



## City Council Meeting Agenda

Wednesday, February 17, 2021

7:00 PM

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- 1) **Call to Order: Zoom link: <https://us02web.zoom.us/j/85296856170>**
  - 2) **Roll Call of Members**
  - 3) **Pledge of Allegiance**
  - 4) **Committee Discussion on Charter Review Commission Proposed Amendments**
    - A) Charter Review Suggested Changes
  - 5) **Public Comments**
  - 6) **Adjourn**

*All agendas are subject to change.*

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### **City Council Policy for Correspondence:**

All correspondence addressed to City Council or requested to be distributed to City Council by the sender is a matter of public record and will be placed on the City of Bexley Website ([www.bexley.org](http://www.bexley.org)) at Public Documents > City Council > Council Correspondence. If the subject of the correspondence is not on the Council Agenda, the sender may discuss the issue during Public Comments. If the subject of the correspondence is on the Council Agenda, the sender may discuss the issue at the time the issue is addressed during the Council meeting.

### **City Council Policy for Public Comments:**

Members of the public are encouraged to provide comments to City Council at the following times:

#### **For issues that are not on Council's agenda:**

- At a designated public comment period near the beginning of the meeting

#### **For items on Council's agenda (when speaker slip has been filled out in advance):**

- During an ordinance or resolution that is being discussed
- Residents may submit up to two separate speaker slips per meeting
- Please note that the speaker slip must be filled out prior to entering Council chambers and must be promptly handed to the Council secretary

#### **For items on Council's agenda (when a speaker slip has not been filled out in advance):**

- During the public comment period after a motion has been made and seconded to adopt an ordinance or resolution (typically the third reading)

- During a designated public comment period at the end of the meeting

**Time limits for public comments:**

While City Council will not routinely impose time limits on either Agenda or Non-Agenda visitors who wish to address City Council, those commenting are asked to confine their remarks to approximately five (5) minutes and for Agenda items, to direct their comments to the subject matter being addressed in the legislation. This five minute limitation also applies to City Council members per 220.01 (rule 13).

**Additional guidelines for public comments:**

- Any speaker addressing Council shall provide his/her name and address.
- Undue interruption or other interference with the orderly conduct of remarks is not permitted.
- Defamatory or abusive remarks are always out of order.
- Violation of this policy may result in termination of the speaker's comments and/or removal from the meeting

Final Redlined Proposed Amendments to the Bexley Charter as Presented to Bexley City Council on January 6, 2021 –

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CHARTER  
OF THE  
CITY OF BEXLEY, OHIO

PREAMBLE

We, the people of the City of Bexley, in the County of Franklin, and State of Ohio, in order that we may have the benefits of municipal home rule and exercise the powers of local self government conferred upon us by the Constitution of the State of Ohio, do hereby adopt this Charter.

Article I  
CIVIL RIGHTS

SECTION 1. Recognition and Intent

The City of Bexley recognizes that institutional racism and discrimination exist and have a painful, historic legacy in our community and in this country, the effects of which continue to place the health and well-being of minority residents at risk. The City of Bexley rejects, discourages, and condemns all forms of racism, discrimination, anti-Semitism, and all hate-based conduct. The City seeks to embrace diversity and to cultivate a welcoming and inclusive environment for all persons. It is the intent of the City of Bexley to work together with community groups, organizations, and individuals to confront racism and discrimination in order to promote diversity, equity, and inclusion.

SECTION 2. Non-Discrimination and Citizen Participation.

In the exercise of its powers or in the performance of its duties the City of Bexley and all of its departments, boards, commissions, committees, and employees shall strive to ensure that no person or group engaged in the conduct of official business or seeking to do business with the City is discriminated against based on race, sex, sexual orientation, gender identity or expression, color, religion or non-religion, ancestry, national origin, age, disability, familial status or military status, or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose. Bexley encourages citizens to attend public meetings and when appropriate to offer insights, suggestions, comments, or questions to public officials to provide our City government with the richness that can come from the respectful exchange of ideas and urges citizens to be mindful of the needs of government officials to regulate discussion to sustain the orderly, productive work of governing the City.

SECTION 3. Diversity in Hiring and Contracting

The City of Bexley shall commit to actively recruit individuals from underrepresented populations, including minority and women candidates for employment in all levels of City government with the goal of accurately reflecting the diversity of the City of Bexley and of Franklin County. When issuing all contracts, the City shall give due consideration to individuals and firms owned or controlled by individuals from underrepresented populations, including minorities and women by establishing and maintaining programs and policies which promote fairness and equity.

SECTION 4. Interpretation of Ordinances

The ordinances of the City shall be interpreted consistent with the City's values as set forth in this Section. Specifically, the ordinances of the City shall be interpreted to avoid disparate impact on any person on the basis of that individual's race, sex, sexual orientation, gender identity or expression, color, religion or non-religion, ancestry, national origin, age, disability, familial status or military status and to ensure fair and equitable treatment of individuals in their interaction with the City.

SECTION 5. CITIZEN REVIEW BOARD

The City Council shall provide by ordinance for a Citizen Review Board for the purpose of examining complaints regarding the conduct or policies of the City of Bexley or its employees and shall grant the Citizen Review Board subpoena powers necessary to conduct its work. The Citizen Review Board shall report to City Council at least annually regarding its work and may make recommendations for action by the City.

Article ~~III~~  
POWERS

SECTION ~~61~~. General Powers; Annexation and Detachment of Territory.

The inhabitants of the City of Bexley, as its corporate limits now are, or may hereafter be, shall constitute a body politic and corporate under the name of the City of Bexley, with full power and authority to enlarge its corporate limits by the annexation of territory, or to detach territory therefrom in the manner authorized by the general laws of the State of Ohio; but no territory shall be detached therefrom, nor shall the City be annexed to any other municipality, without the approval of a majority of the electors of the City of Bexley voting on such question. Said City shall have all powers that now are, or hereafter may be, granted to cities by the Constitution and the laws of Ohio, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, and any amendments thereto, or if not so prescribed, then in such manner as now is, or hereafter may be, provided by ordinance or resolution of Council. In the absence of

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such provision for the exercise of any power, such power shall be exercised in the manner that now is, or hereafter may be, prescribed by the general laws of Ohio applicable to cities.

SECTION ~~72~~. Additional Powers.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive of other powers, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, the City shall have and may exercise all other powers, which, under the Constitution and laws of Ohio, it would be competent for this Charter specifically to enumerate.

Article ~~IIII~~  
EXECUTIVE

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SECTION ~~83~~. Executive and Administrative Powers.

The executive and administrative powers of the City shall be vested in a Mayor and such other administrative officers, committees, commissions, and boards as may be provided for in this Charter or by ordinance. The Mayor shall cause to be prepared and submitted to Council a strategic plan for the City, which shall include, but not be limited to, issues of residential and commercial development, infrastructure, finances, safety and community quality of life. Following adoption of a plan by Council, with such changes, if any, as shall be authorized by it after providing the public the opportunity to comment on the plan, the Mayor shall annually issue a report of the progress made in achieving the goals and objectives of the strategic plan. The strategic plan shall incorporate and maintain strategies to eliminate institutional racism and discrimination, increase the diversity of the community, and to create a welcoming and inclusive environment within the City. The strategic plan shall be updated as needed by the Mayor, and such updates shall be submitted to Council for review, public comment and adoption. (Amended Nov. 6, 2001)

SECTION ~~49~~. Term and Qualifications of Mayor.

The Mayor shall be the chief executive officer of the City. No employee of the City shall be eligible to hold office as Mayor. The Mayor shall be elected for a term of four years and shall assume office on the first day of January next following the election and shall serve until a successor is elected and qualified. The Mayor shall be an elector of the City and shall not hold any other public office, except that of notary public or member of the State Militia or of the Federal Military Reserves, and, ~~subject to the approval of Council,~~ may serve in any office, position, or capacity to represent the City of Bexley or to further intergovernmental cooperation so long as this service does not interfere with the ability to perform complete the duties of the mayor. T+he Mayor shall have all other qualifications, and be subject to the disqualifications, that are prescribed for the mayors of cities by the laws of the State.

(Amended Nov. 8, 2011)



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SECTION 510. Office and Salary of Mayor.

The office of the Mayor shall be in the Municipal Building of the City. The salary of the Mayor shall be established by ordinance, provided that such ordinance shall be passed not less than one year prior to the beginning of the term to be thereby affected.

(Amended Nov. 6, 1990)

SECTION 611. General Powers and Duties of Mayor.

It shall be the duty of the Mayor to act as chief conservator of the peace within the City; to see that all ordinances of the City are enforced; to supervise the administration of the affairs of the City; to recommend to Council for its adoption such measures as the Mayor may deem necessary or expedient; to keep Council advised of the financial condition and of the needs of the City; to prepare and submit to Council such reports as may be required by Council; and to exercise such powers and perform such duties as are conferred or required by this Charter, by ordinance or resolution of Council, or by the laws of the State not covered by this Charter or the ordinances or resolutions of Council.

(Amended Nov. 6, 1990)

SECTION 712. Appointment of Safety and Service Directors.

The Mayor shall have the power to appoint, subject to confirmation by Council, a Director of Public Safety and a Director of Public Service, who shall exercise all powers and perform all duties that are delegated to and conferred upon such officers by the laws of Ohio not inconsistent with the provisions of this Charter and such other duties as may be assigned to either of them by the Mayor, or by ordinance. If the Mayor desires to do so, the Mayor may combine these two offices into one, and appoint, subject to confirmation by Council, a Safety-Service Director who shall have the above powers and duties. Any officer or officers appointed under this Section shall serve at the pleasure of the Mayor, and the compensation shall be fixed by Council.

In the event the Mayor does not make any such appointments, or in the event of a vacancy, the Mayor shall have and exercise the above powers and duties.

(Amended Nov. 6, 1990)

SECTION 813. Appointment of Other Officers.

The Mayor shall have the power to appoint, subject to confirmation by Council, the following officers, to-wit:

- (a) City Attorney.
- (b) Chief of Police.
- (c) Members of the Civil Service Commission.
- (d) Members of the Board of Health.
- (e) Members of ~~the City Planning Commission Board of Zoning and Planning~~ city planning and zoning boards, committees, or commissions as established by Council.
- (f) Members of other boards, committees, and commissions, if any, established by Council.
- (g) All other officers, superintendents and heads of administrative departments, whose positions may be created by Council, and for whose appointment no other provision is

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made. Unless otherwise provided by this Charter or by ordinance, all appointments made under this subdivision shall be at the pleasure of the Mayor.

No person shall be appointed as a member of any board or commission created by this Charter or by ordinance unless notice of the vacancy to be filled was published at least thirty days prior to the submission of such appointment by the Mayor to Council. Except as otherwise provided by the laws of the State of Ohio or as needed to establish staggered terms, the term of office for members of all boards and commissions created by this Charter or by ordinance shall be three years, each commencing July 1, provided that a vacancy during the term of any member shall be filled for the unexpired term of such office. except in the case of newly appointed boards or commissions or cases in which the staggering of appointments needs to be restored. In these cases the Mayor, with the concurrence of Council, may appoint terms shorter than three years. (Amended Nov. 6, 2001)

SECTION 9~~14~~. Removal Power of Mayor.

The Mayor, with the concurrence of Council, may at any time remove the City Attorney. The Mayor, with the concurrence of council, may at any time remove any officer, member of any board or commission, or superintendent or head of any department, so appointed under authority of paragraphs ~~(a)~~, (c), (d), (e), and (f) of Section 8-13 hereof, for inefficiency, neglect of duty, or malfeasance in office, having first given such official a copy of the charges and an opportunity to be heard in person or by counsel in the official's own defense, before Council, and such removal when concurred in by Council shall be final. (Amended Nov. 6, 1990)

SECTION 10~~15~~. Investigation by Mayor.

The Mayor may, without notice, appoint one or more persons to examine into the affairs and condition of any department or the conduct of any officer or employee of the City, and any such person or persons in conducting said examination shall have the same power to compel the attendance of witnesses, and the production of books, papers, records, and other evidence, and to cause witnesses to be punished for contempt. (Amended Nov. 6, 1990)

SECTION 11~~16~~. Acting Mayor; Succession to the Office of Mayor.

If the Mayor dies, resigns, or moves from the City, during the term of office, the President of Council shall be the Acting Mayor until the vacancy is filled by the election of a Mayor by a majority vote of Council.

If the Mayor-elect shall die or move from the City before assuming office, the Council shall, at its first meeting in the following January, elect a Mayor.

The person so elected in either of the above contingencies shall possess all the qualifications required of a Mayor by this Charter and may serve until the first of January following the next regular Municipal election, at which election, a Mayor shall be elected for the remainder of the unexpired term, or for a four-year term, as the case may be.

If the Mayor shall become unable to perform the duties of office, the duties of Mayor shall be performed by the President of Council under the title of Acting Mayor, until the Mayor

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becomes able to perform said duties. If the President of Council, while performing the duties of Acting Mayor becomes unable to perform such duties, the duties of Mayor shall be performed by a member of Council elected Acting Mayor for such period by a majority vote of Council.

(Amended Nov. 8, 2011)

SECTION ~~12~~17. Right of Mayor and Officials in Council.

The Mayor, the City Attorney and the Auditor shall be entitled to seats in Council. The Mayor shall have the right to take part in the discussion of all matters coming before Council, and the City Attorney and the Auditor shall be entitled to take part in all discussion in Council relating to their respective departments, but neither the Mayor, City Attorney nor Auditor shall have any vote in Council. City Council may, by a majority vote, exclude the Mayor, the Auditor, and/or the City Attorney from any executive session held in accordance with applicable law for the purpose of discussing the compensation, or investigation of any of the officials, or, in the case of the City Attorney, potential removal from office.

(Amended Nov. 6, 1990)

Article ~~III~~IV

JUDICIAL

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SECTION ~~13~~18. Mayor's Court.

The Mayor shall have and is hereby required to exercise the same jurisdiction in prosecutions for violations of ordinances of the City and in criminal prosecutions for violations of the laws of the State of Ohio as is conferred by the general laws of the State upon Mayors of cities; and Council may by ordinance regulate the procedure in the Mayor's Court. Bexley Mayor's Court shall ensure defendants' appearances by the least restrictive means possible in accordance with the Ohio Rules of Criminal Procedure. -

~~SECTION 14. Summoning and Impaneling of Juries. Approved by consensus 9/14~~

~~–Editor's Note: Ohio R.C. 1905.05 and 1905.06, which authorized jury trials in ordinance and misdemeanor cases, were repealed by the Ohio General Assembly, effective October 19, 1961, and January 1, 1960, respectively. The foregoing section was repealed on November 6, 1990.~~

~~SECTION 15. Compensation of Jurors. Approved by consensus 9/14~~

~~–Editor's Note: Ohio R.C. 1905.05 and 1905.06, which authorized jury trials in ordinance and misdemeanor cases, were repealed by the Ohio General Assembly, effective October 19, 1961, and January 1, 1960, respectively. The foregoing section was repealed on November 6, 1990.~~

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SECTION ~~16~~19. Attendance of Police Chief in Mayor's Court.

The Chief of Police, or in the Chief's absence or disability a police officer of the City designated by the ~~Mayor~~Chief, shall attend on sittings of the Mayor's Court to execute the orders and process thereof and to preserve order therein. Such Chief of Police, or other police officer of the City, shall execute and return all writs and process as directed by the Mayor, and the Chief's jurisdiction in the execution of such writs and process in criminal cases and in cases of violations of ordinances of the City shall be co-extensive with the jurisdiction of the Mayor.

(Amended Nov. 6, 1990)

SECTION ~~17~~20. Fees of Officers.

The fees of the Mayor in all cases shall be the same as those allowed in the municipal ~~or county~~ court within which jurisdiction the Mayor's Court is located, and the fees of the Chief of Police, and other police officers serving writs and process of the Court, in all cases shall be the same as those allowed constables, unless Council shall provide otherwise by ordinance.

(Amended Nov. 6, 1990)

SECTION ~~18~~21. Disposition of Fines and Other Moneys.

All fines and forfeitures in ordinance cases and all fees collected by the Mayor in either State or ordinance cases, or which are in any manner received, due such Mayor or to the Chief of Police, or other officer of the Municipality, and any other fees and expenses collected, which have been advanced out of the Municipal Treasury, and all money received by such Mayor for the use of the Municipality, shall be paid into the Treasury of the Municipality on a timely basis, as determined by ordinance of Council. At the first regular meeting of Council in each and every month the Mayor shall submit a full statement of all money received, from whom and for what purpose received and when paid into the Treasury. ~~Except as otherwise provided by law, all fines and expenses collected, which have been advanced out of the County Treasury, shall be paid over to the County Treasury on the first business day of each month.~~

(Amended Nov. 6, 1990)

Article ~~IV~~V  
LEGISLATIVE

SECTION ~~19~~22. Council; Composition and Terms.

The legislative powers of the City, except as are reserved to the people by this Charter and by the Constitution of the State, shall be vested in a Council consisting of seven members elected at large. All members of Council shall serve for a term of four (4) years, or until their successors are elected and qualified.

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(Amended Nov. 6, 1990)

SECTION ~~20~~23. Qualifications of Members; Vacancies.

All members of Council shall be electors of the City, and any member who ceases to possess this qualification shall forthwith forfeit the office. No employee of the City shall be eligible to hold office as a member of Council. Any vacancy in Council shall be filled by a majority vote of the remaining Council members then in office within sixty days after the vacancy occurs. If the vacancy occurs on or after July 1 of the second year of the term of the vacated office, the person elected by Council shall serve the unexpired term. If the vacancy occurs on or before June 30 of the second year of the term of the vacated office, the person elected by Council shall serve until a successor is certified as elected at the next general Municipal election to serve the balance of the vacated term. If Council fails to fill a vacancy in Council within sixty days after the occurrence of the vacancy, the Mayor shall appoint a person to serve for the period provided in this ~~S~~section.

(Amended Nov. 8, 2011)

SECTION ~~21~~24. Meetings; President of Council.

The four-year term of office for City Council Members will begin on January 1, following their election and shall go until December 31 in the fourth year of their term of service. At 7:00 p.m. on the first Monday in January following a regular Municipal election, or on the succeeding day if the first Monday is a legal holiday, Council shall meet at the usual place of holding its meetings, ~~at which time the newly elected members of Council shall assume the duties of their office, and at said meeting~~ Council shall elect one of its members President, who shall preside at meetings of the Council and perform such duties as presiding officer as may be imposed by Council. In the absence of the President at any meeting, Council shall elect a President Pro Tempore. Thereafter, Council shall meet at such times as may be prescribed by ordinance or resolution, but shall meet at least twice each month, except that Council may designate one month in the summer season for vacation. The Mayor, President of Council, or any four members thereof, may call special meetings of Council upon written notice provided at least six hours in advance of the special meeting. Written notice may be provided electronically via email or similar electronic means commonly used for Council notifications, or delivered personally to the member, or left at the member's place of residence. served personally upon each member, or left at the member's usual place of residence at least six hours previous to the time fixed for such meeting. Any request for a special meeting and the notice calling the same shall state the subjects to be considered, and such meeting shall be limited to a consideration of such subjects.

(Amended Nov. 6, 1990)

SECTION ~~22~~25. Quorum; Rules; Journal; Public Meetings.

A majority of all the members elected to Council shall constitute a quorum to transact business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner, and under such penalty as may be prescribed by ordinance. Council shall adopt, by majority vote of its members, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed, or

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repealed by a majority vote of the members of Council. The Rules shall go into immediate effect unless a later date is specified. The Rules of Council shall provide for ~~the order of business~~ and such other matters as Council shall determine to be necessary for the proper functioning and governing of Council. The Council shall ~~determine its own rules and order of business and shall~~ keep a journal of its proceedings. All meetings of a public body shall be public meetings open to the public, except Council may provide by ordinance for ~~private deliberations and or~~ executive sessions of a public body for the discussion of matters declared in such ordinance to require and or permit confidentiality. When Council meets in executive session, it shall decide by motion who should attend such executive session in addition to members of Council, provided a Council member may never be excluded from an executive session. No action of a public body is valid unless adopted in a public meeting. Council may provide by ordinance for notification of meetings to the news media. Any citizen shall have access to the records of a public body in the manner and to the extent provided by the general laws of Ohio. The term “public body” as used in this Section ~~22-~~ 2625 means Council, any committee of Council or any board or commission of the City established by the Charter or by Council.

(Amended Nov. 8, 2011)

SECTION ~~23~~26. Officers and Employees; Clerk.

Council shall choose such officers and employees of its own body as are necessary, providing that the Auditor shall be its Clerk. The Clerk shall keep the records of Council, and perform such other duties as may be required by ordinance or resolution. Except the Clerk, all officers and employees chosen by Council shall serve during its pleasure.

SECTION ~~24~~27. General Powers.

Council shall have authority to provide by ordinance or resolution for carrying into effect any and all powers conferred upon municipalities or the inhabitants thereof by the Home Rule provisions of the Constitution, and the method thereof, except where this Charter prescribes that method; and Council shall perform the duties imposed and exercise the powers conferred upon councils of cities by the general laws of the State not in conflict with this Charter or the ordinances and resolutions of Council.

SECTION ~~25~~28. Enactment of Ordinances and Resolutions.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall be read by title only, provided Council may require any reading to be in full by a majority vote of its members then in office. Each ordinance or resolution shall be passed, except as otherwise required by law, by a vote of at least a majority of the members of Council then in office, excluding abstentions. The vote on the passage of each ordinance or resolution shall be taken by yeas, nays, and abstentions, ~~and nays~~ and entered in the minutes. An ordinance or resolution shall be read on three different days, provided that Council may dispense with the requirement by a vote of at least three-fourths of its members then in office, excluding abstentions. At the meeting at which a vote of Council shall be taken on any ordinance or resolution, Council shall provide an opportunity for public comment thereon before the vote is called; and as specified in the Rules of Council

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adopted pursuant to Section 2225. The Mayor shall have the veto power over ordinances and resolutions subject to limitations and provisions of the statutes of the State of Ohio relating to such powers. Actions by Council, not required by law to be by ordinance or resolution, including, without limitation, procedural matters and elections among and appointments made or confirmed by Council, may be taken by motion on a voice vote approved by at least a majority of the members of Council present at a duly called meeting at which a quorum is present. Council shall by ordinance provide for the publication of the subject matter of all introduced and enacted legislation, provided that the failure to publish such information shall not invalidate any action of Council. (Amended Nov. 6, 2007)

SECTION 2629. Fiscal Matters; Operating Budget.

The laws of the State of Ohio relating generally to budgets, appropriations, taxation, debts, bonds, assessments, deposit and investment of funds and other fiscal matters of the City shall be applicable, except as otherwise provided by this Charter or by ordinance of Council. The fiscal year of the City shall begin on the first day of January. The Mayor and Auditor shall prepare and submit to Council an operating budget in accordance with an annual budget calendar authorized by Council. The operating budget shall provide a complete financial plan of City funds and activities for the ensuing fiscal year which, except to the extent required by law or this Charter, shall be in a form acceptable to Council. Council shall adopt an operating budget for the ensuing fiscal year on or before December 31 of each year. To implement the operating budget as adopted, the Council shall, on or before December 31, also adopt an appropriation ordinance authorizing an appropriation for each program or activity by department or major organizational unit. (Amended Nov. 6, 2001)

SECTION 2730. Limitations on Appropriations.

No money shall be drawn from the Treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriation made by Council. At the end of each fiscal year all unexpended balances of appropriations not covered by outstanding contracts shall revert to the respective funds from which the same then be subject to future appropriations. Appropriations may be encumbered in furtherance of capital improvements of the City which will not be completed within the current year. (Amended Nov. 6, 1990)

SECTION 2831. Limitations on Expenditures.

The Mayor and Auditor shall supervise all departmental expenditures and shall keep such expenditures within the appropriation. Moneys appropriated as above provided shall not be used for other purposes than those designated in the appropriation ordinance, and all expenditures within the fiscal year shall be made within the appropriations hereinbefore provided for. Council may, however, at any time by resolution with the approval of the Mayor and Auditor, transfer money so appropriated for the use of one department, division or purpose, to any other department, division or purpose; but no such transfer shall be made of money derived from the sale of bonds, or of revenue or earnings of any non-tax supported utility. Any accruing revenue of the City not appropriated as hereinbefore

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provided may from time to time be appropriated by the Council to such authorized uses as it may by ordinance determine.

SECTION ~~2932~~. Transfers from a Designated Fund to General Fund.

Notwithstanding the provisions of Section ~~2831~~, Council may to the extent not prohibited by the general laws of the State applicable to cities, at any time by resolution and with the approval of the Mayor and Auditor, transfer excess money not necessary for the operation of a fund created by Council from an issue of bonds, revenue or other sources from such fund to the General Fund. (Amended Nov. 6, 1990)

~~SECTION 29. Transfers of Unexpended Balances.  
–(Repealed Nov. 6, 1990)–~~

SECTION ~~3033~~. Bonds of Officers and Employees.

Council shall fix by ordinance the amount of bond to be given by each officer, clerk and employee in each department of the City government, if any be required, which bond shall be given by such officer, clerk or employee with corporate surety authorized to do business in the State to the approval of the Mayor; provided, however, that the bond of the Mayor shall be approved by Council. Premiums on such official bonds shall be paid by the City. As an alternative to a bond, Council may by ordinance adopt a policy to allow for the use of an employee dishonesty and faithful performance of duty policy of insurance that meets the requirements of the Ohio Revised Code.

SECTION ~~3134~~. Compensation of Officers and Employees.

Subject to the provisions of this Charter, Council shall fix by ordinance the salary or compensation of all officers or employees of the City government, provided, however, that the salary of no such officer or employee who has been elected or appointed for a definite term shall be increased or diminished during that term and all fees accruing to and collected by any office shall be paid into the City Treasury.  
(Amended Nov. 6, 1990)

SECTION ~~3235~~. Compensation of Council Members; Vacation of Office; Temporary Member.

Council members may be compensated for their services as such by the payment of salary and/or the receipt of benefits under City sponsored benefit plans. For terms of Council members beginning on the first day of January, 2002, and the remainder of the terms of incumbent Council members in office on the effective date of the amendment of this Section ~~3235~~, the compensation of Council members, including the cost to the City of any benefits, shall be \$530 per month, being the salary and cost of benefits to which a Council member is entitled in calendar year 2001. For terms of Council members beginning on or after the first day of January, 2004, the annual compensation of Council members, including benefits, if any, shall not be subject to the limitation set forth in the preceding sentence and shall be in an amount established by a non-emergency ordinance of Council passed at least one year prior to the beginning of the term to be thereby affected. In the event that Council fails for any reason to adopt an ordinance establishing the compensation of its members or any



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ordinance so adopted is rejected by referendum, the annual compensation then in effect shall continue for the succeeding term without further action of Council.

Absence of four successive regular meetings shall operate to vacate the seat of a member of Council, unless such absence is authorized or excused by Council except that Council may provide by ~~o~~Ordinance for a temporary replacement of the absent Council member in those instances where such absence is authorized or excused.

(Amended Nov. 8, 2011)

Article ~~V~~VI  
AUDITOR

SECTION ~~33~~36. Election, Qualifications and General Duties.

An Auditor, who shall be the fiscal officer of the City, shall be an elector of the City and be elected for the term of four years, and shall assume office on the first day of January next following the election, and shall serve until a successor is elected and qualified. The Auditor shall perform all the duties and exercise all powers conferred upon the Auditor by this Charter, the ordinances of the City and the general laws of the State defining the duties and powers of auditors of cities; the Auditor shall be ex-officio Clerk of Council and shall perform the duties prescribed for such Clerk by this Charter, by ordinances of the City, and the general laws of Ohio defining the duties of such clerks in cities not in conflict with this Charter and ordinance. The Auditor's salary shall be established by ordinance of Council passed at least one year prior to the beginning of the term thereby to be affected.

(Amended Nov. 6, 1990)

SECTION ~~34~~37. Other Duties; Bond.

The Auditor shall ex-officio perform all services and discharge all duties and be subject to all obligations required of city treasurers by the general laws of the State and shall give a corporate surety bond for the performance of the duties as such Auditor and as ex-officio Treasurer in such sum as may be required by Council or by general law.

(Amended Nov. 6, 1990)

SECTION ~~35~~38. Deposits.

Council shall provide by ordinance for the procedure for the deposit of all public moneys coming into the hands of the Auditor, both as Auditor and as Treasurer. Such funds shall be deposited only in such financial institutions and invested only in such securities and obligations as set forth in the Uniform Depository Act, as contained in Chapter 135 of the Ohio Revised Code, as amended from time to time, or in any successor provisions of the general laws of the State.

(Amended Nov. 6, 1990)

SECTION ~~36~~39. Successor to Auditor.

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If the Auditor dies, before beginning or during the term of office, resigns or moves from the City, or is removed or becomes permanently incapacitated from serving as Auditor for any reason whatsoever, a successor shall be elected by Council to serve as such Auditor until the next regular Municipal election, at which time an Auditor shall be elected to serve such unexpired term. If the Auditor is temporarily incapacitated, Council, at its discretion, may appoint an individual to serve as Auditor until such time as the elected Auditor is able to resume the duties of the Auditor. (Amended Nov. 6, 1990)

Article ~~VII~~VII

ELECTED OFFICIALS: FORFEITURE, REMOVAL, SUSPENSION FROM OFFICE

SECTION 3740. Recall of Elected Officials.

The electors may remove from office by recall any elected officer of the City who has served at least one year of that officer's term. A petition demanding such officer's removal must be filed with the Auditor as the Clerk of Council, or if the Auditor is the subject of the recall, the City Attorney. The person supervising recall shall note thereon the name and address of the person filing the petition and the date of that filing and deliver to such person a receipt of the petition with a copy of the petition. No petition may relate to the recall of more than one officer. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than 200 words of the grounds for the removal. The Board of Elections shall have no authority to determine the validity or sufficiency of the grounds specified in the petition. The time from the filing of the petition to the completion of the acquisition of signatures for possible certification shall not be more than sixty days.

All petition papers circulated for the purpose of recall shall be uniform in size and style. The signatures to petitions need not all be appended to one paper, but to each separate part there of shall be appended a certificate indicating that the circulator personally circulated the petition, that it bears a stated number of signatures, that person shall swear to have circulated the petition and witnessed that each signature was affixed in the circulator's presence, and that the circulator believes each signature to be the genuine signature of the persons whose names they purport to be. This certificate shall be sworn to before an officer qualified by law to administer oaths. Each signer shall sign the petition in ink or indelible pencil and include the signer's legal name, legal residence, and the date on which the signature was performed. The circulation of petitions, including the qualifications of the circulators thereof, shall be conducted in accordance with the general laws of the State of Ohio; provided, that, a petition all circulators shall also be electors of the City of Bexley.

The petition shall be signed by at least that number of qualified electors that equals at least 25 percent of the number of electors voting at the last preceding regular municipal election, indicated by information from the County Board of Elections.

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The Clerk, or City Attorney working in place of the Clerk, shall verify the signatures with the Franklin County Board of Elections. If the petition is otherwise sufficient, the Clerk, or City Attorney working in place of the Clerk, will notify the Council and the officer whose removal is sought. If the officer does not resign within seven days thereafter, the Council shall thereupon order and fix a day for holding a recall special election, not less than thirty days or more than 120 days from the date of the certificate of sufficiency, or Council may decide to hold the election at the next general election.

The ballot shall read as follows:

"Shall (name of the officer) be removed from (name of office) by recall? Immediately following the question there shall be printed on the ballot the two propositions in the order set forth:

"For the recall and removal from office of (name of the official)"

"Against the recall and for continuation in office of (name of the official)"

Upon official certification of the election results, the Clerk, or the City Attorney serving in place of the Clerk, shall promptly report the results to Council. If a majority of the votes cast are for continuing, that official shall continue in office. If a majority of the votes cast are for removal, that officer shall be considered as removed from office, and the office declared vacant. That vacancy shall be filled as provided in this Charter. The officer so removed shall not be eligible for appointment or election to the vacancy created. If the recall is not successful, a second recall of the same official may not be done for one year from the date on which the recall vote was taken.

SECTION ~~394~~1. Forfeiture of Office.

Any elected official of the City shall automatically and without further act of the City or any of its officials, forfeit his, ~~or~~ her, or their office upon the occurrence of any of the following:

- a. If the official is convicted of any felony in this or any other state or jurisdiction while serving as an elected official of the City or;
  - b. If the official ceases to be a qualified elector and resident of the City while serving as an elected official of the City, ~~or~~
- (Amended Nov. 8, 2011)

SECTION ~~404~~2. Removal from Office.

1. Any elected official of the City may, by a majority vote of the members of City Council not including the elected official who is the subject of the removal, be removed from office upon the occurrence of any of the following:

- a. In the case of a member of City Council, the persistent and willful failure to abide by the rules of City Council;
- b. A conviction of dereliction of duty under the Ohio Revised Code while serving as an elected official of the City;
- c. Gross misconduct, malfeasance, misfeasance, or nonfeasance in office while serving as an elected official of the City;

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d. A judicial declaration that the elected official is incompetent while serving as an elected official of the City;

2. The elected official against whom removal is sought shall be entitled to reasonable notice that the issue of ~~his or her~~ the elected official's removal shall be heard by City Council and shall be permitted to testify in his, ~~or her~~, or their own behalf and present such other relevant evidence as determined by the majority of the other members of Council at such Council meeting.

3. Council shall be the sole judge of the grounds constituting ~~forfeiture of office and~~ removal from office. Council shall initiate the process to establish grounds for ~~forfeiture of office or~~ removal from office by motion.

4. Upon a vote by a majority of the members of Council, other than the elected official who is the subject of ~~the forfeiture or~~ removal, that grounds exist which subject such elected official to ~~forfeiture of office or~~ removal from office. Council shall instruct the Clerk of Council to notify the elected official in writing of such ~~forfeiture or~~ removal. Thereafter, the position of the elected official shall be filled in the manner set forth in the Charter for the filling of vacancies in office. (Amended Nov. 8, 2011)

SECTION ~~4144~~ 41443. Suspension from Office.

1. An elected official of the City who is indicted for a felony while serving as an elected official of the City shall be suspended from office with pay during such suspension. Such suspension shall automatically, and without further act of the City or any of its officials, commence upon the filing of the indictment and shall terminate upon (a) the dismissal of the indictment; (b) a conviction for a crime other than a felony; or (c) upon a conviction for a felony.

2. The office of such suspended official may be filled on an interim basis by an interim appointee in the manner provided in this Charter for the filling of vacant offices except that such interim appointment shall terminate immediately upon the occurrence of any of the following: (a) the dismissal of the indictment against the suspended official; (b) the suspended official's conviction for a crime other than a felony; (c) upon the suspended official's conviction for a felony; or (d) upon the end of the term of office from which such official was suspended.

a. Upon the suspended official's conviction for a felony, the convicted official's office shall, without further act of the City or any of its officials, be forfeited and shall be filled in the manner set forth ~~in the manner provided~~ in this Charter for the filling of vacant offices.

—(Amended Nov. 8, 2011)

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Article ~~VII~~VIII  
CITY ATTORNEY

SECTION ~~424~~424. Qualifications; Term; Compensation; Duties Generally.

The City Attorney shall be an attorney-at-law admitted to practice in the State of ~~Ohio,~~  
~~and Ohio and~~ shall be an elector of the City and shall have such assistants of like qualifications as the Council may authorize. The City Attorney shall be appointed by the Mayor and confirmed by Council. ~~for a term of one year,~~ and compensation shall be fixed by Council. The City Attorney shall be the legal advisor of and attorney and counsel for the City and for all officers and departments thereof in matters relating to their official duties. The City Attorney shall prepare all contracts, bonds, and other instruments in writing in which the City is concerned, and no contract with the City shall take effect until the City Attorney's approval of the form and correctness thereof is endorsed thereon.

(Amended Nov. 6, 1990)

SECTION ~~434~~434. Other Duties.

In addition to the duties imposed upon the City Attorney by this Charter or required by ordinance in accordance therewith, the City Attorney shall perform the duties which are imposed upon City Attorneys by the general laws of the State.

(Amended Nov. 6, 1990)

Article ~~VIII~~IX  
CITY ENGINEER

SECTION ~~444~~444. Appointment; Contract.

Council shall appoint a City Engineer, who shall hold office at its pleasure and whose duties and compensation shall be fixed by Council; or Council may by ordinance authorize the employment of an engineer or engineers to render such engineering services to the City as may be deemed necessary, such contract of employment to be for such term and upon such compensation as such ordinance may provide.

Article ~~IX~~X  
POLICE DEPARTMENT

SECTION ~~454~~454. Composition; Compensation.

The Police Department shall be composed of the Chief and such other officers and other personnel as may be provided by ordinance of Council, which shall fix their compensation.

(Amended Nov. 6, 1990)

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SECTION ~~4648~~. Powers and Duties of Chief.

The Chief of Police shall exercise such powers and perform such duties as are prescribed by this Charter, by ordinances and resolutions of Council, and by the general laws of the State governing the Police Department of cities, as far as such general laws do not conflict with said Charter, ordinances and resolutions. The Mayor shall conduct an annual performance review of the Police Department and shall make the review available to the public.

(Amended Nov. 6, 1990)

SECTION ~~4749~~. Term; Removal of Chief.

The Chief of Police shall be appointed by the Mayor and confirmed by Council for a term - fixed by Council. The Chief of Police may serve one or more terms; provided, however, that appointment and confirmation is at the sole discretion of the Mayor and Council and the failure of the Mayor to appoint or Council to confirm such appointment for any reason at the end of any term shall be final. During such term of office, the Mayor shall have the right to suspend the Chief of Police for cause, including, but not limited to, incompetence, neglect of duty, moral turpitude, substance abuse or use of an illegal substance, ~~failure to obey lawful orders given by a proper authority,~~ and any other cause deemed appropriate with concurrence of Council. The Mayor shall forthwith certify the fact of any such suspension, together with the cause thereof, to Council, and Council shall, within ten days from the receipt of such notice, proceed to hear such charges and render judgment thereon, which judgment may be suspension, reduction in rank, termination, or dismissal of the charges; ~~such judgment~~ shall be final.

(Amended Nov. 6, 2007)

Article ~~XXI~~  
BOARD OF CONTROL

SECTION ~~4850~~. Composition; Powers and Duties.

The Mayor, the Auditor, and President of the Council shall constitute the Board of Control which shall have the powers and perform the duties imposed upon boards of control of cities by general law of the State and by ordinances of Council. The chair of the Finance Committee of Council shall be an alternate member authorized to sit and act as a member of the Board of Control in the absence of a regular member.

(Amended Nov. 6, 2001)

Article ~~XIXII~~  
BOARD OF HEALTH

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SECTION ~~49~~51. Composition; Terms, Vacancies; Powers and Duties.

The Board of Health shall be composed of five members who shall serve without compensation. Their term shall be for three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three years. The members of the existing Board of Health shall continue in office for the terms for which they were appointed. The Board shall elect one of its members as President.

The Board of Health shall have such powers and perform such duties as may be prescribed by ordinance of Council and by statutes governing boards of health in cities not in conflict with such ordinances. (Amended Nov. 6, 2001)

Article ~~XIX~~XIII

CIVIL SERVICE COMMISSION

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SECTION ~~50~~52. Composition; Terms; Compensation; Officers.

The Civil Service Commission shall consist of three electors of the City. The term of each member shall not exceed three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three years. They shall receive no compensation for their services. One of the members shall be chosen by the Civil Service Commission as chairperson, and a secretary shall be appointed by the Civil Service Commission members.

(Amended Nov. 6, 2001)

SECTION ~~51~~53. Non-classified Personnel.

The following officers and employees of the City shall be exempt from the classified service:

1. All officers elected under this Charter;
2. All officers and members of boards, committees, -or commissions whose appointment is subject to concurrence by Council or who are appointed by Council;
3. One secretary or Clerk for the Mayor, assistant or clerk for the Auditor and for each board, committee, or commission appointed hereunder;
4. The Chief of Police;
5. The heads of any departments or sub-departments, the supervisors or assistant supervisors of any functions, or such other supervisory or management personnel that may be created by Council under this Charter;
6. All employees whose service is temporary or part time;
7. All unskilled labor positions, designated as such by ordinance of City Council.

(Amended Nov. 6, 2001)

SECTION ~~52~~54. Classified Personnel.

The classified service shall comprise all positions not specifically exempt under Section ~~51~~53. In the classified service there shall be two classes to be known as the competitive and the non- competitive classes. The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive examination, and the non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character to be determined by the rules of the Civil Service Commission. (Amended Nov. 6, 2001)

SECTION ~~53~~55. Continuation of Positions.

All persons whose positions were previously exempt from the provisions of former Section ~~51~~53, paragraph (6), and whose positions are now within the provisions of Section ~~52~~54, and who have been continually in the service of the City since July 1, 1974, shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions herein. (Amended Nov. 6, 2001)

SECTION ~~54~~56. Rules.

Subject to approval by City Council, the Civil Service Commission may promulgate and amend such rules, as the Civil Service Commission deems appropriate to promote an efficient civil service system based on merit and fitness. The Civil Service Commission shall enforce the rules it has promulgated or amended.

The Civil Service Commission's rule-making and rule-amending authority extends to rules which are consistent with the laws of the State of Ohio. In addition, the Civil Service Commission may promulgate and amend rules, which deviate from the laws of the State of Ohio with respect to the following matters:

1. The Civil Service Commission's day-to-day operations, office procedures, staff and the qualifications of the Civil Service Commission's staff.
2. The preparation, conduct and grading of competitive and noncompetitive civil service examinations and other selection criteria.
3. The creation, maintenance and expiration of seniority lists and the selection of candidates therefrom.
4. The selection of candidates for promotion.
5. Temporary and exceptional appointments.
6. Transfers and reinstatements.
7. Changes in classification.
8. Job abolishment, layoff, order of layoff and recall, displacement rights and recall lists.
9. Probationary periods.
10. Appeals of members of the Classified Civil Service of the City of Bexley.
11. Record-keeping by the Commission.
12. Establishment, creation, review, and alteration of classification specifications.



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13. Procedures for establishment of new, or abolishment of existing, positions in the civil service of the City of Bexley.

14. Procedures for investigation of matters involving the civil service system of the City of Bexley.

15. Any other topic addressed in Chapter 124 of the Ohio Revised Code or as otherwise provided in this Charter.

—(Amended Nov. 6, 2001)

SECTION ~~5557~~. State Law.

The Civil Service Commission shall be governed by the laws of the State of Ohio governing civil service in cities to the extent that the laws are not in conflict with this Charter, ordinances of Council passed thereunder, or rules of the Civil Service Commission promulgated or amended pursuant to this Section. In no case shall the Civil Service Commission promulgate, maintain or enforce a rule that is inconsistent with the terms of this Charter.

(Amended Nov. 6, 2001)

Article ~~XHXIV~~

CITY PLANNING ~~COMMISSION AND ZONING BOARDS, COMMITTEES, OR COMMISSIONS~~

SECTION ~~5658~~. Creation; Composition; Terms.

Council by ordinance shall create one or more boards, committees, or commissions to administer the City zoning code and perform other planning and zoning duties as determined by ordinance of Council. ~~perform the powers and duties of a city planning commission and to administer the City zoning code.~~ Each such board, committee, or commission shall consist of electors of the City who shall serve without compensation and who, with the concurrence of Council, shall be appointed by the Mayor for terms of three years. To create staggered terms, the Mayor, with the consent of Council, can appoint members for less than three 3-years. - The members of the existing City Planning Commission shall continue in office until said commission is reorganized or replaced by ordinance of Council.

(Amended Nov. 6, 2007)

SECTION ~~5759~~. Powers and Duties.

The duties, powers and procedures of Council and each board, committee, or commission created by Council pursuant to Section ~~5856~~ with respect to planning and zoning may be prescribed by ordinance of Council to the maximum extent such legislative authority is conferred upon the City under the Ohio Constitution. In the absence of such ordinance, City officials shall perform their duties and exercise their powers in accordance with the general laws of the State of Ohio not in conflict with this Charter. (Amended Nov. 6, 2007)

Article ~~XIV~~-~~XV~~

BONDS AND EVIDENCES OF INDEBTEDNESS

SECTION ~~5860~~. Signatures and Seal; Issuance and Sale.

All bonds, notes and certificates of indebtedness issued by the City shall be signed by the Mayor and by the Auditor and shall be sealed with the corporate seal. They shall be issued and sold for the purposes and in the manner prescribed by general laws of the State governing the issuance and sale of bonds and notes of cities.

(Amended Nov. 6, 1990)

Article ~~XXVI~~

CONTRACTS

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SECTION ~~5961~~. Contracting Procedures.

Council, by ordinance, shall establish a threshold amount, notice provisions, and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold established by Council, the contract shall be competitively bid. No contract shall be divided to avoid the requirements of competitive bidding. By a vote of no less than five members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding, if Council determines that an item is available and can be acquired only from a single source, or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City. Contracts for professional services shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by Council if the current operating budget provides sufficient funding for the scope of services in any such contract. Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding. No contract involving the expenditure of money shall be entered into or authorized by the Mayor unless the Auditor or the Auditor's designee shall first certify that funds required for the contract are in the City's treasury or in the process of collection; and funds have been appropriated by Council for the specified purpose and remain unencumbered. The Auditor or the Auditor's designee shall file and record the certification of availability and appropriation of funds in the accounting records of the City and shall furnish a copy to the vendor or contractor. Without the certification, a contractual obligation shall be void and unenforceable against the City unless recognized by Council as a moral obligation. All contracts of the City shall be signed by the Mayor and Auditor or the Auditor's designee.

(Amended Nov. 6, 2001)

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SECTION ~~6062~~. Conflicts of Interest, Ethics, and Campaign Financing.

Unless otherwise provided in this Charter or by Council, the laws of the State of Ohio pertaining to conflicts of interest, illegal interest in any public contract with the city, criminal misbehavior, ethics, financial disclosure by municipal officers and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this charter.

~~–No officer or employee of the City shall have any interest, direct or indirect, in any contract with or for the City, or be interested directly or indirectly in the sale to the City of any supplies, material, service or property, real or personal, except on behalf of the City as an officer or employee, and except when the City appropriates property for public purposes.–~~ For the purposes of this Section, its provisions do not apply when the city appropriates property for a public purpose from any municipal officer or employee. Any violation of this ~~S~~section shall constitute malfeasance in office, and any such officer or employee shall thereby forfeit the office or employment. (Amended Nov. 6, 1990)

Article ~~XVIXVII~~

INITIATIVE AND REFERENDUM

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SECTION ~~6163~~. Scope of Power.

Initiative and referendum powers are hereby reserved to the people of the City on all questions which the City may be authorized by this Charter, by ordinance of the City, or by general laws of the State, to control by legislative action, and such powers shall be exercised in the manner prescribed by general law of the State.–

No measure initiated by the people and adopted by popular vote shall be repealed by Council, or so amended by it as to destroy the effectiveness thereof, within two years after it takes effect. \_

Article ~~XVII XVIII~~

FRANCHISES

SECTION ~~6264~~. Public Utilities.

All grants or renewal of franchises to construct or operate any public utilities on, under or above the streets of the City shall be in all respects governed by general laws of the State. However, subject to the rights of property holders under the Constitution of Ohio, Council at all times may direct the distribution of space in, over, under or across all streets or public grounds occupied by public utility fixtures, and Council shall have the continuing right to pass reasonable regulations for the operation of City utilities, including the right to require reconstruction, relocation, or discontinuance of appliances used by the utilities in the

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streets or public grounds as shall in the opinion of Council be necessary. To the fullest extent possible by the general laws of the state, any grant or renewal of franchises to construct or operate any public utilities on, under, or above the streets or rights of way of the City shall require the utility to restore the streets or right of way to their previous condition in the event of construction or maintenance by the utility.

(Amended Nov. 6, 1990)

Article ~~XVIII~~XIX  
NOMINATIONS AND ELECTIONS

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SECTION ~~63~~65. Electors.

Every citizen of the United States of the age of eighteen years who shall have been a resident of the State and of the City for thirty days next preceding the election, and has been registered to vote for thirty days shall have the qualifications of an elector and shall be entitled to vote at all Municipal elections and all special elections and upon any question which may be submitted to the electors under the provisions of this Charter.

(Amended Nov. 6, 1990)

SECTION ~~64~~66. Time for Holding Elections.   

Regular Municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years and shall be conducted and the results canvassed and announced by the regular election authorities. Any matter which by the terms of this Charter or ordinance of Council may be submitted to the electors of the City shall be submitted to the electors at the next regular Municipal election if one shall occur not less than sixty nor more than 120 days after its passage or the submission of the required petition or at the next regular State election if one shall occur not less than ninety nor more than 120 days after its passage or the submission of the required petition; otherwise it shall submit the amendment, initiative, or referendum at a special election to be called and held not less than sixty nor more than 120 days after its passage or the submission of the required petition. ~~at any special election may be submitted at a general Municipal election, but not at any State election.~~

SECTION ~~65~~67. Nominations.

There shall be no primary election for City officers. Nominations for the Mayor, Auditor and Council shall be made by petitions signed by not less than 150 nor more than 300 qualified electors of the Municipality. All petitions shall be on the standard forms for the use of nonpartisan candidates for such offices. Group petitions shall not be used. Petitions shall be filed with the Board of Elections at least ninety days before the day of election.

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(Amended May 5, 1970)

~~SECTION 66. Acceptance.  
—(Repealed Nov. 6, 1990)—~~

SECTION ~~67~~68. Ballots.

The ballots used in all elections provided for in this Charter shall be without party marks or designations. The whole number of ballots to be printed for any election for any office shall be divided by the number of candidates for such office, and the quotient so obtained shall be the number of ballots in each series to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first an equal number of times. These ballots shall then be combined into tablets with no two of the same order of names together. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he, she, or they may wish to vote.

SECTION ~~68~~69. Requirements for Election.

The candidates at the regular Municipal election, equal in number to the places to be filled in each office, who receive the highest number of votes shall be declared elected. If it cannot be determined which of two or more candidates shall be declared elected, by reason of their having received the same number of votes, the election authorities shall determine by lot which of the candidates shall be declared elected.

SECTION ~~69~~70. Majority Vote Required; Exceptions; Form of Ballot.

No question submitted to the electors under this Charter shall be passed or carried unless a majority of the electors voting on the question shall vote in favor thereof, and if any State law governing such election shall require more than a majority vote the percentage of vote required to pass the measure under the State law shall govern in the absence of an ordinance of Council otherwise providing. The form of ballot to be used on all questions submitted to the electors shall be prescribed by Council at the time the question is certified to the proper election officials for the calling of the election.

SECTION ~~70~~71. Conduct of Elections.

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by general election laws, and all other matters relating to elections not herein or by ordinance of Council specifically provided for shall be determined by the general election laws of the State.

Article ~~XIX~~XXX

MISCELLANEOUS PROVISIONS

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~~SECTION 71. Continuance of Present Officials.~~

~~—(Repealed Nov. 6, 1990)~~

SECTION 72. Changes in State Law.

Whenever resort to general laws of the State is required by this Charter for the purpose of defining the powers and duties of officers, boards, committees, departments or commissions of the City and those general laws effective at the time the Charter is adopted shall have been thereafter repealed, supplemented or amended, then and in that event such powers and duties shall be exercised and performed as directed and authorized by existing laws. If any office, board, committee, commission or department of cities, now existing under general laws, and to which reference is specifically made herein, shall hereafter be abolished by State law, then the reference thereto in this Charter shall apply to the office, board, committee, commission or department that may be created by such general law to exercise and succeed to the functions, powers and duties corresponding to those pertaining to the office, board, committee, commission or department so abolished.

SECTION 73. Oath of Office.

Every officer of the City shall, before entering upon the duties of office, take and subscribe to an oath or affirmation, as required by the statutes of Ohio, which oath or affirmation shall be filed and kept in the office of the Auditor.

SECTION 74. Continuance of Contracts and Ordinances.

All ordinances and resolutions in force at the time the foregoing provisions of this Charter take effect, not inconsistent therewith, shall continue in force until amended or repealed. (Amended Nov. 6, 1990)

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SECTION 75. Application of State Law.

All general laws of the State of Ohio applicable to cities, now in force or hereafter enacted, and which are not in conflict with this Charter, or with ordinances or resolutions hereafter enacted by Council, shall be applicable to this City; provided, however, that nothing contained in this Charter shall be construed as limiting the power of Council to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this Charter.

SECTION 76. Saving Clause.

If any section or part of a section of this Charter shall prove to be invalid or unconstitutional, that fact shall not be held to invalidate or impair the validity of any other section or part of section of this Charter, unless it shall 1 clearly appear that such other section or part of section is wholly or necessarily dependent for its operation upon the section or part of section so held to be unconstitutional or invalid.

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SECTION 77. Amendments.   

Amendments to this Charter may be submitted to the electors of the City by a two-thirds vote of the Council, and shall be submitted by Council upon a petition signed by ten percent of the electors of the City, setting forth any such proposed amendment. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors in accordance with Section 66 of this Charter. at the next regular Municipal election if one shall occur not less than sixty nor more than 120 days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.

Notice of any proposed amendments shall be given in one of the following ways:

(a) Not less than thirty days prior to the election at which the amendments are is to be submitted to the electors, the City Clerk shall mail a copy of the proposed amendments to each elector whose name appears upon the poll of the last regular Municipal or general election.

~~(b) The full text of the proposed amendments shall be published once a week for not less than two consecutive weeks in a newspaper published in the City, with the first publication being at least fifteen days prior to the election at which the amendments are is to be submitted to the electors. If no newspaper is published in the City, then such publication shall be made in a newspaper of general circulation within the City and.~~ The full text of the proposed amendment shall be published once a week for not less than two consecutive weeks in an electronic mailing published by the City, on the City web page if available, and on a platform or platforms the City considers appropriate to distribute the information broadly to the electors, with the first publication being at least fifteen days prior to the election at which the amendments are to be submitted to the electors.

(c) Any other procedure authorized by the general laws of the State applicable to cities.  
(Amended Nov. 6, 1990)

If such proposed amendments are is approved by a majority of the electors voting thereon, ~~it they~~ shall become a part of the Charter.

SECTION 78. Effective Date.

For the purpose of nominating and electing officers and all purposes connected therewith and incident thereto, and for the purpose of exercising such legislative powers as are necessary to be exercised by the present Council preliminary to the organization of departments, boards, and offices herein provided, this Charter shall take effect from the time of its approval by the electors of the City. For all other purposes it shall take effect on the first day of ~~January, January~~ 1932.

SECTION 79. Charter Review.   

~~By the fifteenth day of February in 1998 and by the fifteenth day of February~~ Every ten years thereafter, City Council ~~shall may~~ appoint a committee by the fifteenth day of December which will have no more than 18 months, absent Council approval, ~~to review the City Charter and report to Council by the fifteenth day of December of that year~~ its

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recommendations concerning possible amendments to update the Charter. Council shall appoint ten members of the committee, and the Mayor shall appoint five members. The composition of the Charter Review Committee shall strive to reflect the diversity of the City of Bexley.

-(Amended Nov. 6, 1990)

SECTION 80. Drive-Through Food Service Facility.

As used in this Ssection, “drive-through food service facility” means any retail or service establishment that serves food and/or beverages as part of its business and that provides a designated place where persons can drive in vehicles in such proximity to the establishment that they can or are permitted to conduct the major portion of their business with the establishment without having to exit their vehicles.

1. Except as otherwise provided in Subsection 4, below, notwithstanding any provision of this Charter or any regulations contained in existing ordinances of the City, no structure shall be constructed, erected, converted, or altered for the purpose of using it or any portion of it as a drive-through food service facility on or after the effective date of this amendment.

2. Except as otherwise provided in Subsection 4, below, no existing use of any property situated within the City of Bexley shall be altered so as to permit the operation of a drive-through food service facility.

3. Except as otherwise provided in Subsection 4, below, notwithstanding any other provision of this Charter permitting the exercise of legislative, executive, or administrative power, no zoning variance, approval of conditional use of property, approval of plans, or permits or other approvals to construct, erect, convert, alter, modify, use or occupy any structure shall be approved, granted, authorized, issued, or permitted by the City of Bexley if the structure or any portion thereof is for the operation of a drive-through food service facility.

4. Notwithstanding the foregoing provisions, Section 80 -of this Charter shall not be applicable to any drive-through food service facility located or proposing to be located on property which is adjacent to and has frontage on the north side of Livingston Avenue and which is situated west of College Avenue.

(Amended Nov. 8, 2011)

SECTION 81. Environment.

The City of Bexley shall preserve and protect our environment.

Section 82. Effective Date of 2021 Amendments to Charter

Effective Date of 2011 Amendments to Charter-

—The amendments to this Charter proposed by Ordinance Nos. 22-11, 23-11 and 24-11, adopted on July 26, 2011, if such amendments are approved by a majority of the persons voting at the election held on November 8, 2011, shall take effect on January 1, 2012.



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~~—The amendment to this Charter proposed by Ordinance No. 21-11, adopted on July 26, 2011, if such amendments are approved by a majority of the persons voting at the election held on November 8, 2011, shall take effect on January 1, 2014.—~~

~~(Amended Nov. 8, 2011)~~

~~—(EDITOR'S NOTE: Ordinance 21-11 was not approved by the voters.)~~

CODIFIED ORDINANCES OF BEXLEY