

CHARTER

OF THE

MUNICIPALITY OF CARLISLE

EDITOR'S NOTE: The Carlisle Charter was approved by the voters on May 5, 1987. Dates appearing in parentheses indicate that the section was enacted, amended or repealed on the date given.

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PREAMBLE

We, the people of the Municipality of Carlisle, Warren and Montgomery Counties of the State of Ohio, in order to secure the benefits of local self government under the Constitution of the State of Ohio, do adopt this Charter for the government of the Municipality of Carlisle.

Article I

NAME AND BOUNDARIES

SECTION 1.01 NAME.

The Municipality now existing in the Counties of Warren and Montgomery, State of Ohio, and known as the Municipality of Carlisle, shall continue to be a body politic and corporate. When the Municipality shall, under the Constitution and the general laws of Ohio, become a city, it shall be known as the City of Carlisle.

SECTION 1.02 BOUNDARIES.

The Municipality shall have the same boundaries as now exist, with the power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio.

Article II

FORM OF GOVERNMENT

SECTION 2.01 FORM OF GOVERNMENT.

The government provided for by this Charter shall be known as the Council Manager form.

Article III

POWERS

SECTION 3.01 POWERS OF THE MUNICIPALITY.

Except as restricted by this Charter, the Municipality shall have all powers possible for a municipality to have under the Constitution and laws of the State of Ohio, as fully and completely as though it were specifically enumerated in this Charter.

SECTION 3.02 MANNER OF EXERCISE OF POWERS.

All such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as the Council may determine by ordinance or resolution. To the extent not inconsistent with this Charter or the Municipality's ordinances and resolutions, such powers may be exercised in the manner provided by the general laws of Ohio.

SECTION 3.03 CONSTRUCTION.

The powers of the Municipality under this Charter shall be construed liberally in favor of the Charter and the Municipality, and the enumeration of particular and specific powers in the Charter shall not be construed as limiting in any way the general power to which this government is entitled under the Constitution and laws of the State of Ohio. As used in this Charter, unless the context otherwise requires, the singular includes the plural and the plural includes the singular; words of one gender include the other gender; and words in the present tense include the future.

SECTION 3.04 INTERGOVERNMENTAL RELATIONS.

The Municipality may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more political subdivisions, states or civil divisions or agencies thereof, or the United States or any agency thereof, not inconsistent with the general law or Constitution of the State of Ohio, or the Constitution or laws of the United States.

Article IV

THE COUNCIL

SECTION 4.01 POWERS, NUMBER, SELECTION AND TERM.

(a) Except as otherwise provided by this Charter, all powers of the Municipality, including its legislative powers, shall be vested in a Council consisting of seven (7) members (including the Mayor). All members shall be elected from the Municipality at large. The three (3) serving ward council members are up for election in 2013, and those seats will be at large. The current rotation in effect at the time of these changes regarding the other Council Members and the Mayor shall remain as per the previous provisions of the Charter. The office of Mayor shall be a separately elected office pursuant to Section 4.03 of this Charter, members of Council (including the Mayor) shall serve overlapping terms of office for four (4) years, Sections 13.03 and 13.04 of this Charter provide for the transition of membership on the Council (including the Mayor) from the general statutory village plan government to its form of government under this Charter with respect to the initial composition of the Council and the initial terms of office of members of the Council (including the Mayor).

(b) The regular term of members of Council and the Mayor shall begin the first day of January following their election. Each shall take the oath of office after certification of election by the Board of Elections. They shall serve until their successors are chosen and are qualified. If a member of Council elect fails to qualify, dies, or resigns, the office shall be vacant and shall be filled according to the provisions of this Charter for vacancies in Council. All elections of members of Council and the Mayor shall be on a nonpartisan basis.

(Amended 11-6-12)

SECTION 4.02 ELIGIBILITY.

Each member of Council shall have been a resident and qualified elector of the Municipality for at least one (1) continuous year prior to his or her election, and shall continue to be a resident and qualified elector of the Municipality throughout his or her term of office.

(Amended 11-6-12)

SECTION 4.03 MAYOR AND DEPUTY MAYOR.

(a) The Mayor shall be elected by separate ballot from the Municipality at large for a four (4) year term. The Mayor shall be a member of Council and have the right to vote on all issues before the Council, but shall have no veto power. In addition to the powers, rights and duties as a member of Council as provided in this Charter, the Mayor, when present, shall preside at meetings of the Council, shall be recognized as head of the Municipal government for all ceremonial and nonadministrative purposes, by the Governor for purposes of military law, and courts for civil process involving the Municipality. The Mayor shall have judicial powers as provided by the general laws of Ohio. The Mayor shall perform all other duties prescribed for the office by ordinance or resolution of the Council not inconsistent with the provisions of this Charter. The Mayor shall appoint, with the concurrence of Council, a magistrate to conduct Mayor's Court as provided by the general laws of Ohio.

(b) The Council shall, at the first regular meeting in January following its election, choose, by a majority vote of all members of the Council, one of its members as Deputy Mayor who shall act as Mayor during the absence or disability of the Mayor. If a vacancy in the office of Mayor occurs, the Deputy Mayor shall serve as Mayor until the next regular Municipal election. At such election of a Mayor, a Mayor shall be elected to serve for the unexpired term, if any, or if not, for a full term.

Upon the election of a Mayor at such regular Municipal election, other than the Deputy Mayor then serving as Mayor, the Deputy Mayor may retain a position as member of Council for the remainder of his or her unexpired term.

In the event of a vacancy in the office of the Mayor whereby the Deputy Mayor is required to serve as Mayor, the Council shall select a person to fill the vacancy in Council, as provided in Section 4.05(d). However, the person so chosen shall serve only until a Mayor is elected as provided therein.

(11-4-97)

SECTION 4.04 PROHIBITIONS.

(a) Holding Other Offices. Except where authorized by this Charter, neither a member of Council nor the Mayor shall hold any other office or employment with the Municipality during the term for which said member of Council or Mayor was elected or appointed to the Council, and no former member of Council or Mayor shall hold any compensated appointive Municipal office or Municipal employment until (2) years after the expiration of the term for which he was elected or appointed.

(b) Appointment and Removals. Neither the Council nor any of its members, including the Mayor, shall in any manner dictate the appointment or removal of any Municipal officers or employees whom the Manager or any subordinates are empowered to appoint or remove, but the Council as a body meeting with the Manager may express its view, and full and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(c) Authority of Manager. Except as otherwise provided by this Charter, the Council or its members shall deal with the Municipal 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 any orders to any such officer or employee, either publicly or privately. The Council may conduct an investigation into the affairs of the Municipality and the conduct of the officers and employees of the Municipality, and in such investigation the prohibitions set forth in divisions (b) and (c) of the section shall not apply.

SECTION 4.05 VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

(a) Vacancies. The office of member of Council shall become vacant upon the member of Council's death, resignation, removal from office in any manner authorized by this Charter, or forfeiture of office.

(b) Forfeiture of Office. Pursuant to the process established in Section 4.08 of this Charter, a member of Council shall forfeit office if said member of Council:

- (1) Lacks at any time during a term of office, any qualification for the office prescribed by this Charter;
- (2) Intentionally violates any express prohibition of this Charter;
- (3) Is convicted of a crime involving moral turpitude or malfeasance;
- (4) Fails to attend three (3) consecutive regular meetings of Council, without being excused by Council;

(5) Is called to active military duty for more than sixty one (61) consecutive days and is unable to perform his or her duties as a member of Council.

(c) Disability. On questions of disability involving the Mayor, Deputy Mayor or member of Council, the decision as to actuality of, the time of, and the duration of the disability for purposes of declaring a vacancy shall be determined by a majority vote of the remaining members of Council.

(d) Filling of Vacancies. Vacancies in the office of member of Council shall be filled within sixty (60) days by a majority vote of the remaining members of Council. Majority vote means a number greater than one-half (½) of the remaining members of Council. If a vacancy occurs in one (1) or more positions of members of Council, the Council of the new term shall appoint by a majority vote, an eligible person or persons to fill the vacancy. Majority vote is defined as a number greater than one-half (½) of the remaining members of Council. If the Council fails to fill a vacancy within sixty (60) days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Mayor shall fill the vacancy by appointment immediately following the expiration of said sixty (60) days. Any appointee under this Section shall qualify under the provisions of this Charter, shall hold the office, and shall serve for the unexpired term until a successor is elected and qualified.

(Amended 11-6-12)

SECTION 4.06 RECALL.

The electors shall have the power to remove from office, by recall election, any elected officer of the Municipality. If an elected officer shall have served for six (6) months of a term, a petition demanding his removal may be filed with the Clerk of Council who shall note thereon the name and address of the elector filing the petition, and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought, and a statement in not more than two hundred (200) words of the grounds for removal.

(a) In the case of a member of Council that was elected by ward, such petition shall be signed by at least twenty five (25) percent of the total number of persons who voted from that ward at the time of the most recent election for that position. For the purposes of recall, an appointed member of Council elected by ward shall be treated as an elected member.

(b) In the case of a member of Council elected at large or the Mayor, such petition shall be signed by at least twenty five (25) percent of the total number of persons who voted from the Municipality at the time of the most recent election for that position. For the purposes of recall, an appointed at large member of Council shall be treated as an elected member. Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not the petition meets the requirements thereof.

If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of the certificate to the person who filed the petition with the Clerk, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, the Clerk 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 such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than thirty (30) days nor more than seventy five (75) days after the date of such delivery.

At such recall election, conducted by the Board of Elections of Warren and/or Montgomery County, Ohio, as stated in Section 11.02, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered removed, said office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created by his or her removal thereby.

SECTION 4.07 COMPENSATION.

The Charter Review Commission shall review the salaries of the Mayor and Council Members as part of their duties every five (5) years, pursuant to Section 12.04 of the Charter. The Charter Review Commission shall make recommendations to Council, and the Council may accept or reject said recommendations. If Council accepts the recommendations an ordinance will be adopted setting the appropriate salaries pursuant to the recommendations of the Charter Review Commission.

No ordinance increasing such salaries shall become effective until the commencement of the terms of Council Members elected at the next regular election, provided such election follow the adoption of such ordinance by at least six (6) months. The Mayor shall receive additional compensation.

Council Members, by resolution of Council, stating the exact purpose of the appropriation, may receive their actual and necessary expenses incurred in the performance of their duties of office. (Amended 11-6-12)

SECTION 4.08 JUDGE OF QUALIFICATIONS.

The Council shall, by a majority vote of its members then serving, be the sole judge of the election and qualifications of its members of Council elect and its own members, and the grounds for forfeiture of their office, as established in Section 4.05, and for that purpose Council, by ordinance or resolution, shall prescribe the process of citing witnesses, administering oaths and producing evidence, and the enforcement of such process. If by an affirmative vote of five (5) members of Council, a witness is declared in violation of the ordinance or resolution implementing this section, the case shall be referred to the Law Director for appropriate action before the proper court.

A member of Council (including the Mayor) charged with conduct constituting grounds for forfeiture of office, shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Municipality at least fifteen (15) days in advance of the hearing.

SECTION 4.09 CLERK OF COUNCIL.

There shall be a Clerk of Council, selected by a vote of a majority of the members of Council, from outside its membership, to serve until a successor is chosen and enters upon the duties of this office. The Clerk of Council shall serve at the pleasure of the Council and may be removed at any time, without cause, by a majority vote of the members of the Council. The Clerk shall give notice of Council meetings and all other meetings as required by the general laws of Ohio, keep the journal, advertise public hearings, record in a separate book all ordinances and resolutions approved by Council and see that enactments are published as required by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter, or by ordinance or resolution of the Council.

The Clerk may be appointed to serve full or part time and shall receive a salary for services as such, as established by ordinance or resolution.

SECTION 4.10 PROCEDURE.

(a) Meetings. The Council shall meet regularly at least twice in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of two (2) or more members. All meetings where official business is consummated shall be open to the public except as otherwise provided by the general laws of Ohio.

(b) Rules and Journal. The Council shall adopt and may amend its own rules and order of business, in conformity with this Charter, and shall provide for keeping of the Journal of its proceedings. This Journal shall be a public record.

(c) Voting. Except on procedural motions, voting shall be by roll call and shall be recorded in the Journal. Four (4) members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of Council. No action of the Council, except as otherwise provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of four (4) members of Council.

SECTION 4.11 INDEPENDENT AUDIT.

During those years in which the State of Ohio shall make an audit of the affairs of the Municipality, such audit may be accepted as satisfying the requirements of this section. In any other years, Council may, when it deems it advisable, provide for an annual audit by a certified public accountant or firm of such accountants.

Article V

LEGISLATION

SECTION 5.01 ORDINANCES AND RESOLUTIONS.

Council action shall be by motion, ordinance or resolution. Ordinances and resolutions shall be the enactments of the Council and shall have the full force and effect of law.

SECTION 5.02 INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

All proposed ordinances and resolutions shall be introduced in written or printed form by a member of the Council and may be reviewed by the Director of Law on the question of correct legal form, for possible contradiction with existing ordinances or resolutions, or conflict with the Charter or Constitutional provisions. It shall be in the form required by Council for final adoption. No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title. The enacting clause with respect to ordinances shall be "The Municipality of Carlisle hereby ordains..." and with resolutions the enacting clause shall be "The Municipality of Carlisle hereby resolves...". Any ordinance or resolution which repeals or amends an existing ordinance or resolution or part of the Municipal Code shall set out in full the ordinance or resolution, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike out type and shall indicate new matter by underscoring or by italics.

SECTION 5.03 PASSAGE OF ORDINANCES AND RESOLUTIONS.

Ordinances and resolutions shall be read on three (3) different days, unless readings are dispensed with by a vote of five (5) members elected to the Council. When the requirement of reading on three (3) different days is dispensed with by the required vote, only one (1) reading is required and the ordinance or resolution may be passed forthwith or at a subsequent meeting by a majority vote of Council. Each reading shall be by title only, unless a reading in full is required by a majority vote of the Council.

SECTION 5.04 EFFECTIVE DATE.

Every ordinance and resolution, except emergency ordinances and resolutions, shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

SECTION 5.05 EMERGENCY ORDINANCES AND RESOLUTIONS.

To meet a public emergency affecting health, safety, morals, or the public welfare, or a special emergency in the operation of a Municipal department or agency, the Council may adopt emergency ordinances and resolutions, but such ordinances and resolutions may not: levy taxes, except when incidental to incurring debt; grant, renew, or extend a franchise, except one affecting health and a franchise given in connection with the issuance of debt obligations; regulate the rate charged by any public utility for its services; or grant any special privileges. An emergency ordinance or resolution shall be introduced in the form and manner prescribed for ordinances or resolutions generally, except that it shall be plainly designated as an emergency ordinance or resolution and shall contain in the preamble or after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. A proposed emergency ordinance or resolution may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members of Council shall be required for adoption. After its adoption the ordinance or resolution shall be published as prescribed for other adopted ordinances or resolutions but it shall become effective immediately upon its adoption unless a later date is specified therein.

SECTION 5.06 ADOPTION OF ORDINANCES BY REFERENCE.

The Council may adopt model or standard codes prepared and published by any public or private agency by reference to the date and source of the code without reproducing it at length in the ordinance or resolution. However, if the Council desires to modify, add to, or eliminate from any such code any section or part thereof, such addition, modification, or omission shall be clearly stated in the ordinance or resolution. In all such cases in which such a code shall be adopted by reference, publication of the code at length, by the Municipality, shall not be required. However, at least one copy of all such codes, including all amendments thereto, shall be kept in the office of the Clerk of Council for consultation by interested

persons during regular office hours and additional copies shall be for sale, when available, at cost, by the Clerk of Council.

SECTION 5.07 INITIATIVE AND REFERENDUM.

Except as otherwise provided in this Charter, ordinances and resolutions may be proposed and submitted to popular vote by initiative and referendum under the procedure set forth in the general laws of Ohio applicable to general statutory plan municipalities. If the Council is required to pass more than one (1) ordinance or resolution to complete and pay for public improvement, the initiative and referendum shall apply only to the first ordinance or resolution approved by the Council or the electors.

SECTION 5.08 AUTHENTICATION AND RECORDING; CODIFICATION; AND REPRODUCTION.

(a) Authentication and Recording. The Clerk of Council shall authenticate by the Clerk's signature, along with the signature of the Presiding Officer of the Council, and record in full, in a properly indexed Journal kept for the purpose, all ordinances and resolutions adopted by Council.

(b) Codification. Within five (5) years after adoption of this Charter and at least every ten (10) years thereafter, the Council shall provide codification of all Municipal ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council and shall be published promptly in bound or loose leaf form, together with this Charter and any amendments thereto, including any pertinent provisions (as the Council may specify) of the Ohio Constitution, other laws of the State of Ohio, codes of technical regulations, and other rules and regulations or pertinent supplementary matter of service or interest. The compilation shall be known and cited officially as the Carlisle Municipal Code. Copies of the Municipal Code shall be furnished to Municipal officers, placed in public Municipal offices for free public reference, and made available for purchase by the public at cost determined by Council.

(c) Publication and Reproduction of Ordinances and Resolutions. The Council shall cause each ordinance and resolution and each amendment to this Charter to be reproduced promptly following its adoption, and the reproduced ordinances and resolutions and Charter amendments shall be distributed or sold to the public at cost determined by Council. Each ordinance or resolution shall be published by posting for seven (7) days a copy of each ordinance and resolution at the Municipal offices and at two other public places within the Municipality as determined by the Council. The failure to post, or the failure to maintain posting, shall not invalidate an ordinance or resolution. The Council may make further arrangements as it deems necessary with respect to reproduction and distribution of any changes in or additions to the provisions of the Constitution and other laws of the State of Ohio, or the codes of technical regulations, and rules and regulations included in the Municipal Code.

Article VI

THE MANAGER

SECTION 6.01 APPOINTMENT; QUALIFICATIONS; COMPENSATION.

The Council by a vote of five (5) of the members of Council, shall appoint a Manager for an indefinite term and shall fix the Manager's compensation. The Manager shall be appointed on the basis of executive and administrative qualifications. The Manager need not be a resident of the Municipality or the State at the time of appointment, but shall reside within the Carlisle School District during the tenure of office as Manager, beginning not more than six (6) months after appointment. Council, by ordinance, may waive the residency requirement if deemed necessary. (11-7-89)

SECTION 6.02 POWERS AND DUTIES.

The Manager shall be the chief executive and administrative officer of the Municipality. The Manager shall be responsible to the Council for the administration of all Municipal affairs placed in the Manager's charge by or under this Charter. The Manager shall have the following powers and duties:

(a) To see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;

(b) To submit to the Council and make available to the public a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year;

(c) To prepare and submit the annual budget, appropriation measures, and any capital improvement programs to the Council;

(d) To keep the Council fully advised as to the financial conditions and future needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as he deems desirable, or as the Council may require;

(e) Subject to the provisions of Section 9.06 of this Charter, to prepare, in consultation with department heads and submit to Council for approval within six (6) months of the effective date of this Charter, a standard and uniform personnel policy for all Municipal employees and to review those policies with Council at least biannually;

(f) To prepare, in consultation with department heads, within six (6) months of the effective date of this Charter, job descriptions for all municipal employees and to review these job descriptions with the department heads at least biannually;

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

(h) Subject to the provisions of Section 9.06 of this Charter, to appoint and, when the Manager deems necessary for the good of the service, suspend or remove any Municipal employee or appointive administrative officer, except as otherwise provided in this Charter or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(i) To attend all Council meetings and have the right to take part in discussion, but not to vote;

(j) To make such reports as the Council may require concerning the operations of the Municipal departments, offices and agencies subject to the Manager's direction and supervision;

(k) Subject to the provisions in Section 7.06 of this Charter, to arrange, prepare and sign contracts, franchises and agreements with the Director of Law, but no such contracts, franchises or agreements involving an expenditure in excess of a sum of money, such sum to be determined by the Council, shall be legal until ratified or authorized by ordinance or resolution of the Council;

(l) To perform such other duties as specified in this Charter or as may be required by ordinance or resolution by the Council.

SECTION 6.03 ACTING MANAGER.

By letter filed with the Clerk of Council, the Manager shall designate a Municipal department head or other qualified Municipal employee to exercise the powers and perform the duties of Manager during the temporary absence or disability of the Manager. If such designation has not been made, and the Manager is, in the opinion of the majority vote of the Council, unable to perform the Manager's duties or to make such designation, the Council shall, by motion, appoint a Municipal department head or other qualified Municipal employee to perform the duties of the Manager until the Manager shall return or the Manager's disability ceases. During such absence or disability, the Council may revoke such designation at any time and appoint another Municipal department head or other qualified Municipal employee to serve until the Manager shall return or the Manager's disability shall have ceased. After thirty (30) days absence or disability of the Manager, the Council may declare the position vacant.

SECTION 6.04 REMOVAL OF THE MANAGER.

The Council may remove the Manager from office in accordance with the following procedures:

(a) The Council by a vote of five (5) of its members may suspend the Manager for a period not to exceed forty five (45) days by informing the Manager in writing its reason for said suspension;

(b) The Manager may file a written request for a public hearing on his or her suspension with the Council within seven (7) days of his or her receiving notice of suspension;

(c) If the Manager does request a public hearing from the Council, this hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. If a majority of the members of Council do not vote to overrule the suspension, the Manager's employment will be terminated upon the conclusion of the hearing. If a majority does vote to overrule the suspension, the Manager will be reinstated with back pay.

The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency.

SECTION 6.05 VACANCIES.

In the event a vacancy in the office of the Manager, the Council shall appoint a qualified person (including any appointed administrative officer or agency) to serve as Acting Manager to exercise the powers and to perform the duties and functions of Manager until a Manager is appointed pursuant to Section 6.01 of this Charter.

Article VII

ADMINISTRATIVE DEPARTMENTS

SECTION 7.01 CREATED DEPARTMENTS.

The administrative activities of the Municipality shall be carried on by Departments of: Finance, Law, Safety, and Service. This shall not preclude the ability of Council to provide such service through joint participation with other governmental agencies as provided in Section 3.04.

SECTION 7.02 CREATION OF NEW DEPARTMENTS.

The Council may establish other departments in addition to those created by this Charter as the needs of the Municipality may require, and except for those established in Section 7.01, may abolish or combine them in any manner as it deems necessary. It may prescribe the functions and names, or change the names, of all departments except that no function assigned by this Charter to a particular department may be discontinued or, unless this Charter specifically so provides, assigned to any other.

SECTION 7.03 DEPARTMENT DIRECTORS.

At the head of each department there shall be a part time or full time director who shall be appointed by the Manager and who shall serve at the pleasure of the Manager, and may be removed, without cause, by the Manager. Two or more departments may be headed by the same person and the Manager may serve as the director of one or more departments in addition to his duties as Manager, if Council approves by a majority vote of its members. Each director shall be an administrative officer of the Municipality. The Director shall have supervision and control of the department he or she heads subject to the direction of the Manager. The Manager may appoint a person to serve as an acting department head in the event of a vacancy or the temporary absence or disability of a department head.

SECTION 7.04 DEPARTMENTAL DIVISIONS.

Pending the adoption of an Administrative Code by the Council, the Manager may establish temporary divisions by administrative order.

SECTION 7.05 ADMINISTRATIVE CODE.

Subject to the provisions of this Charter, the Council may adopt, by ordinance or resolution, an Administrative Code which shall provide in detail the organization of the Municipal government, and define the powers and duties of each organizational unit. Amendments to and revisions of the Administrative Code shall be made by Council. Where the Charter and the Administrative Code are silent, the officers and employees through the Manager of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the general laws of Ohio applicable to general statutory plan municipalities. However, provisions of the Charter, ordinances, resolutions, and the Administrative Code shall supersede those of the State law in case of conflict.

SECTION 7.06 COMPETITIVE BIDDING.

All contracts in excess of a sum of money established by the Council, by ordinance or resolution, shall be subject to competitive bidding and contracts in excess of such sum shall be awarded by the Manager to the lowest and best bidder; provided that the Council may, by ordinance or resolution, establish the circumstances and types of expenditures or contracts where competitive bidding shall not be required, and further provided that competitive bidding shall not be required under this section in those instances where competitive bidding is not required under the statutory or common law applicable to general statutory plan municipalities. The Council shall establish, by ordinance or resolution, procedures to be followed by the Manager in advertising for bids and awarding contracts, provided that until the Council so acts, the Manager shall determine such matters by administrative rules.

SECTION 7.07 DEPARTMENT OF FINANCE.

The Director of Finance shall establish accounting and procedure systems to conform to the requirements under the general laws of Ohio. The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for accounting, collection and custody of public funds and control over disbursement. The Director shall be responsible for the establishment of accounting procedures and financial reporting practices for the Municipality, including all boards and commissions. The Director of Finance shall advise the Manager and 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 it shall be determined that the claim is in proper form, correctly computed, duly approved and within appropriations made by the Council. The Director of Finance may counter sign all bonds and notes issued by the Municipality and shall perform other functions as provided by the general laws of Ohio, the Administrative Code, ordinances or resolutions, or by the lawful order of the Manager.

SECTION 7.08 DEPARTMENT OF SAFETY.

The Department of Safety shall have and perform the functions of fire and police protection and such other functions as may be provided by the general laws of Ohio, the Administrative Code, ordinances or resolutions, or by the lawful order of the Manager.

SECTION 7.09 DEPARTMENT OF SERVICE.

The Department of Service shall be administered by the Director of Service. The Director shall be responsible for the general supervision, custody, care and maintenance of the public buildings, grounds, streets, sewers, Municipal utilities, cemeteries, and properties, owned or operated by the Municipality for the protection of the health, welfare, convenience, and necessity of the people. The Director shall perform such functions and duties with reference to the Department of Service as may be provided by the general laws of Ohio, the Administrative Code, ordinances or resolutions, or by the lawful order of the Manager.

SECTION 7.10 DEPARTMENT OF LAW.

The Department of Law shall be administered by a Director of Law. The Director of Law shall perform the powers and duties of a director of law for a general statutory plan city pursuant to the general laws of Ohio; and he shall have such other powers and duties as provided by this Charter and the Municipality's ordinances or resolutions and as directed by the Council or the Manager. The Council or the Manager may also authorize the engagement of special counsel to provide legal services to the Municipality.

Article VIII

FINANCE, TAXATION, AND DEBT

SECTION 8.01 GENERAL.

The statutory laws and common law of Ohio pertaining to budgets, appropriations, taxation, debts (including bonds and notes), assessments and other fiscal matters of the Municipality shall apply to the Municipality, except as modified by or inconsistent with this Charter, or when provision therefor is made pursuant to the Constitution of Ohio.

SECTION 8.02 SUPPLEMENTAL PROCEDURES.

With respect to budgets and appropriations, the Manager, with the approval of the Council, may establish procedures that supplement, but are not inconsistent with, the laws of Ohio pertaining to such matters.

Article IX

BOARDS AND COMMISSIONS

SECTION 9.01 COUNCIL'S POWER TO CREATE.

In addition to the boards, commissions, agencies, and authorities created by this Charter or amendments thereto, the Council may establish and appoint such boards, commissions, agencies and authorities as it may deem necessary and determine their powers and duties, except that no power or duty shall be taken from any board, commission, agency, or authority created by this Charter.

SECTION 9.02 REMOVAL OF MEMBERS.

Council by motion may remove any member of a board, commission, or agency, for cause, so stated in written or printed form by Council. Council's action shall be final.

SECTION 9.03 OPEN MEETINGS.

The general laws of Ohio pertaining to meetings of the Municipality's public bodies shall apply under this Charter.

SECTION 9.04 ORGANIZATION.

At the first meeting in each year, each board, commission, agency or authority of the Municipality as created by this Charter, or by ordinance or resolution of Council, shall elect officers from among its membership.

SECTION 9.05 QUORUM.

A majority of the members of a board, commission, agency, or authority shall constitute a quorum, and a majority vote of the members present shall be required to take any action.

SECTION 9.06 PERSONNEL BOARD.

(a) Membership. After the Municipality obtains the legal status of a "city" under the Constitution and laws of Ohio, or at an earlier date if the Council deems it necessary, there shall be a Personnel Board consisting of three (3) members who shall be appointed by Council. The terms of the original appointees shall be for one (1), two (2) and three (3) years, respectively. Thereafter, appointments shall be made for terms of three (3) years. The Council shall fill all vacancies by appointment for the unexpired term. Each member of the Board shall be a qualified elector of the Municipality and shall neither hold, nor be a candidate for, any public office or be a Municipal employee. Its members shall serve without compensation.

(b) Duties. The Personnel Board shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the Municipality as required by the Constitution of Ohio, and for appeals from the action of any board, official or member of Council in any case of transfer, reduction, or removal. The action of the Board on any such appeal shall be final except as otherwise provided by the general laws of Ohio or this Charter. The Board shall have the power to subpoena witnesses and require production of records.

(c) Personnel Board of Appeals. Until a Personnel Board is appointed by Council, there shall be a Personnel Board of

Appeals provided for by Council. The Personnel Board of Appeals shall consist of five (5) electors from the Municipality appointed by Council and shall hear appeals when any officer or employee of the Municipality feels aggrieved by action of the Manager or by any department head who suspends, reduces or removes said officer or employee who then requests such hearing. Decisions of the Personnel Board of Appeals in such matter may be appealed to the Court of Common Pleas within ten (10) days of such decision.

(11-3-92)

(d) Tenure of Police Officers. (EDITOR'S NOTE: Subsection (d) was repealed by the voters on November 3, 1992.)

SECTION 9.07 PLANNING COMMISSION.

There shall be a Municipal Planning Commission consisting of seven (7) members, two (2) of whom shall be members of Council appointed for a term of one (1) year, and five (5) citizen members who have resided in the Municipality for a period of two (2) years, to be appointed among the qualified electors of the Municipality. The five (5) citizen members shall serve four (4) year overlapping terms of office. The first appointment to the four (4) year term of office under this Charter shall be made as follows: three (3) members shall be appointed to a two (2) year term and two (2) members shall be appointed to a four (4) year term; thereafter the five (5) citizen members shall be appointed for a four (4) year term of office. Citizen members of the Planning Commission shall hold no other Municipal office or employment. The Council shall fill all vacancies by appointment for the unexpired term.

SECTION 9.08 POWERS AND DUTIES OF THE PLANNING COMMISSION.

The Planning Commission shall conduct studies and 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 interests of the Municipality. The Planning Commission shall continuously review and report to the Council its recommendations concerning the Municipality's capital improvement programs, subdivisions, platting and zoning ordinances and regulations. The Planning Commission shall cooperate with other governments or private planning agencies to secure the maximum benefit to the Municipality's agencies. Other powers and duties of the Planning Commission shall include those established by this Charter and by the Council by ordinance or resolution but until such ordinances or resolutions are 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 this Charter.

SECTION 9.09 BOARD OF ZONING AND BUILDING APPEALS.

There shall be a Board of Zoning and Building Appeals consisting of seven (7) citizen members appointed by Council to serve for a term of four (4) years. Of those citizen members first appointed under this Charter, three (3) shall serve for four (4) years, and four (4) shall serve for two (2) years. The Council shall establish the rules of procedures for the Board of Zoning and Building Appeals, and shall further specify the jurisdiction of the Board of Zoning Appeals and what type of appeals the Board shall address. The Board shall keep a record of its proceedings in all matters coming before the Board. No motion or other action overruling an action under the Zoning Ordinance by any administrative officer of the Municipality shall be adopted except by the affirmative vote of five (5) members of the Board. Council shall fill all vacancies by appointment for the unexpired term.

(11-4-97)

SECTION 9.10 POWERS AND DUTIES OF THE BOARD OF ZONING AND BUILDING APPEALS.

The Board shall have whatever powers and duties the Council deems appropriate to hear and decide appeals from the actions taken by the Municipality's administrative offices and employees with respect to the Municipality's building codes and regulations and restrict the right of the Council to limit or expand the powers of the Board of Zoning and Building Appeals, or to set alternative appeal processes from the decisions of the Board of Zoning and Building Appeals. If empowered by the Council, the Board may approve exceptions to and variations from the Municipality's building and zoning codes and regulations in individual cases as may be required to afford justice. The standards to be applied by the Board in all instances shall be established by ordinance or resolution of the Council.

(11-4-97)

SECTION 9.11 PARK AND RECREATION BOARD.

There shall be a Park and Recreation Board consisting of five (5) citizen members who shall be electors of the Municipality who shall hold no compensated office or position of employment with the Municipality. The members of the Board shall be appointed by Council. Terms of office shall be two (2) years overlapping, so arranged that at least two (2) members' terms shall expire on the first of January of each year. The Council shall fill any vacancies by appointment for the unexpired term. The Board shall have all the powers and duties conferred upon it by ordinance or resolution.

Article X

PERSONNEL

SECTION 10.01 CLASSIFICATION OF SERVICE.

Upon the Municipality attaining the legal status of a "city" under the Constitution and general laws of Ohio, the service of the Municipality shall be divided into the "classified" and the "unclassified" service. The classified service shall be subject to the merit system established pursuant to Section 9.06 of this Charter. Persons in the unclassified service shall be exempted from the merit system established pursuant to Section 9.06 of this Charter.

(a) The classified service shall include the following:

- (1) Full time members of the Police Department;
- (2) Full time members of the Fire Department at such time only as the Council established a paid Fire Department;
- (3) Full time hourly workers; and
- (4) All persons in positions not specifically included in this Charter in the classified service.

(b) The unclassified service shall include only the following:

- (1) The Manager;
- (2) The Mayor, members of Council, and the Clerk of Council;
- (3) The directors of departments, their assistants, and division heads;
- (4) The Secretary to the Manager, and personal secretaries of all department heads, agencies, boards, and commissions;
- (5) The Assistant to the Manager;
- (6) Any office or position requiring exceptional or professional qualifications;
- (7) Seasonal or part time employees;
- (8) All officials and employees of the Council appointed by the Council;
- (9) Members of boards, commissions, and agencies.

Article XI

NOMINATIONS AND ELECTIONS

SECTION 11.01 MUNICIPAL ELECTIONS.

The regular election of members of Council shall be held on the first Tuesday after the first Monday in November in the odd number years. The Council may, by ordinance or resolution, order a special election at any time, the purpose of which shall be set forth in the ordinance or resolution.

SECTION 11.02 CONDUCT OF ELECTION.

Both regular and special Municipal elections shall be conducted by the Board of Elections of Warren and/or Montgomery County, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the election laws of Ohio shall be followed. Council shall have authority and is directed to hold all elections through the said County Board of Elections, according to the provisions of the election laws of Ohio, except where this Charter directs otherwise.

SECTION 11.03 NOMINATIONS.

No primary election shall be held for the nomination of candidates for the Council. Nominations for the offices of member of Council (including the Mayor) shall be made by petition. Petitions for at-large seats or Mayor shall contain the signatures of thirty (30) electors of the Municipality. In all other respects, the petitions shall be as provided by the provisions of the election laws of Ohio pertaining to nonpartisan elections. Petitions shall be on the forms provided by the Board of Elections for the nomination of individual nonpartisan candidates for such office. An elector may sign only as many petitions as there are members of Council to be elected at the Municipal election for which the nominations are made.

(11-4-97; 11-6-12)

SECTION 11.04 PUBLIC INFORMATION ON ISSUES.

The Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with elections on tax levies, bond issues, and other public issues and to make reports to the people with respect to the Municipality's affairs.

Article XII

GENERAL PROVISIONS

SECTION 12.01 OATH OF OFFICE.

All officers and employees of the Municipality shall, before entering upon their duties, take and subscribe to the following oath or affirmation to be filed and kept in the office of Clerk of Council:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the State of Ohio, and will obey the laws thereof, and that I will, in all respects, uphold and enforce the provisions of the Charter and ordinances and resolutions of the Municipality and will faithfully discharge the duties of upon which I am about to enter."

SECTION 12.02 OFFICIAL BONDS.

The Municipality shall furnish all surety bonds for its officers, employees, appropriate board and commission members and any other persons required by Council to be bonded. The amount of such bonds shall, in each case, be fixed by Council for all persons whose duties require that they handle or be concerned with the management of the Municipality's money or other property. These surety bonds shall be issued by a company authorized to do business in the State of Ohio and the premium on such bonds shall be paid from the funds of the Municipality.

SECTION 12.03 FEES.

All fees received by officers or employees of the Municipality in connection with their employment with the Municipality shall be accounted for and paid into the Municipal Treasury as provided by the general laws of Ohio, except as otherwise provided by ordinance or resolution.

SECTION 12.04 AMENDMENTS TO THE CHARTER; CHARTER REVIEW COMMISSION.

(a) Submission. The provisions of this Charter may be amended as provided by the Ohio Constitution.

(b) Review. At the first meeting of the Council in January, 1992, and every five (5) years thereafter, Council shall appoint a Commission of nine (9) electors of the Municipality. It shall be the duty of the Commission to review the existing Charter and make such recommendations as it may see fit for revision. The Commission shall submit its report to Council no later than the first of July of the same year. Thereupon, the Council may take such actions it deems warranted with respect to such recommendations.

(c) Conflicting Amendments. In the event two (2) conflicting amendments to the Charter are approved at the same election by a majority vote of the total number of votes cast, the one (1) receiving the highest number of affirmative votes shall be the amendment to the Charter.

(d) In addition to the duties set forth in Section (b) of this Section, the Charter Review Commission shall review the current salary structure of the Council and shall make recommendations to the Council regarding the salaries of the Mayor and Council Members. The recommendations are not binding and shall be voted on and either accepted or rejected by Council pursuant to the same terms and conditions set forth in Section 4.07 as amended.

(Amended 11-6-12)

SECTION 12.05 EFFECT OF PARTIAL INVALIDITY.

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

SECTION 12.06 PERSONAL FINANCIAL INTEREST.

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by officials and employees of municipalities shall apply under this Charter.

SECTION 12.07 ANNUAL REPORT.

The Council may annually or otherwise periodically, as it may determine, publish a comprehensive report to the people of Carlisle concerning the activities and status or condition of the Municipal government.

Article XIII

TRANSITIONAL PROVISIONS

SECTION 13.01 EFFECTIVE DATE.

Upon approval of the voters of the Municipality, this Charter shall take effect on July 1, 1987.

SECTION 13.02 SUCCESSION.

The Municipality of Carlisle, under this Charter, is hereby declared to be the legal successor of the Village of Carlisle, under the general laws of Ohio, and as such it has the title to any and all chattel, any and all real property, any and all property both personal and mixed. The Municipality is also 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 of competent jurisdiction. If any office, board, commission or department of the Municipality of Carlisle existing under the laws of the State is abolished by this Charter, the powers and duties conferred on it shall hereafter be exercised and discharged by the agencies and persons with corresponding functions, duties and powers as far as consistent with the provisions of this Charter. Council shall have authority to implement this provision by ordinance or resolution to fulfill the purpose of this Charter.

SECTION 13.03 CONTINUATION OF MAYOR AND COUNCIL.

(a) The persons who hold the offices of member of Council under the general statutory village plan of government at the time this Charter becomes effective shall serve as members of Council under this Charter until the end of their respective terms of office to which they were elected under the general statutory village plan of government. The person who holds the office of Mayor under the general statutory village plan of government when this Charter becomes effective shall serve as the Mayor until the first of January, 1988.

(b) At the regular Municipal election to be held in November 1987 and each fourth year thereafter, two (2) members of Council and the Mayor shall be elected from the Municipality at large to serve four (4) year terms of office. At the regular Municipal election to be held in November 1989 and every fourth year thereafter, and four (4) member of the Council shall be elected from the Municipality at large; and each of such members shall serve a four (4) year term of office. (Amended 11-6-12)

SECTION 13.04 CONTINUATION OF THE MAYOR.

The person holding the office of Mayor, under the general statutory village plan of government who is in office when this Charter becomes effective is hereby designated as a member of Council and the Mayor under this Charter and shall hold such offices until January 1, 1988. Thereafter the Mayor shall be elected under the provisions of Section 4.03 and 13.03 of this Charter.

SECTION 13.05 CONTINUATION OF ORDINANCES AND RESOLUTIONS.

All ordinances, resolutions and other acts of the Village of Carlisle, in effect at the time this Charter becomes effective, shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed by Council or by the electors provided in Section 5.07. In any conflict between an ordinance or resolution of Council and the provisions of the general laws of Ohio, other than provisions reserved by the Ohio Constitution to the Ohio General Assembly, the provisions of the ordinances and resolutions shall prevail.

SECTION 13.06 OFFICERS AND EMPLOYEES.

(a) Rights and Privileges Preserved. Nothing in this Charter, except as otherwise specifically provided in the Charter, shall affect or impair the rights and privileges of persons who are Municipal officers or employees at the time of its adoption to continue in the service of the Municipality of Carlisle.

(b) Personnel System. An employee holding a Municipal position at the time this Charter takes full effect, or at the time City status is attained, who was serving in the same or a comparable position at the time of the Charter's adoption, or at the time of attaining City status, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in Article X of this Charter.

(11-4-97)

SECTION 13.07 TRANSFER OF RECORDS AND PROPERTY.

All public records and property in custody of officers and employees who may leave the service of the Municipality at the time this Charter becomes effective shall be transferred and delivered promptly to their successors.

SECTION 13.08 CONTINUATION OF CONTRACTS AND IMPROVEMENTS.

All the contracts entered into by the Municipality or for its benefits, prior to the taking of effect of this Charter, shall remain in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect, shall be completed, as nearly as practicable, under the provisions of such laws.

SECTION 13.09 PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending in any court at the time this Charter takes effect, brought by or against the Municipality or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the law in effect when they were filed.

SECTION 13.10 TRANSFER OF FINANCE FUNCTIONS.

Upon the effective date of this Charter the office of Clerk Treasurer shall be abolished. The Director of Finance shall be appointed pursuant to Section 7.03 of this Charter and the Clerk of Council shall be appointed pursuant to Section 4.09 of this Charter.

SECTION 13.11 TRANSITION OF VILLAGE ADMINISTRATOR.

The Village Administrator is hereby designated to serve as the Village Manager and to serve at the pleasure of Council under the provisions of Article VI of this Charter.