) years after such member has terminated his membership on the Council.

Section 5.03 ACTING MANAGER

The Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the Municipality to perform his powers, duties and functions during his temporary absence from the Municipality or during his disability. Such designation shall not be effective until the Council has approved it by a majority vote of all the members of the Council; and the Council may revoke such designation at any time by a majority vote of all the members thereof. If such designation has not been made and the Manager is absent from the Municipality or unable to perform his duties or to make such designation, the Council may, by motion, appoint any qualified administrative officer of the Municipality to perform the powers, duties and functions of the Manager until he shall return to the Municipality or the disability ceases. The Acting Manager so designated shall exercise all powers, duties and functions of the Manager during the temporary absence from the Municipality or disability of the Manager, or until the Council revokes such designation.

In the event of a vacancy in the office of Manager, the Council may designate a person as Acting Manager, who shall exercise all powers, duties, and functions of the Manager until a Manager is appointed, or the Council revokes such designation as Acting Manager.

Section 5.04 POWERS AND DUTIES OF THE MANAGER

The Manager shall be the chief executive and administrative officer of the Municipality. He shall be responsible to the Council for the administration of all municipal affairs placed in his charge by or under this Charter, the ordinances of the Municipality and state laws. He shall have the following powers and duties:

a. He shall appoint and, when he deems it necessary for the good of the service, suspend or remove or otherwise discipline all municipal employees and appointive administrative officers, except as provided for, by, or under this Charter, in the manner provided by the rules adopted by the Council or Civil Service Commission pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency. He shall not have the power or authority to appoint or remove, suspend or discipline the Solicitor or any member of any board or commission established under this Charter.

b. He shall direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.

c. He shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

d. He shall see that all laws, provisions of this Charter and ordinances and resolutions of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

e. He shall prepare and submit the annual budget and capital program to the Council.

f. He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the Municipality at the end of each fiscal year.

g. He shall make such other reports as the Council may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his direction and supervision.

h. He shall keep the Council fully advised as to the financial condition and future operating and capital needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as he deems desirable.

i. He shall require reports and information of subordinate officers and employees of the Municipality as he deems necessary in the orderly operation of the Municipality, or when requested to do so by the Council or any board or commission of the Municipality.

j. He shall be the contracting officer of the Municipality and shall execute contracts and agreements on behalf of the Municipality in the manner and under the proceedings required by Section 10.05 of this Charter.

k. He shall execute on behalf of the Municipality all contracts and agreements, except as otherwise hereinafter provided by Section 10.05(f) of this Charter regarding the designation of a purchasing agent; conveyances, evidences of indebtedness and other instruments to which the Municipality is a party.

l. He shall affix to official documents and instruments of the Municipality the Manager's Seal which shall be the seal of the Municipality, but the absence of the seal shall not affect the validity of any such document or instrument.

m. He shall perform such other duties and have such other powers as are conferred or required by this Charter, or by any ordinance or resolution of the Council.

Section 5.05 COUNCIL-MANAGER RELATIONS

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, unless otherwise provided by this Charter; but the Council may express its views and fully and freely discuss with the Manager anything pertaining to the appointment and removal of such officers and employees. Except for the purpose of official inquiries and investigations, the Council or its members shall deal with officers and employees who are subject to

the direction and supervision of the Manager solely through the Manager; and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately; except that the Council may require of the Solicitor and Director of Finance such reports, information, and opinions as Council shall determine. This Section shall not be construed as limiting the powers of Council to remove or suspend the Manager because of his practices in connection with the appointment, promotion discipline or removal of officers and employees of the Municipality.

Section 5.06 MANAGER MAY ACT AS DEPARTMENT HEAD

The Manager shall serve as the head of the Departments of Public Service and Public Safety until separate positions are created as provided by Section 6.06 and 6.07 of this Charter; and he may act as head of any other department or division of the government, except he shall not act as Solicitor; nor shall he act as the Chief of the Division of Police, or Chief of the Division of Fire. The Manager may designate one person to serve as head of one or more departments or divisions; except that the Solicitor shall not serve or act as head of any other department or division.

ARTICLE VI

Administrative Departments

Section 6.01 CREATION OF DEPARTMENTS

For the purpose of carrying on the administrative functions of the Municipality, the following departments are hereby established: Department of Law, Department of Finance, Department of Public Service, and Department of Safety. The work of the departments of the Municipality shall be distributed among such divisions as provided in this Charter and as provided by ordinance. The Council may create new departments and divisions and combine, change and abolish any department or division in the manner and subject to the limitations as provided in Section 3.08 (f) of this Charter.

Section 6.02 DEPARTMENT OF LAW-SOLICITOR

The Solicitor shall be the head of the Department of Law. He shall be appointed by a majority vote of all of the members of the Council; and shall serve at the pleasure of the Council; and may be removed by a majority vote of all members of the Council; provided, however, that the Council may enter into a Contract in writing with an individual to serve as Solicitor for a period of time not to exceed (2) years. The Solicitor must be admitted to the practice of law in the State of Ohio; but need not be a resident of the Municipality.

Upon a majority vote of the members of Council, the Position of Solicitor/Director of Law may be divided to allow the appointment of a Prosecutor to fulfill the duties designated in Section 6.03 relative to the prosecuting of cases. The requirements for this position are the same as that of Solicitor. Said compensation would be set by Council.

Section 6.03 POWERS AND DUTIES OF THE SOLICITOR

The Solicitor shall be the legal advisor, attorney, and counsel for the Municipality, and for all offices, departments, divisions, bureaus, boards, commissions

and bodies of the Municipality in connection with municipal affairs; and, subject to the direction of the Council, shall represent the Municipality in all proceedings in Court or before any administrative board or body. He shall perform such other duties consistent with his office as may be required by this Charter, by ordinance or resolution of the Council, or by the general laws of the State of Ohio. The Solicitor shall be the prosecuting attorney on behalf of the Municipality, and shall prosecute cases brought before courts of competent jurisdiction. He shall be responsible for the preparation of all contracts, agreements, and other writings to which the Municipality is a party or in which the Municipality is concerned; and he shall endorse on each such document his approval as to the legal form thereof. Upon authorization of the Council, he shall defend all actions against officials and employees of the Municipality in either their official or individual capacities. Upon the request of a member of the Council, the Mayor-President of Council, the Manager, the chairman of any board or commission, or the head of any municipal department or division, he shall furnish his written opinion on the question or request, or his advice on any matter contained in such request, provided, however, that the Solicitor may require such request or question to be succinctly stated in writing.

The Council may provide for such assistants and special counsel to the Solicitor as it shall deem advisable. All assistants shall be responsible to the Solicitor; and, when authorized by him, may exercise all or any part of the powers and duties of the Solicitor as set forth in this section. Special counsel shall perform those functions and exercise those powers as authorized by and in the manner provided by the Council. Assistants to the Solicitor and special counsel shall be selected by the Solicitor, with the advice and consent of the Council.

Section 6.04 DEPARTMENT OF FINANCE-DIRECTOR OF FINANCE

The Manager shall serve as the Director of Finance, unless and until the Council shall, by a majority vote of all of its members, create the separate office of Director of Finance. In the event of the creation of such separate office by the Council, the Director of Finance shall be appointed by and shall serve at the pleasure of the Council; and he may hold any other administrative office or position of employment with the Municipality except that of the Solicitor. Once created, such separate office of Director of Finance may be abolished by a majority vote of all of the members of the Council, in which event, the Manager shall assume the duties of and shall serve as Director of Finance unless and until a separate office of Director of Finance be again created by the Council.

The Finance Director shall be the head of the Department of Finance. He shall be qualified by training or experience to discharge his duties as the head of the Department of Finance in a responsible and capable manner.

During the absence or disability of, or during a vacancy in the office of Director of Finance, the Council may designate any fiscally qualified office or employee of the Municipality to exercise the powers and discharge the duties and functions of the Director of Finance under the title of Acting Finance Director; and such designation may be revoked by the Council at any time; and in any event, shall terminate upon the resumption of duties by the Director of Finance, or the appointment of a new Director of Finance, as the case may be.

Section 6.05 POWERS AND DUTIES OF THE DIRECTOR OF FINANCE

The Director of Finance shall be the fiscal officer of the Municipality. He shall keep the financial records of the Municipality, exhibiting accurate statements of all monies received and expended, of all property owned by the Municipality, and of all taxes and assessments. He shall advise the Manager and the Council concerning the financial condition of the Municipality; and shall examine all payrolls, bills and other claims against the Municipality and shall issue no warrants unless he finds that the claim is in proper form, correctly computed, duly approved and that an appropriation has been made therefor. He shall collect all money due and payable to the Municipality; and shall be the custodian of all public money of the Municipality; and shall disburse the same as may be required by law or ordinance. He shall render statements to and receive payments from the customers of the utilities operated by the Municipality and shall administer and collect all taxes levied by the Municipality, except those taxes which the laws of the State of Ohio require a County or State official to administer and collect. This Section shall not be construed to prevent the Council from entering into or authorizing contracts with other Municipal corporations, the State of Ohio or its political subdivisions, or private persons, firms or corporations, for the rendering of statements to and receipt of payments from customers of utilities operated by the Municipality or for the administration and collection of taxes. He shall examine and audit the accounts of all other officers, employees, departments, boards and commissions, and shall assist the Manager in the preparation and submission of appropriation measures, estimates, budgets and other financial matters. He shall perform all other duties now or hereafter imposed on City Auditors and Treasurers under the laws of the State of Ohio and shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance or resolution of Council, or as directed by the Manager.

The Director of Finance shall prepare annual financial and other reports required by law and shall make such periodic reports concerning appropriations, encumbrances and expenditures of the departments, divisions, boards and commissions as may be required by the Council or the Manager, and make available to the public a complete report on the finances of the Municipality as of the end of each fiscal year.

Section 6.06 DEPARTMENT OF PUBLIC SERVICE

The Manager shall serve as the head of the Department of Public Service, unless and until the Council shall, by a majority vote of all of its members, create the separate position of Service Director. If such position is created, the Service Director shall be appointed by and serve at the pleasure of the Manager. The Service Director may hold any other administrative office or position of employment with the Municipality, except he shall not act as the Solicitor. Once created, such separate position may be abolished by a majority vote of all of the members of the Council, in which event the Manager shall become the Service Director until such time as the Council shall again create such a separate position in the manner hereinbefore provided. The Service Director, or the Manager, if the separate position of Service Director has not been created, shall direct and supervise the work, administration and services provided by all divisions, offices, bureaus or agencies within the Department of Public Service. The following divisions are established under the Department of Public Service:

- a. Division of Water and Sewer to be headed by a superintendent.
- b. Division of Streets and Parks Maintenance to be headed by Superintendent.
- c. Such other divisions or bureaus as may be authorized by the Council by ordinance.

One person may serve as the head of any number of Divisions.

Section 6.07 DEPARTMENT OF PUBLIC SAFETY

The Manager shall serve as the head of the Department of Public Safety unless and until the Council shall, by a majority vote of all of its members create the separate position of Safety Director. If such position is created, the Safety Director shall be appointed by and serve at the pleasure of the Manager. The Safety Director may hold any other administrative office or position of employment with the Municipality, except he shall not act as the Solicitor. Once created, such separate position may be abolished by a majority vote of all of the members of the Council, in which event the Manager shall become the Safety Director until such time as the Council shall again create such a separate position in the manner hereinbefore provided. The Safety Director, or the Manager, if the separate position of Safety Director has not been created, shall direct and supervise the work, administration and services provided for all divisions, offices, bureaus or agencies within the Department of Public Safety.

The Department of Public Safety shall include the divisions of Police, Fire, Health and Sanitation, Inspection and Licensing, and such other divisions or bureaus as may be established by ordinance.

Section 6.08 ORGANIZATION OF DEPARTMENTS AND DIVISIONS

Subject to the provisions of this Charter, the Council shall provide by ordinance for the organization of the departments and divisions of the Municipality, and define the powers and functions of each organizational unit; but all departments and divisions shall be under the general supervision of the Manager.

ARTICLE VII

Boards and Commissions

Section 7.01 PLANNING COMMISSION-MEMBERSHIP

The Planning Commission shall consist of five (5) persons appointed by the Mayor-President of Council with the advice and consent of the Council. The terms of the members of the Planning Commission shall be five (5) years; except that the term of one of the members of the first Planning Commission appointed pursuant to this Charter shall be for one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; and one for five (5) years; and thereafter, each member shall be appointed for a term of five (5) years, and shall continue in office until his successor is appointed.

The Manager and a member of the Council designated by the Mayor-President of Council as Council representative to the Planning Commission, shall serve as non-voting members of the Commission in an advisory capacity, and shall attend all meetings of the Commission. The Council representative to the Planning Commission shall be designated as such by the Mayor-President of Council at the organizational meeting of the Council in each year, and shall serve in such capacity until the next organizational meeting of the Council, or his term of office expires, whichever first occurs.

Section 7.02 PLANNING COMMISSION-POWERS AND DUTIES

The Planning Commission shall conduct studies, surveys and prepare plans, reports and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation, and renewal of the Municipality; and may make such recommendations relative thereto to the Council as it feels are in the best interest of the Municipality. The Planning Commission shall continuously review and report to the Council its recommendations concerning the Municipality's capital improvement programs, sub-division, platting and zoning ordinances and regulations. The Planning Commission shall cooperate with other governmental or private planning agencies to secure the maximum benefit to the Municipality of the work, studies, surveys and reports of such other planning agencies. Other powers and duties of the Planning Commission shall include those established by this Charter and by the Council by ordinance; but unless and until such ordinances shall be passed, it shall possess such other powers and duties as are provided by the general laws of Ohio, to the extent that such general laws do not conflict with the provisions of the Charter.

Section 7.03 CIVIL SERVICE COMMISSION-MEMBERSHIP

The Council shall act as the Civil Service Commission unless and until the Council shall, by a majority vote of all of its members, create a separate Civil Service Commission.

In the event of the creation of a separate Civil Service Commission by the Council, the Commission shall consist of three (3) persons appointed by the Mayor-President of Council with the advice and consent of the Council. The terms of the members of the Civil Service Commission shall be three (3) years; except that the term of one of the members of the first Civil Service Commission separately established by the Council shall be for one (1) year; one for two (2) years; and one for three (3) years; and thereafter, each member shall be appointed for a term of three (3) years and shall continue in office until his successor is appointed.

Section 7.04 CIVIL SERVICE-CLASSIFIED AND UNCLASSIFIED SERVICE

The Classified Service of the Municipality shall consist of all full-time Police and Fire personnel, and such other employees of the Municipality as may be so designated by ordinance; and only members of the Classified Service shall be governed by the Civil Service provisions of this Charter. All other municipal employees shall constitute the Unclassified Service of the Municipality.

Section 7.05 CIVIL SERVICE COMMISSION-POWERS AND DUTIES

The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the criteria for appointment to and promotion in the Classified Service of the Municipality in compliance with Article XV, Section 10 of the Constitution of the State of Ohio; and for appeals from actions of transfer, reduction, and removal of members of the Classified Service.

All employees of the Municipality at the effective date of this Charter who thereby become members of the Classified Service shall not be subject to competitive examination as a condition of continuance in their same positions; but, in all other respects, they shall be subject to the Civil Service provisions of this Charter.

Section 7.06 PARK AND RECREATION BOARD-MEMBERSHIP

The Park and Recreation Board shall consist of Six (6) qualified electors of the Municipality, two (2) of whom shall be appointed by the Board of Education of the school district embracing all or the majority of the Municipality; three (3) of whom shall be appointed by the Mayor-President of Council with the advice and consent of the Council; and one (1) of whom shall be appointed by the Manager. Members of the Park and Recreation Board shall be appointed to a term of Three (3) years each; except for the members of the first Park and Recreation Board appointed pursuant to this Charter; one of whom shall be appointed by the Board of Education for one (1) year; one of whom shall be appointed by the Manager for two (2) years; one of whom shall be appointed by the Mayor-President of Council with the advice and consent of the Council for three (3) years; one of whom shall be appointed by the Mayor- President of Council with the advice and consent of the Council for Three (3) years; one of whom shall be appointed by the Board of Education for Three (3) years; and one of whom shall be appointed by the Mayor-President of Council with the advice and consent of the Council for Three (3) years; and thereafter, each member shall be appointed by the appointing authority which appointed the member whose term is expiring, for a term of Three (3) years and shall continue in office until his successor is appointed. In the event that the Board of Education or the Manager shall fail, refuse, or neglect to exercise the power of appointment conferred on them by this section within sixty (60) days after the effective date of this Charter or within sixty (60) days after the creation of a vacancy which it is the responsibility of either of them to fill pursuant to Section 7.10 of this Charter; then, in such event, the appointment shall be made or the vacancy filled by the Mayor-President of Council with the advice and consent of the Council.

Section 7.07 PARK AND RECREATION BOARD-POWERS AND DUTIES

The Park and Recreation Board shall control, supervise, operate and manage all parks, playgrounds, play fields, gymnasiums, swimming pools, indoor recreation centers and other public recreational facilities of the Municipality; and shall equip and operate such facilities; shall employ such play leaders, recreation directors, supervisors and other officers and employees and at such rate of compensation as shall be determined by the Council and in accordance with the general employment policies of the Municipality; and shall have the expenditure of all monies appropriated by the Council for the purchase, acquisition, improvement, operation, equipment and enjoyment of the several park and recreational facilities of the Municipality in accordance with the general expenditure and policies of the Municipality and provided that no liability shall be incurred or expenditures made unless the funds therefore have been received in the Municipal Treasury to the credit of the park and recreation funds and are not appropriated for any other purpose.

Section 7.08 CHARTER REVIEW COMMISSION

During the month of January in the year 1984, and each five (5) years thereafter, the Mayor-President of Council shall appoint five (5) qualified electors of the Municipality as members of a Charter Review Commission with the advice and consent of the Council; provided, however, that in the event that the Council shall fail, neglect, or refuse to act on appointment(s) by the Mayor-President of Council to the Charter Review Commission within thirty (30) days after such name(s) are presented by the Mayor-President of Council, such persons shall be deemed to be confirmed by operation of law.

The Charter Review Commission may hire such temporary employees and retain special counsel and other consultants as it may deem necessary; and the Council shall appropriate all monies necessary to pay the expenses of the Commission, including the compensation of such employees, counsel and consultants.

The Commission shall review the Charter of the Municipality; and, within six (6) calendar months after the confirmation of the last of its members to be confirmed, shall recommend to the Council such alterations, revisions, and/or amendments to the Charter as are, in the judgment of the Commission, desirable.

The Council shall cause the recommendations of the Charter Review Commission, if any, to be published in a newspaper determined by the Council to be of general circulation within the Municipality on the same day of the week for two (2) successive weeks; and the Council shall hold a public hearing on the recommendations within ten (10) days after the last date of publication of the recommendations. The publication of the recommendations of the Commission shall also give notice of the time and place of the public hearing.

After the public hearing, and upon consideration of the recommendations of the Commission, the Council may submit any, all, or none of such recommendations to the electors of the Municipality in the manner provided by Article XVIII, Section 9 of the Constitution of the State of Ohio pursuant to Section 11.03 of this Charter.

The terms of the members of the Charter Review Commission shall terminate upon the submission of its recommendations to the Council.

Section 7.09 GENERAL PROVISIONS

With the exception of the Civil Service Commission members of all boards and commissions of the Municipality, whether established by this Charter or by ordinance, shall be qualified electors of the Municipality at the time of their appointment and during their respective terms of office; **and may hold municipal office or employment**, whether elective or appointive; nor shall they serve as members of more than one (1) such board or commission simultaneously. Members of all municipal boards and commissions shall serve without compensation; provided, however, that Council may provide for the payment of mileage and for the reimbursement of expenses incurred by such members in the performance of their duties.

A majority of all of the members of each of the municipal boards and commissions shall constitute a quorum for meetings of such boards and commissions; but, a majority vote of all of the members of each board and commission shall be necessary for the taking of any action or the passage of any measures by such boards and commissions.

All meetings of each board and commission shall comply with all rules for notification of meetings to the public and news media as may be adopted by the Council; and all meetings of any board or commission at which a majority of its members are present shall be meetings open to the public.

At the first meeting in each calendar year of municipal boards and commissions, each board or commission shall elect a chairman and secretary by a

majority vote of all of the members appointed thereto. The chairman shall be a member of the respective body; but the secretary need not be a member of the board or commission and may hold other office or employment with the Municipality. The chairman shall be the presiding officer at all meetings of the board or commission; and the secretary shall keep an accurate record of the proceedings of such board or commission.

Rules providing for the number and manner of calling regular and special meetings, and to provide for the conduct and government of meetings may be adopted by a majority vote of all of the members of each municipal board and commission to the extent not inconsistent with the provisions of this Charter or of any ordinance passed by the Council.

Section 7.10 VACANCY IN BOARDS OR COMMISSIONS

Unless otherwise provided by this Charter, a vacancy during the term of any member of a municipal board or commission established by this Charter or by an ordinance passed by the Council, shall be filled in the manner and by the appointing authority authorized to make the original appointment, for the remainder of the unexpired term of the member whose death, resignation or removal created the vacancy.

Section 7.11 REMOVAL OF MEMBERS OF BOARDS AND COMMISSIONS

The Council may remove a member of any board or commission established by this Charter or by ordinance, for gross misconduct, malfeasance, or nonfeasance in office, final conviction of a felony involving moral turpitude, judicial declaration of incompetency, persistent and willful failure to abide by the rules adopted by the board or commission of which he is a member, *unexcused absence from three (3) consecutive Board or Commission meetings*, or willful violation of this Charter; provided that such removal shall not take place without notice in writing of the charge being delivered to the accused official; and an opportunity being given the accused to be heard in person or by legal counsel. The Council and the accused official shall have the right to subpoena witnesses and to compel the production of evidence; and all subpoenas for witnesses and the production of evidence shall be issued by the Mayor- President of Council; who shall also administer oaths to witnesses. The Council may remove an accused member of a board or commission upon compliance with the foregoing requirements, by the affirmative vote of a majority of all of its members; and the decision to remove shall be in the sole discretion of the Council, and its determination shall be final and not subject to review by any Court.

ARTICLE VIII

Nominations, Elections and Recall

Section 8.01 GENERAL ELECTIONS

A general election for the choice of elective officers provided for in this

Charter shall be held on the first Tuesday after the first Monday in November in odd-numbered years. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by general law, or provided for in this Charter.

Section 8.02 PRIMARY ELECTIONS

Candidates for each of the elective offices to be voted for at any regular municipal election under the provisions of this Charter shall be nominated at a nonpartisan primary election to be held on the sixth (6th) Tuesday before the regular municipal election.

Any matter which, by the terms of this Charter, may be submitted to the electors of the Municipality at any special election, may be submitted at either the general municipal election or at the primary election, as provided for herein.

Section 8.03 PETITIONS FOR CANDIDACY

Candidates for nomination for each of the elective offices provided for in this Charter shall file petitions for nomination with the Mahoning County Board of Elections not less than ninety (90) days before the day of the primary election. Each candidate shall file a separate petition; group petitions shall not be used.

Such petitions for nomination shall state the name and place of residence of the person whose name is presented for a place upon the ballot and that he is a candidate for the designated office of the Village (or City) of Sebring, Ohio; and shall be signed, under oath, by the candidate. Such petition may be in separate parts, each verified under oath as required by general law, and all parts shall be assembled and filed with the election authorities as one instrument.

Such petitions for nomination shall be signed by not less than fifty (50) and not more than one hundred (100) qualified electors of the Municipality.

Section 8.04 NOMINATIONS

The number of candidates nominated for each elective office shall be the two (2) candidates on the primary election ballot receiving the highest number of votes at the primary election. In case there shall not be, for any office, more than two (2) persons who shall have filed petitions as provided for in this Charter, the said persons shall be the candidates at the regular municipal election, and the primary election for that particular office shall not be held. In the case of candidates for election to the Council when more than one (1) Council member is to be elected, the number of candidates nominated therefor shall be those candidates, not more in number than twice the number of Council members to be elected, receiving the highest number of votes at the primary election; and in case there shall not be more persons who shall have filed petitions as provided herein than the number of Council members to be elected, then said persons shall be the candidates for election to the Council at the regular municipal election, and no primary election for the offices of Council members shall be held.

Section 8.05 BALLOTS

All ballots used in primary elections and regular elections shall be without party marks or designations.

Such municipal elections may be conducted either by use of paper ballots, voting machines, or any other secret method as authorized by the general laws of the State of Ohio. Rotation of names of candidates shall be in accordance with the Constitution and the general laws of the State. A space shall be provided for each office to be voted for, at a particular election, wherein the voter may write in the name of any person for whom he may wish to cast a vote.

Section 8.06 GENERAL PROVISIONS

Except as otherwise provided in this Charter, all elections shall be held and conducted, and the results thereof ascertained and certified, as provided by the general laws and Constitution of the State of Ohio, and by the election authorities therein provided.

Section 8.07 RECALL

The electors of the Municipality shall have the power to remove from office by a recall election any elected official of the Municipality. If an elected officer shall have served at least six (6) months of his term, a form of petition demanding his removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. A petition in such form may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors of the Municipality which equals twenty-five percent (25 percent) of the total number of electors voting at the last preceding regular municipal election.

Within ten (10) days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements of this Section. If the Clerk of Council shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with him, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which delivery of said certificate was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery.

If such officer shall not resign within five (5) days after the day on which delivery of said certificate shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of delivery of said certificate. At such recall election, the following question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain

in office for the balance of his term. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be declared vacant, and such vacancy shall be filled as provided in Section 3.14 of this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

ARTICLE IX

Initiative and Referendum

Section 9.01 INITIATIVE

The qualified electors of the Municipality shall have the power to propose ordinances, resolutions, and other measures by Initiative Petition in accordance with the provisions of the Constitution and laws of the State of Ohio now or hereafter in effect.

Section 9.02 REFERENDUM

The qualified electors of the Municipality shall have the power to approve or reject at the polls by Referendum any ordinance, resolution, or other measure enacted by Council. The power of Referendum shall be exercised in accordance with the provisions of the Constitution and the laws of the State of Ohio now or hereafter in effect; provided, however, that such power of referendum shall not extend to the budget or capital improvement programs; or to ordinances or resolutions relating to the appropriation of money for the current expenses of the Municipality, including the setting of salaries and compensation for municipal officers and employees; or to ordinances or resolutions relating to the levy of taxes; or to the removal of any officer of the Municipality.

ARTICLE X

Finances, Taxation and Debt

Section 10.01 GENERAL PROVISIONS

Unless other provision is made in this Charter, or by ordinance, resolution, or other action of the Council, the provisions of the Constitution and the laws of the State of Ohio as amended from time to time, relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, assessments, contracts and other fiscal matters of municipal corporations, shall be applicable to the Municipality.

Section 10.02 LIMITATION ON TAX RATE

The power of the Council to levy taxes shall be subject to the limitations thereon now or hereafter provided by the Constitution and general laws of the State of Ohio; and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitations unless the same be submitted to a vote of the people; provided, however, that this provision shall not operate as a limitation upon the power of the Council to levy taxes upon such subjects and for such purposes as may be lawful under the Constitution and laws of the State of Ohio; nor shall the authority of the Council to submit additional levies and other taxes to a vote of the people pursuant to the Constitution and laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

Section 10.03 LIMITATION OF DEBT

The Municipality shall not incur debt in excess of the limitation imposed by the Constitution and laws of the State of Ohio, as the same may be amended from time to time.

Section 10.04 SALARIES AND BONDS

The Council shall have the power to fix the compensation of its members, the Mayor-President of Council, the Manager, Director of Finance, Solicitor, and officers of the Municipality, of each and every job classification.

The compensation of the elected officials of the Municipality shall be fixed no later than thirty (30) days prior to the last day for filing nominating petitions with the Mahoning County Board of Elections for the terms of office commencing on the next succeeding first day of January; and such compensation once fixed shall neither be increased nor decreased during the respective term of office or any part thereof.

The Council may authorize the payment or reimbursement of expenses incurred by any elected official, officer, employee, or member of any board or commission of the Municipality for travel, membership in associations, or for any other purpose deemed by the Council to be in the municipal interest.

The Manager, Director of Finance, and other officials, officers, employees, and members of boards and commissions as may be required by the Council pursuant to Section 3.08(e) of this Charter, shall give bond in such amount and with such surety as may be required by the Council for the faithful performance of their duties. The cost of such bonds shall be borne by the Municipality.

Section 10.05 CONTRACTS AND PURCHASING

The Manager shall be the contracting officer of the Municipality; and shall execute all contracts and agreements on behalf of the Municipality in the manner and under the procedures provided by this Charter, subject, however, to the following provisions:

a. When the expenditure of funds for the purchase of supplies, equipment, or materials, or to provide labor for work to be performed under a contract for a public improvement, does not equal or exceed the amount requiring advertisement and competitive bidding under Subsection b. hereof; the Manager shall also award contracts and agreements for said expenditures not exceeding such a definite and certain limit as shall be set from time to time by the Council. All contracts and agreements for expenditures in excess of such definite and certain limit shall be awarded by the Council.

b. When the expenditure of funds for the purchase of supplies, equipment or materials, or to provide labor for any work to be performed under a contract for a public improvement, exceeds the amount specified by the law of the State of Ohio now or hereafter in effect for which such purchases or work may be accomplished without resort to advertisement and competitive bidding; no such expenditure shall be made unless the same be first authorized and directed by an ordinance enacted by the Council. Upon passage of such an ordinance, the Council shall award a written contract to the lowest and best bidder after advertising for bids on the same day of each week for not less than two (2) nor more than four (4) consecutive weeks in a newspaper determined by the Council to be of general circulation within the Municipality.

c. Compensations of persons and employees; contracts with persons, firms, or corporations for service requiring specialized or professional skill, knowledge, or training; and expenditures required because of a real and present emergency arising in connection with the construction, maintenance, operation, or repair of municipal buildings, equipment, and facilities, and provision of municipal services, when first authorized by an ordinance adopted by the affirmative vote of at least three-fourths (3/4) of all the members of the Council, may be awarded and executed without the necessity of advertisement and competitive bidding.

d. Modifications and changes to contracts awarded under competitive bidding, which modifications and changes increase the total expenditure by an amount which would itself require advertisement and competitive bidding under Subsection b. hereof; shall first be authorized by an ordinance enacted by the Council; however, advertisement and competitive bidding shall not be required.

e. No contract or order shall be wilfully split or divided into separate contracts or orders solely in order to avoid the requirement of advertisement and competitive bidding as provided by Subsection b. hereof.

f. The Manager may designate the Finance Director to act as Purchasing Agent to award and execute such contracts, orders, and agreements on behalf of the Municipality as the Manager is authorized to award and execute pursuant to the provisions of Subsection a. hereof.

ARTICLE XI

General Provisions

Section 11.01 SUCCESSION

The Municipality of Sebring, under this Charter, is hereby declared to be the legal successor of the Village of Sebring, under the laws of the State of Ohio; and as such, it shall possess 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 successor Municipality shall be liable for all outstanding orders, contracts, and debts of its predecessor; and for any other obligations for which it may be held liable, as such successor, by any Court or competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to January 1st, A.D., 1980, shall remain and continue in full force and effect.

Section 11.02 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 officer thereof; nor any franchise granted by the Municipality; nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except to the extent inconsistent with this Charter, all acts of the Council of the Municipality, including ordinances and resolutions in effect at the date this Charter shall become effective, shall continue and remain in full force and effect until lawfully amended, repeated, or expired according to their own terms.

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

Section 11.03 AMENDMENTS TO CHARTER

This Charter may be amended pursuant to the provisions of Article XVIII, Section 9 of the Constitution of the State of Ohio, as the same may be amended from time to time.

Section 11.04 CONFLICT OF INTEREST

No officer or employee of the Municipality shall have any substantial financial interest, direct or indirect, in any contract with or sale to the Municipality, of any materials, supplies, or services, or any lands or interest in lands. Any such person knowingly violating the provisions hereof shall be deemed guilty of malfeasance in office; and any such contract or sale shall be voidable at the option of the Council.

This provision shall not apply where a Court shall order the purchase or sale of property, whether real or personal, owned by, or in which an officer or employee has an interest therein, by the Municipality. No ordinance, resolution, or other action taken by the Council, nor any action taken by any other officer or employee of the Municipality shall be invalidated or made ineffective because any such officer or employee has such a financial interest in any such contract or sale; except that such sale or contract may be voided at the option of the Council as hereinbefore provided,

Section 11.05 SEPARABILITY OF SECTIONS

In the event that any section or part of any section of this Charter shall be declared invalid by a Court of competent jurisdiction, such determination shall not affect the remainder of this Charter, nor the context in which such section or part of a section so held invalid may appear; except to the extent that an entire section or part of a section shall be inseparably connected in meaning and effect with that section or part of a section determined to be valid.

Section 11.06 INTERPRETATION OF CHARTER

The Article and Section headings herein have been inserted merely for convenience in reference, and are not intended to define or in any way limit the scope of, or otherwise affect, any provision of this Charter.

In order that a ready means may be available to reconcile any conflicts, to resolve any inconsistencies, and to clarify any obscurities which may arise from time to time in the implementation of this Charter, the Council of the Municipality is hereby vested with the power and authority to interpret the various provisions of this Charter, in harmony with the spirit thereof, by ordinance, resolution, or other action, adopted by a majority of all the members elected thereto.

Masculine pronouns employed in this Charter shall be construed to include the feminine; and the singular number shall be construed to include the plural, whenever the context shall so require.

Section 11.07 FISCAL YEAR

The fiscal year of the Municipality shall be such as may be fixed from time to time by the Council. In the event that the Council should fail to fix such fiscal year, then the fiscal year of the Municipality shall commence on the first day of January and terminate on the thirty-first day of December next following.

Section 11.08 PUBLIC HEALTH

Until the Municipality shall become a city, the Municipality shall remain a part of such health district as shall be provided by the general laws of the State of Ohio for villages.

When the Municipality shall attain city status, the Council may establish a city health district to be administered by a city Board of Health as provided by the general laws of the State of Ohio; excepting, however, that the members of the Board of Health shall be appointed by a majority vote of the Council; that there shall be four (4) members so appointed to the Board of Health; and that the Mayor-President of Council shall serve Ex Officio as the President and fifth member of the Board.

Nothing in this Charter or in the laws of the State of Ohio shall be construed to impair or to derogate from the power of the Council to make, by ordinance, any local sanitary or similar regulations not in conflict with the general laws of the State of Ohio. The Council may cause such regulations to be enforced by the city Board of Health, if the same shall have been established; otherwise, the Council shall cause such regulations to be enforced by the Manager.

Section 11.09 OATH OF OFFICE

Every elected and appointed officer of the Municipality shall, before entering upon his duties, publicly recite and subscribe to the following oath or affirmation, to be filed and kept thereafter in the office of the Clerk of the Council:

“I solemnly swear (or affirm) that I will support the Constitution of the United States of America and of the State of Ohio; that I will obey the laws thereof, and that I will in all respects observe the provisions of the Charter and Ordinances of the Village (or City) of Sebring; and that I will faithfully discharge the duties of the office of (name office).... upon which I am about to enter, so help me God.

Section 11.10 POLITICAL ACTIVITY

No elected officer or employee of the Municipality shall solicit or coerce contributions of money or services from any person in the employ of the Municipality for use in promoting the nomination or election of any candidate for municipal office.

ARTICLE XII

Transitional Provisions

Section 12.01 EFFECTIVE DATE OF CHARTER

This Charter will be submitted to the electors of the Municipality at the general election to be held on the 6th day of November, A.D. 1979; and, if it be approved by a majority of the electors voting thereon, said Charter shall become effective for all purposes on the 1st day of January A.D. 1980.

Section 12.02 CONTINUANCE OF PRESENT OFFICIALS— ABOLISHMENT OF OFFICES

After the effective date of this Charter, the offices of Village Clerk, Treasurer, Members of the Board of Trustees of Public Affairs, and Clerk of the Board of Trustees of Public Affairs as established under the general laws of the State of Ohio applicable to statutory villages, shall continue only until such time as a person is appointed to the office of Manager pursuant to Section 5.01 of this Charter; and during such period of continuance after January 1st, 1980, the persons occupying such offices shall exercise the powers and perform the duties of such offices as established by the general laws of the State of Ohio applicable to statutory villages. At such time as the Council shall appoint a Manager pursuant to Section 5.01 of this Charter, the said offices of Village Clerk, Treasurer, Members of the Board of Trustees of Public Affairs, and Clerk of the Board of Trustees of Public Affairs as the same are established under the general laws of the State of Ohio applicable to statutory villages, shall be abolished; and the unexpired terms of the persons holding such offices shall expire, terminate, and end; and, in any event and notwithstanding the foregoing, such offices shall be abolished, and the unexpired terms of the persons holding such offices shall expire, terminate and end not later than the 31st day of December, A.D. 1980.

The person elected to the office of Mayor as established under the general laws of the State of Ohio applicable to statutory villages, at the general election held on November 6th, 1979 shall be the first Mayor-President of Council under this charter; and he shall exercise all of the powers and discharge all of the duties of said office as established by the provisions of this Charter during his term of office, which term shall commence on the effective date of this Charter, and shall terminate on the 31st day of December, 1983. In addition to the foregoing, the first Mayor-President of Council shall, to the extent not inconsistent with the other provisions of this Charter, exercise the executive powers of the Mayor of a statutory village as established under the general laws of the State of Ohio, until such time as a person is appointed to the office of Manager pursuant to Section 5.01 of this Charter. At such time as the Council shall appoint a Manager pursuant to Section 5.01 of this Charter, said additional executive powers of the Mayor of a statutory village as established under the general laws of the State of Ohio, shall terminate; and henceforth, the Mayor-President of Council shall exercise only those powers and discharge only those duties as are established for said office under the various provisions of this Charter; and, in any event and notwithstanding the foregoing, said additional executive powers of the Mayor of a statutory village shall terminate. not later than the 31st day of December, A.D. 1980.

The persons holding the offices of members of the Council under the general laws of the State of Ohio applicable to statutory villages as of the effective date of this Charter, shall constitute the first Council under this Charter; and they shall exercise all of the powers and discharge all of the duties of said office as established by the provisions of this Charter, during their terms of office, which terms shall be as follows: the terms of the two (2) members of the Council who were elected at the general election held on November 6th, 1979, shall commence on the effective date of this Charter, and shall terminate on the 31st day of December, 1983; the terms of the four (4) members of the Council who were elected at the general election held on November 8th, 1977, shall commence on the effective date of this Charter, and shall terminate on the 31st day of December, 1981.

The person holding the office of Solicitor as established under the general laws of the State of Ohio applicable to statutory villages, shall be the first Solicitor under this Charter; and he shall execute all of the powers and discharge all of the duties of said office as established by the provisions of this Charter from and after the effective date of this Charter.

The terms of the office of the members of the Planning and Zoning Commission and the Playgrounds and Recreation Board as the same have been established under the general laws of the State of Ohio applicable to statutory villages and by ordinances enacted pursuant thereto and in force on the effective date of this Charter, shall expire, terminate, and end on the effective date of this Charter; and the members of the Planning Commission and the Park and Recreation Board as the same are established by this Charter shall be appointed in accordance with the provisions of Sections 7.01 and 7.06 of this Charter for terms commencing on the effective date of this Charter.

Except as otherwise provided by this Charter, all other persons holding office at the time this Charter becomes effective shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office shall be abolished. The powers which are conferred, and the duties which are imposed upon any officer, body, commission, board, department, or division of the Municipality under the general laws of the State of Ohio applicable to statutory villages, or under any municipal ordinance or contract in force at the time this Charter becomes effective, shall, if such officer, body, commission, board, department, or division be abolished by this Charter, be thereafter exercised and discharged by the officer, body, commission, board, department, or division upon whom or which are imposed corresponding functions, powers, and duties by this Charter or by any legislation thereafter enacted by the Council.

Section 12.03 CONTINUANCE OF EMPLOYEES

Every employee of the Municipal Government as of the effective date of this Charter shall continue in such employment; and thereafter, shall be subject in all respects to the provisions of this Charter, and ordinances, resolutions, rules or regulations enacted or promulgated thereunder.

CERTIFICATE

WE, the undersigned, constituting a majority of the duly elected and qualified members of the Charter Commission of the Village of Sebring, Mahoning County, Ohio, elected at the general election held on the 7th day of November, A.D. 1978, have framed the foregoing Charter, and have fixed the date of submission of the same to the electors of the Village of Sebring as the general election to be held on the 6th day of November, A.D. 1979, all pursuant to the provisions of Article XVIII of the Constitution of the State of Ohio.

IN WITNESS WHEREOF, we have hereunto set our hands this 9th day of August, A.D. 1979.

JOHN W.K. FAHNERT, Chairman
JOSEPH R. HARP, Vice Chairman
ETHEL M. HAUPT, Secretary
JOHN D. CREWSON
WILLIAM R. TANNER
FRANK H. BUEHLER
DONALD W. WISE
DENNIS D. DEVIES

WALDO B. HITCHCOCK
PHILLIP W. COURTNEY
ARTHUR E. SPEAKMAN
GEORGE CARDINAL
EARL E. SIMPSON
CAREN C. SCHINDLER
FREDERICK E. GAUNT

2019 CHARTER REVIEW COMMISSION MEMBERS

DAVE SCARPITTI- Chairman
SCOTT LATHAM- Vice Chair
SUSAN JACKSON- Secretary
KATHY SCHROEDER
ROBERT SLASOR
WARREN BURD