

**ORDINANCE NO. 2018 - 16**

**AN ORDINANCE PROVIDING FOR AN ELECTION TO  
ADOPT AN AMENDED CHARTER  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Golf Manor is a Home Rule community supported by a Charter adopted by the electors of the Village of Golf Manor; and

**WHEREAS**, Article XVIII, Section 9 of the Ohio Constitution permits amendments to be made to the Charter so long as adopted by a majority of the electors voting thereon; and

**WHEREAS**, Article XV of the Village Charter acknowledges the community's intent for the Charter to be flexible and to be changed from time to time to meet changing conditions in the Village; and

**WHEREAS**, the Mayor and Council did appoint a Committee to review and update the Charter, and such Committee has made recommendations to Council for an Amended Charter; and

**WHEREAS**, at a regularly scheduled meeting of the Village Council held August 27, 2018, the recommendation of the Charter Committee was reviewed by Council; and

**WHEREAS**, Council does desire to accept such recommendation and with this Ordinance place the question on the ballot at the general election to be held in the Village on Tuesday, November 6, 2018 to allow the electors of the Village to determine whether or not the Charter, as amended, should be adopted; and

**WHEREAS**, to timely place this issue on the November ballot, Council does desire to pass this Ordinance as an emergency so it shall take effect immediately to enable this issue to be presented to the Hamilton County Board of Elections in a timely manner.

**NOW THEREFORE**, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION I.** The question of the amendment of the Charter of the Village of Golf Manor shall be submitted to a vote of the qualified electors of the Village at the general election to be held on November 6, 2018 at the regular places of voting within the Village. If approved by a majority of the voters voting upon such Amended Charter, the Amended Charter shall take effect January 1, 2019. The Amended Charter, as proposed, is attached hereto and incorporated herein by reference.

**SECTION II.** The question to be submitted on the ballot shall be: *Shall the proposed Amended Charter of the Village of Golf Manor be adopted?*

**SECTION III.** The Assistant Clerk and the Village Manager are hereby directed to mail a copy of the proposed Amended Charter to each elector whose name appears on the poll or registration books for the eligible voters of the Village of Golf Manor enrolled with the Hamilton County Board of Elections. Such Notice and a copy of the Amended Charter shall be mailed at least thirty (30) days before the date of the election.

**SECTION IV.** The Assistant Clerk is directed to certify a copy of this Ordinance to the Hamilton County Board of Elections.

**SECTION V.** The Mayor and Village Administrator are directed to make the necessary arrangements with the Hamilton County Board of Elections for any additional notice, publication or conducting the election and placing the question on the ballot as may be necessary, including preparing a summary or condensed version of the Amended Charter.

**SECTION VI.** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the Village of Golf Manor and its residents to be able to meet the necessary deadline for placing this issue on the general election ballot to allow the electors of the Village to have the opportunity to determine whether or not this Amended Charter should be adopted. As a result, this Ordinance shall take effect and be in full force and effect from and after its passage by Village Council.


PASSED this 27<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
Mayor Greg Schwartzberg

ATTEST:

  
\_\_\_\_\_  
Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Terrence M. Donnellon, Solicitor

**CERTIFICATION**

The undersigned, Anna Gedeon, Assistant Clerk of Council for the Village of Golf Manor, Ohio, does hereby certify that the attached Ordinance No. 18-16 entitled *Ordinance Providing For An Election To Adopt An Amended Charter* is a true and accurate copy of such Ordinance and the proposed Amended Charter adopted by Village Council at its regularly scheduled meeting August 27, 2018. All deliberations by Council and all action by Council were taken in an open meeting consistent with R.C. § 121.22. The vote to approve such Ordinance to refer the Amended Charter to the November ballot was as follows:

Mr. Boettcher      yeah  
Ms. Chaney        yeah  
Mr. Densmore     yeah

Ms. Dubose        yeah  
Mr. Kneipp        yeah  
Mr. Marx           yeah

The Ordinance was approved unanimously.

Certified this 28<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
Anna Gedeon  
Assistant Clerk of Council

## **GOLF MANOR CHARTER UPDATE 2018**

### **ARTICLE I.**        **NAME AND BOUNDARIES**

#### **SECTION 1.01**        NAME.

The Municipality now existing in the County of Hamilton, State of Ohio, and known as Golf Manor, shall continue to be a body politic and corporate under the name of the Village of Golf Manor. If and when the Village of Golf Manor shall, under the Constitution and the general laws of the State of Ohio, become a City, it shall be known as the City of Golf Manor.

#### **SECTION 1.02**        BOUNDARIES.

The Village of Golf Manor shall have the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the laws of Ohio.

### **ARTICLE II.**        **FORM OF GOVERNMENT AND POWERS**

#### **SECTION 2.01**        FORM.

The Municipal Government provided by this Charter shall be known as the "Mayor-Council Form of Government".

#### **SECTION 2.02**        POWERS.

The Village under this Charter shall exercise all powers of local self-government granted by the Constitution of the State of Ohio, and all other powers granted to municipalities by the laws of Ohio, including all statutes now or hereafter enacted. All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by ordinances and/or resolutions of Council insofar as such ordinances and/or resolutions are not inconsistent with the general laws of the State. References to any particular power in this Charter shall not be deemed exclusive.

### **ARTICLE III.**        **MAYOR**

#### **SECTION 3.01**        ELECTION, TERMS AND QUALIFICATIONS.

The Mayor shall be elected for a term of four (4) years at the regular Municipal election in 1987, and every four (4) years thereafter. The Mayor's term shall commence on the date of the first Council meeting in December next after his/her election and shall serve until any successor is elected and qualified. The Mayor shall be an elector of the Village and shall have resided in the Village for one year next preceding his/her election. The Mayor shall not hold any other public office except that of Notary Public, a member of the state militia, National Guard or a reserve

component of the United States Armed Forces or any branch thereof, a member of the county or state central committee of the political party of which he/she is a member, a delegate to a state or national political party convention of the political party of which he/she is a member, or Trustee/Director without pay of any political institution or Board. The Mayor may serve on county or regional commissions or other public bodies provided that Council determines that such service will benefit the Village of Golf Manor and consents thereto.  
(Amended 5-5-87.)

**SECTION 3.02          POWERS AND DUTIES OF THE MAYOR.**

The Mayor shall be the chief executive officer and chief conservator of the peace within the Village. The Mayor shall see that the ordinances of the Village and the laws of the State are enforced and that all contracts to which the Village is a party are carried out. The Mayor shall have all the general and judicial powers vested in him/her by the laws of the State and shall perform all the duties prescribed by the ordinances of the Village. The Mayor shall preside at all meetings of Council. The Mayor shall have the right to introduce ordinances and resolutions and to take part in the discussion of all matters coming before Council and shall have the right to vote in case of a tie. The Mayor shall be recognized as the official and ceremonial head of the Village and by the Governor for military purposes, and by the courts for the purpose of serving civil process. The Mayor shall establish the committees of Council at the first meeting of Council for a new term, and throughout the Council term as necessary to carry out the business of the Village. The Mayor shall appoint Council Members and may appoint as necessary residents including business residents to such committees in his or her discretion. The Mayor's decision on committees shall be final and not subject to approval by Council. The Mayor shall give due regard to the preferences of Council Members in establishing and staffing committees, but shall not be bound by their preferences. The Mayor shall give bond for the faithful performance of his/her duties, in an amount and subject to approval as provided by Council by ordinance.  
(Amended 11-3-98.)

**SECTION 3.03          SALARY.**

The Salary of the Mayor shall be established by ordinance.

**ARTICLE IV.          COUNCIL**

**SECTION 4.01          POWERS, TERMS AND QUALIFICATIONS.**

All legislative powers of the Village, except the powers of the initiative and referendum reserved to the electors in this Charter, shall be vested in a Council which shall consist of six (6) electors of the Village, each of whom shall have resided in the Village at least one year preceding his/her election. All members of the Council shall be elected for overlapping terms of four (4) years. At the regular Municipal election to be held in November, 1971, and each four (4) years thereafter, two (2) members of Council shall be elected for four (4) year terms. At the regular Municipal election to be held in November, 1973, and each four (4) years thereafter four (4) Council members shall be elected for four (4) year terms.

Their terms shall commence on the date of the first Council meeting in December next after their election and they shall serve until their successors are elected and qualified. If a person elected to Council for any reason is not seated within thirty (30) days after commencement of his/her term of office, the Council Member shall forfeit said office and the vacancy shall be filled in the manner provided in Section 4.04 of this Charter.

At the first meeting of a newly elected Council, the Council shall adopt rules to govern Council, which rules shall be adopted by motion and a majority vote of the elected members of Council. Such rules shall remain in effect until modified by Council or a new Council is voted into office. Such rules shall include those matters deemed necessary to facilitate the business of the Village. (Amended 11-3-98.)

#### SECTION 4.02 MEETINGS OF COUNCIL.

Council shall establish a meeting schedule at the first Council meeting of the calendar year and will hold no less than one regular meeting each calendar month and at such place and time as shall be established by Council. Special meetings may be called by the Mayor or by any three members of Council by written notice served personally upon each member or left at his residence at least twelve hours in advance of the time of such special meeting. All meetings of the Council and its committees, Board and commissions shall be open to the public, except that executive sessions for such meeting shall be allowed consistent with the provisions of the Ohio Revised Code, which addresses public meetings and executive sessions for public bodies. (Amended 11-3-98.)

#### SECTION 4.03 QUORUM AND VOTING.

A majority of the members elected and/or appointed to Council shall constitute a quorum for the transaction of business at any meeting, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by the Rules of Council.

#### SECTION 4.04 COUNCIL DESIGNATE, REMOVALS AND VACANCIES.

The Council shall declare vacant the seat of any Member who shall cease to be a resident of the Village, or who persistently fails to abide by the Rules of the Council or who is otherwise guilty of misconduct affecting the performance of his/her duties as Council Member, but such action shall be taken only upon the concurrence of five (5) Members of Council. Such action may be taken either at a regular meeting of Council after service of notice upon such Member of such proposed action, if such action was announced at a prior regular meeting of Council or if emergency action is necessary to preserve the health, safety and welfare of the Village, so long as notice of the proposed action is given to the Council Member at least twenty-four hours in advance of such meeting at which a vote will be taken. A Member of Council shall not hold any other public office except that of Notary Public, a member of the state militia, National Guard or a reserve component of the United States Armed Forces or any branch thereof, a member of the county or state central committee of the political party of which he/she is a member, a delegate to

a state or national political party convention of the political party of which he/she is a member, or Trustee/Director without pay of any political institution or Board. A Council Member may serve on county or regional commissions or other public bodies provided that Council determines that such service will benefit the Village of Golf Manor and consents thereto.

Before taking the oath of office each elected or appointed Council Member shall file with the Mayor and Clerk of Council a Successor Designation Certificate, certifying the names of one or more of his/her fellow Council Members to select a Successor Council Member in case of his/her office becoming vacant due to any cause whatsoever. At a minimum one of the Designees shall be an elected Member of Council. Should a vacancy occur, the Council Member(s) designated by the former Member shall be empowered, within thirty (30) days thereafter, to designate his/her successor, by a majority vote of their number, or of those remaining thereof, and file their signed designation with the Council, or with the Recording Clerk of Council, who shall present it to Council at its next regular meeting. Thereafter the designated Successor shall have the status of a Council Member duly appointed for the unexpired term. If the appointment shall be made prior to August 1, of the year of a Municipal election, then the appointed Council Member shall be subject to election for the balance of the unexpired term at the next Municipal election. Any elector seeking election to the unexpired term shall file a declaration of candidacy in accordance with the general election laws of the State of Ohio. Should there be no valid and effective Successor Designation Certificate for a vacant office, should the certified Council Member(s) fail to designate a Successor within the time limit, or if there are no elected Council Members designated to appoint a Successor to meet the minimum requirement as set forth above, the Council shall fill the vacant seat within thirty (30) days of the event qualifying Council to make the appointment. Should Council fail to act within the time limit, the Mayor shall appoint the successor without requiring the consent of Council. Any Council Member may amend his/her Successor Designation Certificate at any regular meeting of Council.

(Amended 11-2-76.)

#### SECTION 4.05      SALARIES.

Salaries of Council Members shall be established by ordinance. Salaries of Council Members shall not be changed during their term of office, nor by any ordinance passed subsequent to the final date on which they could be nominated for office.

### ARTICLE V.      **APPOINTED OFFICIALS**

#### SECTION 5.01      VICE-MAYOR.

The Council at the first meeting of December each calendar year shall choose one of its members to be Vice-Mayor. The Vice-Mayor shall be an elected and not appointed Council Member. If no Council Member eligible for appointment is an elected Council Member, then Council may appoint any of its members as Vice-Mayor. The Vice-Mayor shall exercise the powers and perform the duties of the Mayor during the temporary absence or disability of the Mayor. While so acting as Mayor, the Vice-Mayor shall not cease to be a Council Member nor lose his/her right to vote as a Member of Council. If, at any point during the Mayor's term of office, the office shall be vacated

by resignation, death, or other termination, the Vice- Mayor shall succeed to the Mayor's position for the unexpired term, and at such time shall no longer be a voting Member of Council. Provided, however, if the Vice-Mayor succeeds to the unexpired term prior to August 1 of the year of a municipal election, then the position of Mayor shall be subject to election for the balance of the unexpired term at the municipal General Election for that year. Should the Vice-Mayor succeed to the office of Mayor for the unexpired term, his or her Council seat shall be filled pursuant to Section 4.04 of this Charter.

Council may from time to time appoint from among its Members a Mayor *Pro-tem* to serve for a specific temporary period of time in the absence of both the Mayor and Vice-Mayor. The Mayor *Pro-tem* shall have all powers of the Mayor and Vice-Mayor and shall remain a voting Member of Council during such appointment.  
(Amended 11-3-98.)

#### SECTION 5.02            SOLICITOR.

Council shall appoint a Solicitor who shall be an Attorney at law admitted to practice in Ohio. He/she shall be the legal advisor of and attorney and counsel for the Village and for all officers and departments thereof in all matters relating to their official duties, and shall, when requested, give legal opinions in writing. He/she shall represent the Village in all litigation to which it may be a party and shall, upon request of the Mayor or police officials of the Village prosecute for all offenses against the ordinances of the Village or against the laws of Ohio in actions before the Mayor's Court, and on appeal therefrom. He/she shall, upon request, prepare all contracts, bonds and other instruments in writing in which the Village is concerned and shall endorse on each his/her approval of the form and correctness thereof. He/she shall perform all other duties of a legal nature imposed upon him/her by any measure of Council or imposed upon the chief legal officers of municipalities by a general law of Ohio which municipalities are not entitled to modify. He/she shall serve for the term of the Council appointing him.

#### SECTION 5.03            VILLAGE ADMINISTRATOR.

There is hereby created the position of Village Administrator. The Village Administrator shall be appointed by the Mayor, but shall not take office unless his/her appointment has been approved by a majority vote of the Members of Council. During his/her tenure in office, the Village Administrator shall not hold any other public office except that of Notary Public, a member of the state militia, National Guard or a reserve component of the United States Armed Forces or any branch thereof, a member of the county or state central committee of the political party of which he/she is a member, a delegate to a state or national political party convention of the political party of which he/she is a member, or Trustee/Director without pay of any political institution or Board. The Village Administrator may serve on county or regional commissions or other public bodies (including the Little Miami Fire District Board, or its successor) provided that Council determines that such service will benefit the Village of Golf Manor and consents thereto. . If he/she does hold such position at the time of his/her appointment, he/she shall have thirty (30) days to resign such position or office.



The Village Administrator shall supervise all Department Heads, officers, employees, agents, clerks and assistants employed by the Village. The Village Administrator shall make recommendations to the Mayor and/or Council as appropriate by the Charter or Ohio law for the appointment of the Chief of Police and the Village Fiscal Officer. The Village Administrator shall be under the general supervision and control of the Mayor, and shall have other such powers and duties as may be designated by Council or as allowable by Ohio law for Village Administrators.

The Village Administrator shall be responsible for establishing the budget for the Village and monitoring all expenditures within the budget. The Village Administrator shall make contracts, purchase supplies and materials, and provide labor for any work under his/her supervision involving not more than the similar limitation prescribed for Village Administrators under State statute. The process for contracting, including competitive bidding, or exceptions to the requirements for competitive bidding, shall be governed by Ohio law. When an expenditure other than the compensation of persons employed by the Village exceeds the similar limitation prescribed for Village Administrators under State statute, such expenditure shall first be authorized and directed by Council.

The Village Administrator shall serve at the pleasure of the Mayor and the Council. The Mayor is authorized to set a probationary period with the appointment of the Village Administrator for a period not to exceed six months during which in the Mayor's discretion the Village Administrator may be terminated. The Village Administrator may be removed after the probationary period without cause by the Mayor with the consent of the majority of Council, or without approval by the Mayor by a vote of five (5) Members or more of Council.

The Village Administrator may designate, by letter filed with the Mayor, a qualified Department Head or other Administrative Director of the Village to perform his duties during his temporary absence or disability for a period not exceeding 30 days. In the event that such a designation has not been made, or in the event that a temporary absence or disability exceeds 30 days, Council may by Resolution upon recommendation of the Mayor, appoint a qualified Department Head or Administrative Director of the Village, or other qualified person, to perform the duties of the Administrator until he shall return or until his disability shall cease. In the event of a temporary absence of the Village Administrator, if no designation is in place, the Mayor may appoint for a period not to exceed 72 hours a qualified Department Head or Administrative Director of the Village to serve as the acting Administrator. No additional compensation shall be paid to a temporary designee or temporary appointee unless otherwise approved by Council.

#### SECTION 5.04      VILLAGE FISCAL OFFICER.

As authorized by RC Section 733.262 there is hereby created the office of Village Fiscal Officer. This appointed person shall perform the duties provided by law for the Village Clerk and Treasurer, and such other duties as may be delegated by Ordinance by Council. The Village Fiscal Officer shall be appointed by the Mayor, with the approval by Council. The Village Fiscal Officer need not be an elector, nor resident of the Village and such appointment may be a part time or full time position with compensation set by Council. The Mayor and Council also are authorized to appoint a person to such position who serves in a similar capacity with another municipality, and to contract for such shared services with such other municipality. The Mayor is authorized to set a

probationary period with the appointment of the Village Administrator for a period not to exceed six months during which in the Mayor's discretion the Village Administrator may be terminated. The Village Administrator may be removed after the probationary period without cause by the Mayor with the consent of the majority of Council, or without approval by the Mayor by a vote of five (5) Members or more of Council.

SECTION 5.05 CLERK OF COUNCIL.

Council is authorized from time to time to appoint a Clerk of Council, and Assistant Clerks or to contract for services for a Clerk of Council who shall be responsible to organize and prepare Legislation and Minutes of Proceedings for Council and as needed Council's Committees and Commissions, to attest to legislation, and to perform such other duties and responsibilities as Council may designate or as may be required by law for the position of Clerk of Council. This position shall be in addition to, and not a substitute for the Village Clerk position which responsibilities by Ohio law and this Charter have been delegated to the Village Fiscal Officer.

SECTION 5.06 OTHER PERSONNEL.

The Council may provide for the appointment or hiring of such other personnel as it considers necessary for the operation of the Village, and set appropriate compensation for such positions.

SECTION 5.07 CREATION AND ABOLISHMENT OF OFFICES.

Council shall not abolish any office or diminish or transfer any powers or duties prescribed in this Charter. Council may by ordinance establish, abolish, divide or combine, and may determine the functions, powers and duties of any office or department not prescribed in this Charter.

ARTICLE VI. PLANNING COMMISSION

SECTION 6.01 APPOINTMENT.

The Planning Commission shall consist of five members. One shall be a member of Council, who shall be selected by Council and shall serve until the expiration of the term of Council during which he or she is selected. The other four members shall be appointed by the Mayor with the approval of Council, and at least three of these four must be electors of the Village. One member of the Planning Commission may be a non-resident who is the owner, operator or official in a business located within the Village. The appointed members of the Planning Commission shall serve four (4) year staggered terms commencing January 1 in even numbered calendar years. Vacancies shall be filled in the manner in which the original appointments were made, to serve for the unexpired term.

SECTION 6.02 POWERS AND DUTIES OF THE PLANNING COMMISSION.

The Planning Commission may from time to time amend or modify the general Municipal plan, the zoning plan, and other plans for the development of the Village and shall be the Platting

Commission and the Board of Zoning Appeals of the Village, and shall perform such other duties, related to planning, zoning and platting, as shall be imposed upon it by ordinance or resolutions.

The Planning Commission shall also prepare a building code regulating the construction of buildings and other structures within the Village and from time to time amendments thereto as required.

**ARTICLE VII.**      **BOARD OF ZONING APPEALS**

**SECTION 7.01**      The powers and duties delegated by law to the Board of Zoning Appeals are hereby delegated to the Planning Commission in accordance with Section 6.01 of the Charter.

**ARTICLE VIII.**      **POLICE AND FIRE PROTECTION, AND RECREATION COMMISSION**

**SECTION 8.01**      POLICE AND FIRE PROTECTION.

The Council shall provide for police and fire protection adequate to the needs of the Village, to be administered according to the general laws of Ohio; or, if not in conflict with such general laws, by ordinance. The Council shall determine the ranks and numbers of required personnel and may provide for auxiliary police.

**SECTION 8.02**      RECREATION COMMISSION.

There shall be created within the Village a Recreation Commission whose number and rules and regulations of which shall be set out by ordinance.

**ARTICLE IX.**      **FINANCES**

**SECTION 9.01**      TAXES.

The Council, by resolution adopted by vote of the majority of its members, shall annually levy a tax for current expenses on the real and personal property in the Village. The rate of such tax shall not exceed that provided by State law.

**SECTION 9.02**      EXTRA LEVY.

On or before the latest date provided by law in any year the Council may by resolution adopted by the vote of the majority of the members, declare that the amount of money that may be raised by taxation within the State limitation, together with all other funds available during the year, will be insufficient to provide an adequate amount for the necessary requirements of the Village and that it is necessary to levy taxes in excess of said limitations for: (1) the purpose of meeting the current expenses of the Village and (2) for any other purpose as permitted by Ohio law. Council shall

require the submission of the question of levying such additional tax to the electors of the Village at the next special primary or general election. Such resolution shall specify the rate of the levy required and the number of years during which such rate may be levied, which shall not exceed the number of years otherwise provided by laws of the State of Ohio for the length and duration of levies, up to and including a permanent levy. Such resolution shall take effect upon its adoption and shall be certified by the Village Fiscal Officer or the Clerk of Council forthwith to the election authorities, who shall place said question on the ballot in the form prescribed by State law. (Amended 11-3-98.)

The question covered by such resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition. If the majority of those voting thereon vote for the approval of such additional levy Council shall immediately make such levy, or such part thereof as it finds necessary, pursuant to such approval, and certify the same to the County Auditor to be placed on the tax list and collected as other taxes.

#### SECTION 9.03            BUDGET.

Annually as required by Ohio law, the Village Fiscal Officer shall prepare (after consulting with the heads of the various departments) and submit to Council a budget covering an estimate of available funds and required expenditures for the ensuing calendar year. Council shall specify the form of and the information to be included in the budget. Such budget may be amended by Council; shall be approved by Council as presented or amended; and shall be the basis of any levy of taxes by Council or any request for an extra levy. Council shall provide for a public hearing on the budget as required by Ohio law.

#### SECTION 9.04            APPROPRIATION ORDINANCE.

The Village Fiscal Officer shall prepare and submit to Council no later than the first January meeting each year an appropriation ordinance containing a financial plan for conducting the affairs of the Village for the ensuing year. Council shall by ordinance specify the form of and information to be included in the appropriation ordinance. Council may amend such ordinance in accordance with its judgment and discretion. The appropriation ordinance may be passed upon a single reading and shall become effective forthwith on its adoption or at the earliest date provided by law.

#### SECTION 9.05            AUDITS.

In the event that a representative of the State Auditor of Ohio has not made an audit for a period of two consecutive years, Council shall forthwith request the State Auditor to cause an audit to be made of the financial affairs of the Village. Council may, in addition, cause other audits for any purpose to be made at any other time.

#### SECTION 9.06            CAPITAL IMPROVEMENT RESERVE FUND.

As appropriate, Council may create and maintain a Capital Improvement Reserve Fund; and may from time to time transfer or appropriate thereto all moneys accruing to any other fund of the Village not needed for the purposes of such Fund and available for transfer under general law and

also the unencumbered balance remaining in the general fund of the Village at the end of any fiscal year. Moneys in the Capital Improvement Reserve Fund shall not be expended for any purpose except to purchase equipment, apparatus, or other property, or to construct buildings, structures, roads and other public improvements needed for the use of the Village, or to pay bonded obligations of the Village by means of transfer to its bond interest and retirement fund.

**ARTICLE X.**            **ORDINANCES AND RESOLUTIONS**

**SECTION 10.01**        **DEFINITION.**

1.        Ordinance: A measure of a permanent nature, which will have the force and effect of law.
2.        Resolution: Do not have the force and effect of law, such as entering into contracts or conducting other business of the Village.
3.        Motion: Used for administrative matters, such as establishing or modifying the Rules of Council. (Amended 11-3-98.)

**SECTION 10.02**        **PASSAGE OF MEASURE BY COUNCIL/TIME OF TAKING EFFECT.**

Measures shall be passed by Council as follows and unless a later date be specified therein, take effect as following:

1.        Measures to which the referendum is not applicable shall pass by a majority vote of the Council members as set forth below, and shall take effect immediately upon certification of publication by the Clerk.
2.        Ordinances: Will pass by an affirmative vote of a majority of the elected or appointed members of Council. Each Ordinance shall be read on three (3) separate days. On the presentation of an Ordinance it shall be read in its entirety. Each subsequent reading may be by title only and will not be effective until thirty (30) days after the final reading, unless declared to be an emergency.

Separately, Council, by an affirmative vote of not less than five members may suspend the rules that an Ordinance be read on three separate dates. Additionally, Council by an affirmative vote of four members may elect to read an Ordinance on its first presentation by title only, if a summary of the legislation is made available to the public with such first presentation.

3.        Emergency Ordinance: Will pass by an affirmative vote of not less than five members of Council so long as a section is set forth in such Ordinance stating the reason and nature for such emergency, and declaring it necessary to put such measure into immediate force and effect in order to preserve the public peace, order, safety, health or welfare of the Village. Such Ordinance shall then take effect immediately upon certification by the Clerk of publication. No public utility franchise or rate ordinance shall be passed as an emergency measure.

4. Resolution: Will pass by an affirmative vote of a majority of the elected or appointed members of Council. Requires only one reading and is effective thirty (30) days after passage. Provided, however, Resolutions approving, accepting or authorizing a contract shall take effect immediately upon passage if such contract is awarded by competitive bidding as required by Ohio law, or such contract is otherwise exempt from competitive bidding as permitted by Ohio law.

5. Motions: Will pass by an affirmative vote of a majority of the members of Council present and voting and is effective immediately upon passage.

6. All other measures shall take effect and be in force thirty (30) days after the certification by the Clerk of publication under the requirements of this Charter, unless suspended by the filing of a valid referendum petition.  
(Amended 11-3-98.)

## **ARTICLE XI. INITIATIVE, REFERENDUM AND RECALL.**

### **SECTION 11.01 ESTABLISHMENT.**

The initiative and referendum are reserved by this Charter to the people of Golf Manor to be exercised as prescribed in this Charter. Electors qualified by registration and otherwise to vote in Golf Manor and equal in number to not less than ten (10) percent of the number of those who voted in the preceding gubernatorial election in the Village, may by an initiative petition propose to Council the passage of an ordinance set forth therein, or by a referendum petition propose the repeal of any measures passed within 30 days by Council, except as otherwise prescribed in this Charter.

### **SECTION 11.02 THE PETITION.**

The form, content, verification of, and other requirements for initiative, referendum, and recall petitions, except as otherwise prescribed in this Charter, shall be those prescribed by the general laws of Ohio. In addition to the statutory requirements, each petition shall appoint a committee of three to represent the proponents of the petition in any further proceedings before Council. Such committee shall have the power to fill vacancies in the committee by action of the surviving members.

Whoever seeks to propose an ordinance or measure in the Village by initiative petition or whoever files a referendum petition against any ordinance or measure before circulating such petition shall file a copy of the petition with the Village Fiscal Officer or Clerk of Council. Additionally, whoever seeks to propose an ordinance or measure in the Village by initiative petition must file with such proposed petition a copy of the text of the proposed ordinance or measure with the Village Fiscal Officer or Clerk of Council.

The completed petition, whether initiative, referendum or recall, shall be filed with the Village Fiscal Officer or Clerk of Council, who thereafter within ten (10) days shall refer the petition to the Board of Elections to verify the signatures upon such petition. Within thirty (30) days of the return of the petition from the Board of Elections, Council shall determine whether the petition is valid and sufficient according to law. If the petition is determined to be invalid or insufficient, no further action shall be had. A petition shall be determined to be insufficient if it does not contain a sufficient number of signatures as required herein or if it fails for sufficiency according to state law. A petition shall be determined to be invalid if it was not timely filed, if it is directed to a purpose which is not a valid purpose for such petition, or if it is otherwise invalid according to state law.

#### SECTION 11.03      THE INITIATIVE.

Each ordinance initiated by a petition certified to be valid and sufficient shall upon presentation be referred by Council to a committee to hold a public hearing thereon and to report its recommendations at the next regular meeting of Council. Council shall, not later than the second regular meeting following such reference, either pass the ordinance in its original form or in a form agreed to by a majority of the committee appointed by said petition; or take appropriate action to submit the ordinance to a vote of the electors at the next primary or general election to be held not less than sixty days after the filing of the appropriate notice with the Board of Elections. If an initiated ordinance is approved by a majority of the electors voting thereon it shall be an ordinance of the Village, effective as of the date of the official certification of the result of such election, or at such other date as may be provided in the ordinance.

#### SECTION 11.04      THE REFERENDUM.

The referendum shall not be applicable to: (1) ordinances making or transferring annual appropriations, or amendments thereto; (2) measures providing for the discharge of any obligation legally due from the Village; (3) measures submitting any measure to a vote of the electors; (4) measures directing the performance of any official duty or providing for investigations or reports; (5) resolutions taking effect immediately upon passage; (6) repealing measures passed by Council pursuant to referendum petitions; (7) measures relating to any public improvement subsequent to the ordinance determining to proceed; (8) emergency measures passed in compliance with provisions of this Charter.

The taking effect of any measure subject to referendum shall be postponed by the filing of a referendum petition within 30 days after the passage thereof, unless the petition is determined to be invalid or insufficient, in which event such ordinance shall take effect in accordance with the other provisions of this Charter.

Each referendum petition certified to be valid and sufficient shall upon presentation be referred by Council to a committee to hold a public hearing thereon and to report its recommendations at the next regular meeting of Council. Council shall, not later than the second regular meeting following such reference, either pass the repealing measure or take appropriate action to submit it to a vote of the electors at the next regular or primary election to be held not less than sixty days after the filing of appropriate notice with the Board of Elections. If the repealing measure is approved by

the majority of the electors voting thereon, the ordinance shall not take effect. Otherwise, the measure shall take effect immediately upon official certification of the result of such election.

SECTION 11.05      THE RECALL.

Electors shall have the power to remove from office by recall election any elected officer of the Village. After a holder of an elected office has served six (6) months of his/her term, a petition demanding his/her recall and removal may be filed with Council. Such petition shall be signed by electors equal in number to at least twenty-five (25) percent of the total votes cast at the preceding gubernatorial election within the Village. Council, within thirty (30) days of the filing of the petition, shall determine its validity and sufficiency in accordance with Section 11.02 of this Charter. If Council determines that the petition is valid and sufficient, it shall cause to be delivered, within forty-five (45) days of such determination, notification of such determination to the officer whose removal is sought. Unless such officer resigns within five (5) days after the receipt of such notification, Council shall fix a day for holding a recall election not less than thirty (30) days, nor more than forty-five (45) days, from the date of receipt of such officer of said notification. The form of the ballot used shall be:

“Shall \_\_\_\_\_ be removed from his/her office as \_\_\_\_\_?” If a majority of the votes are affirmative, such officer shall be considered as removed, his/her office will be deemed vacated, and such vacancy shall be filled as provided in this Charter; otherwise he/she shall remain and continue in office. An officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

ARTICLE XII.      NOMINATIONS AND ELECTIONS.

SECTION 12.01      TIME OF HOLDING ELECTIONS.

A regular Municipal election shall be held on the first Tuesday after the first Monday in November, in the odd-numbered years. Any matter which by the terms of this Charter may be submitted to the electors of the Village at any special election, may be submitted at the time of a primary election or general election.

SECTION 12.02      NOMINATIONS AND ELECTIONS.

All elections for office of the Village shall be nonpartisan. Nomination for Municipal office shall be by petition only. Each nominating petition and statement of candidacy shall be filed with the Board of Elections not later than the date required by Ohio law for municipal elections. Each petition shall be signed by not less than twenty-five electors of the Village. Nominating petitions and statements of candidacy shall be in the form prescribed in accordance with the law for independent candidates. The candidates for member of Council, equal in number to the places to be filled on Council, who received the highest number of votes, shall be declared elected. If an unexpired term of a member of Council is to be filled, it shall be submitted as a separate



proposition. The general laws of the State of Ohio not inconsistent with the provisions of this Article shall apply to and govern the nomination and election of all elective officials of the Village. (Amended 6-3-80.)

**SECTION 12.03**      **BALLOTS.**

The ballots used in all elections provided for in this Charter shall be of the "Office Type Ballot" as described in election laws of Ohio.

**SECTION 12.04**      **WHO ELECTED.**

The candidates for any elective office, equal in number to the places to be filled, who shall receive the highest number of votes at such election shall be declared elected.

**ARTICLE XIII.**      **EFFECTIVE DATE AND EFFECTS OF ADOPTION.**

**SECTION 13.01**      **EFFECTIVE DATE AND DURATION.**

This amended Charter shall take effect on January 1, 2019, provided, however, that a certification of its adoption by the election authorities of Hamilton County, Ohio has been made.

**SECTION 13.02**      **EFFECT ON PRESENT OFFICES.**

The Mayor and Members of Council elected at the last Municipal election preceding the effective date of this Charter, shall serve for the balance of the terms for which they were elected and until their successors are elected and qualified. They shall have and exercise all the powers and duties prescribed in this Charter as though elected to office under the provisions of this Charter.

**SECTION 13.03**      **EFFECT ON PRESENT ORDINANCES.**

All ordinances of the Village not inconsistent with this Charter and in force when this amended Charter takes effect shall continue in force until amended or repealed by the Council of the Village.

**SECTION 13.04**      **EFFECT ON PRESENT CONTRACTS.**

All contracts entered into and obligations incurred by the Village or for its benefit prior to the taking effect of this amended Charter shall continue in full force and effect.

**ARTICLE XIV.**      **AMENDMENTS.**

This Charter is intended to be flexible and to be changed to meet changing conditions as the Village develops, in order that the best interests of those who live and work here may continue to be served. Amendments may be submitted to the electorate by a two-thirds vote of Council, or shall be

submitted upon petition signed by ten (10) percent of the number of those who voted in the preceding gubernatorial election in the Village. Copies of the proposed amendments are to be voted on. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter of this Village.

**ARTICLE XV.**      **SAVING CLAUSE.**

If any provision of this Charter, or the application thereof to any person or circumstances, is found to be unconstitutional or illegal or invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.