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A CHARTER FOR GROVEPORT, OHIO

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A CHARTER FOR GROVEPORT, OHIO

PREAMBLE

In order that we may have the benefits of municipal home rule and exercise all of the powers of local self-government conferred under the Constitution and Statutes of the State of Ohio, We, the citizens of the Municipality of Groveport, Ohio, do hereby adopt this Charter for our municipality.

ARTICLE I - NAME; BOUNDARIES; FORM OF GOVERNMENT

1.01 Name and Boundary

The municipal corporation existing as the Village of Groveport under the general statutes of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter. The Municipality shall have the same boundaries that exist on the effective date of this Charter, with power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio. When the Village of Groveport shall attain city status under the laws of Ohio, it shall be known as the "City of Groveport." As used in this Charter, "Municipality" shall mean either the Village or City of Groveport, as appropriate.

1.02 Form of Government

The municipal government provided for by this Charter shall be known as the "Mayor, Administrator, Council Plan."

ARTICLE II - POWERS

2.01 Powers Granted

The Municipality shall have all the powers that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of Ohio. Title to all real property shall be taken in the name of the municipality.

2.02 Exercise of Powers

All powers shall be exercised in the manner prescribed in this Charter, or if not so prescribed, in the manner provided by ordinance or resolution of Council. When not prescribed in this Charter or by ordinance or resolution, then the powers shall be exercised in the manner provided by the laws of Ohio until Council provides a different manner of exercising the powers.

2.03 Construction of Powers

The powers of the Municipality under this Charter shall be construed liberally in favor of the municipality, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this Article.

2.04 Intergovernmental Cooperation

(A) In carrying out any lawful function or power of the municipality, the Council may, by a majority vote of its members, authorize the execution of contracts or in any other manner provide for cooperation or joint action, between the municipality and:

(1) Political Subdivisions, special districts, instrumentalities, or other units of government of the State of Ohio or other states.

(2) The State of Ohio, its officers, departments, divisions, instrumentalities or other units or agencies.

(3) Other states, their officers, departments, divisions, instrumentalities, or other units or agencies.

(4) The federal government, its officers, departments, divisions, instrumentalities or other units or agencies.

(5) Councils of governments or other instrumentalities consisting of other political subdivisions, special districts, instrumentalities or other governmental units or agencies allowed under the laws of Ohio, other states or the federal government.

(6) Persons, corporations whether for profit or non-profit, firms and other entities; unless such contracts, cooperation or joint actions are prohibited by the Constitution of the State of Ohio.

(B) The powers granted by this section shall be liberally construed to authorize intergovernmental cooperation, but shall not authorize the avoidance of the provisions of this Charter concerning taxation or initiative or referendum.

ARTICLE III - COUNCIL

3.01 Powers of Council

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

- (1) The power to levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter.
- (2) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws.
- (3) The power to provide for the exercise of all powers of local self-government and utility powers granted to the Municipality by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
- (4) The power, by ordinance or resolution, to establish or authorize the number of officers and employees in the various offices, departments, divisions, bureaus, boards and commissions of the Municipality and to establish or authorize the establishment of the rate of their compensation, hours of work, and to provide such other fringe benefits and conditions of employment as deemed proper by the Council.
- (5) The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Municipality. The premium for said bonds shall be paid by the Municipality.
- (6) The power to establish, by ordinance or resolution, the rates or charges made of consumers of all municipal utilities and services.
- (7) The power to acquire and to sell or otherwise convey interests in real property; and to lease, as lessor or lessee, or otherwise grant or receive interests in real property.
- (8) The power to provide for an independent audit of the accounts and records of the Municipality, which may be in addition to audits by state offices and agencies as may be required under the general laws of Ohio.
- (9) To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

3.02 Composition, Term and Qualifications

(A) The Council shall be composed of six members. The members of the Council under the general statutory plan of government for the Village of Groveport at the time this Charter becomes effective are hereby designated as members of Council under this Charter. At the regular municipal election to be held in November of 1991 and each four years thereafter, two persons shall be elected from the Municipality at large to serve terms of four years each. At the regular municipal election to be held in November of 1993 and each four years thereafter, four persons shall be elected from

the Municipality at large to serve terms of four years each. The terms of Council members shall commence as of January 1 of the year immediately following their election.

(B) Members of the Council shall be residents and electors of the Municipality at the time they file for office and during their term of office. Members of the Council shall not hold any other public office during a term, except they may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter or the laws of Ohio.

3.03 President of Council

The Mayor shall serve as President of the Council. The Mayor may introduce ordinances and resolutions and discuss any matter before the Council, but the Mayor shall not vote on matters before the Council, except the Mayor may vote on any and all matters where there is a tie vote among the members of the Council. The Mayor shall not be considered a member of the Council.

3.04 President Pro Tem of Council

(A) The Council shall elect one of its members as the President Pro Tem of the Council, to serve at the pleasure of the Council. The President Pro Tem may be removed, without cause, from his office of President Pro Tem at any time by a vote of a majority of the other members of the Council voting on the issue, however, at least three votes for removal (including the vote of the Mayor in the case of a tie vote) must be cast to removed the President Pro Tem.

(B) The President Pro Tem shall become the Acting Mayor and shall perform the legislative, judicial and administrative duties of the Mayor in the event of the absence or disability of the Mayor and during the period of any unfilled vacancy in the office of Mayor. The President Pro Tem, when serving as the Acting Mayor, shall continue to hold the office of member of Council and shall vote on any matter before the Council, unless otherwise provided in this Charter.

3.05 Clerk of Council

(A) The person holding the office of Clerk-Treasurer under the general statutory plan of government for the Village of Groveport on the effective date of this Charter shall continue in office and shall perform the statutory powers and duties of that office which do not conflict with the provisions of this Charter. At the end of the term of the Clerk-Treasurer, or at an earlier date, if such office shall become vacant, the office of Clerk-Treasurer shall be abolished and cease to exist.

(B) Upon the abolishment and termination of the statutory office of Clerk-Treasurer, the Clerk of Council shall be appointed by a majority vote of the members of Council, shall serve at the pleasure of the Council and may be removed, without cause, by a majority vote of the Council.

(C) The Clerk of Council may hold other office or position of employment in the Municipality. The Clerk of Council shall have those powers, duties and functions as are provided in this Charter, by the Rules of Council or by ordinance or resolution. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members, the Mayor and to the public as may be provided by this Charter, the Rules of Council or by ordinance or resolution. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision of the Mayor and the Administrator. The Council, by ordinance or resolution, may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided for under this Charter.

3.06 Council Meetings

(A) The Council shall determine, by a majority vote of its members, the frequency, dates and times of regular meetings in order to properly conduct its business.

(B) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of Council upon at least twelve hours notice to the Mayor and each member of the Council, which notice may be served personally or left at the usual place of residence. Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting.

(C) Any regular or special meeting of the Council may be adjourned or recessed to another time, date or place without giving the notice required in Division (B) of this Section.

(D) All meetings of the Council, but not of the committees of the Council, and of other Boards and Commissions of the Municipality shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies, except that action taken at a properly convened meeting of the Council or such Boards and Commissions which is held in conformity the open meeting law shall not be invalidated because of improper prior deliberations.

3.07 Council Organization and Rules

The Council shall be a continuing body, but shall meet in the Council Chamber at its first meeting in January of each year for the purpose of organization. Council shall adopt, by majority vote of its members, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of Council. The Rules shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as Council shall determine to be necessary for the proper functioning and government of Council.

3.08 Salaries of Elected Officials

The salaries of all elected officials of the Municipality shall be established by Council by ordinance or resolution to be adopted no later than July 1 of each odd numbered year commencing in the year 1991. The salaries so established shall be effective for a two-year period beginning January 1 of the year immediately following the adoption of the ordinance or resolution establishing them and shall apply to all elected officials whether they are beginning their terms or are in mid-term. In the event Council shall fail to establish salaries as required in this Section, the salaries in effect for the prior two-year period shall remain in effect until changed in accordance with this Section. The initial salary of elected officials under this Charter shall be that salary established for each office and in effect on the effective date of this Charter, and if none have been established, the Council first serving under this Charter shall establish such salaries within ninety days.

3.09 Council Vacancies

A vacancy in the membership of the Council shall be filled by a majority vote of the members of the Council within thirty days after the vacancy occurs. After the thirty-day period, the power of the Council to fill the vacancy shall lapse and the Mayor shall fill the vacancy by appointment.

3.10 Council Approval of Expenditures

(A) All expenditures by the Municipality shall be approved by the Council by one of the following methods:

- (1) The appropriation of money for a general purpose which includes or is reasonably germane to the purpose of the expenditure.
- (2) The specific approval by ordinance or resolution of a specific expenditure, category of expenditure or series of expenditures.

- (3) The ratification or confirmation of expenditures authorized or made without the prior approval of the Council.

ARTICLE IV - LEGISLATIVE PROCEDURE

4.01 Form of Action by Council

Action of Council shall be by ordinance, resolution or motion. Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among and appointments made by Council members and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. Wherever possible, copies of proposed ordinances and resolutions should be provided to members of the Council in advance of the meeting at which the measure is to be introduced. No action of Council shall be invalidated merely because the form thereof or prior availability of an ordinance or resolution fails to comply with the provisions of this Section.

4.02 Introduction of Ordinances and Resolutions

A Member of Council or the Mayor may introduce an ordinance or resolution, at a regular or special meeting, which shall be in written or printed form and shall contain a concise title.

4.03 Form of Ordinances and Resolutions

(A) The form and style of ordinances and resolutions shall be determined by the Rules of Council.

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

4.04 Reading Ordinances and Resolutions

Each ordinance and resolution shall be read on three separate days, unless this requirement is dispensed with by a vote of at least five of the members of the Council. Readings shall be by title only, unless the Council requires a reading to be in full by a majority vote of its members.

4.05 Vote Required for Passage

The vote on the question of passage of each ordinance, resolution and motion shall be taken by roll call of members to be entered on the Journal, or other record of proceedings of the Council, and none shall be passed without concurrence of a majority

of the members of Council. Each emergency ordinance or resolution shall require the affirmative vote of at least three-fourths of the members of Council for its enactment. If an emergency ordinance or resolution shall fail to receive the required three-fourths affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation. (*Amended May 4, 1999*)

4.06 Content of Emergency Legislation

(A) Each emergency ordinance or resolution shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for the emergency. Council shall declare an ordinance to be an emergency measure only in the event of a demonstrated threat to the public peace, health, safety or welfare of the Village or its residents. (*Amended: May 4, 1999*)

(B) No ordinance or resolution regulating the rates for services of privately owned or investor owned public utilities and no ordinance or resolution, other than one pertaining to the issuance of debt obligations by the Municipality, which approves, grants, renews or extends a franchise or other special privileges, shall be passed as an emergency measure. If such ordinance or resolution shall be passed on an emergency basis, it shall be subject to referendum and shall not take effect for thirty days after its passage; however, it shall not be invalidated because of its passage as an emergency measure.

4.07 Effective Date of Legislation

(A) The following ordinances or resolutions shall take effect upon passage unless a later time is specified therein:

- (1) Appropriation of money.
- (2) An annual tax levy for current expenses.
- (3) Improvements petitioned for by owners of the requisite majority of the front footage or of the area of the properly benefited and to be assessed.
- (4) Submission of any question to the electorate or the determination to proceed with an election.
- (5) Approval of a revision, codification, re-codification, or rearrangement of ordinances.
- (6) Any emergency ordinance or resolution.
- (7) Any service resolution required for Annexation proceedings.

(8) Any resolution required by the State of Ohio Department of Commerce, Division of Liquor Control in order to request a hearing on the advisability of the issuance, transfer or renewal of a liquor license within the municipality.

(B) All other ordinances and resolutions shall go into effect thirty days after their passage by the Council.

4.08 Authentication

Each ordinance and resolution shall be authenticated by the signature of a presiding officer of the Council and the Clerk of Council. The failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

4.09 Recording Legislation

Each ordinance and resolution shall be recorded in a book or other record prescribed by Council. The Clerk of Council or a duly authorized representative of the Clerk shall, upon request of any person and upon the payment of a fee if established by Council, certify true copies of any ordinance or resolution, which copies shall be admissible as evidence in any court.

4.10 Amendment

(A) A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council present and voting on the amendment, and such amendment shall not require additional readings of the ordinance or resolution.

(B) Any enacted ordinance or resolution, or the codified ordinances or resolutions of the Municipality, may be amended by the passage of subsequent ordinances or resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereto; or repeal existing sections or parts thereof. This Division does not prevent repeals by implication.

4.11 Zoning Measures

(A) Ordinances or resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be introduced by a member of Council or the Mayor. Immediately after the first reading of the ordinance or resolution, the presiding officer of Council shall refer the ordinance or resolution to the Planning and Zoning Commission for its recommendation back to the Council concerning the merits of the measure. Within ninety (90) days after receipt of the ordinance or resolution, the Planning and Zoning Commission shall return to the Council written recommendations approved by a majority of the Commission's members. The ordinance or resolution shall be given its second reading at the next regular meeting of Council which occurs at least ten days subsequent to the receipt of the Recommendations of

the Planning and Zoning Commission. A public hearing shall be held in connection with the second reading or at a later date, as determined by the Council. If the Commission fails to make a recommendation within the stated ninety (90) day period, the Council may place the ordinance or resolution back on its agenda for a public hearing as set forth above.

(B) The Clerk of Council shall cause a notice of the public hearing to be published one time in a newspaper of general circulation within the Municipality, said publication to be made at least seven days prior to the date of the public hearing. When the amendment, revision, change or repeal involves ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by certified mail at least seven days before the date of the public hearing to the owners of the property within, contiguous to and directly across the street from the affected parcel or parcels. Such notices shall be sent to the addresses or owners appearing on the County Auditor's current tax list and to other lists as may be required by Council. The failure of delivery of the notice shall not invalidate any ordinance or resolution.

(C) A vote of at least five members of the Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall an ordinance or resolution be considered as having passed unless it receives at least a majority vote of the members of Council. Further, if the Planning and Zoning Commission fails to return a written recommendation to the Council described in subsection (A) above, Council, having placed the zoning ordinance or resolution back on its agenda, may pass the legislation if it receives at least a majority vote of the members of Council.

4.12 Adoption of Technical Codes

(A) Council may, by ordinance or resolution, adopt standard ordinances and codes prepared by the State or any department, board or other agency or subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, heating, electrical, ventilation, air conditioning, refrigeration machinery, pressure piping, piping, boilers, buildings standards, housing standards, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference.

(B) The ordinance or resolution adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance. In such cases, publication of the standard ordinance or code shall not be required, but at least one copy of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons. If the standard ordinance or code is amended after its adoption by reference by the Council, the Council may adopt the amendment or change by incorporation by reference under the same procedure as is established herein for the adoption of the original standard ordinance or code.

4.13 Codifications

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of the Municipality to be revised, codified, recodified, rearranged, or published in book form, and such action shall become effective immediately upon approval thereof by a majority vote of the members of Council, and may contain new matter therein. The Clerk of Council shall cause a notice of such proposed action by the Council to be published one time in a newspaper of circulation in the Municipality at least seven days prior to Council's action, and no further publication shall be necessary. A current service supplementing the Municipality's codified ordinances and resolutions shall be maintained in the manner prescribed by the Council.

4.14 Publication of Ordinances and Resolutions

(A) Ordinances and resolutions shall be published by posting a concise summary of each ordinance or resolution passed in not less than three public places in the municipal corporation for a period of ten days. The public places for such posting shall be determined by the Council. The Council may, by ordinance or resolution, require that ordinances and resolutions be published by other means in addition to or in lieu of the postings as required by this Division.

(B) The Clerk of Council shall make and retain a certificate as to the times and places where such postings are done and other means, if any, by which an ordinance or resolution is published; and that certificate shall be prima-facie evidence that the copies were posted and otherwise published as required by Division (A) of this Section. Failure to make or retain the certificate required by this Division shall not invalidate any ordinance or resolution.

(C) Failure to publish by posting or to maintain such posting, or to otherwise publish as required by Division (A) of this Section, shall not invalidate an ordinance or resolution, and in such events, the Clerk of Council may authorize publication by posting, and publication by such other means that have been required pursuant to Division (A) of this Section, at a later date.

ARTICLE V - THE MAYOR

5.01 Election and Term of Office

The person holding the office of Mayor under the general statutory plan of government for the Village of Groveport on the effective date of this Charter is hereby designated as the Mayor under this Charter. The Mayor shall be elected from the City at large to a four-year term of office, commencing with the regular municipal election to be held in November 1991. The Mayor's term shall commence on the first day of January next following his or her election.

5.02 Qualifications

- (A) Candidates for the office of Mayor shall be electors and residents of the Municipality at the time he or she files for office and during his or her term of office.
- (B) The Mayor need not be a full-time official of the Municipality and he or she may hold other employment.
- (C) The Mayor shall not hold any other public office during a term, except the Mayor may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter or the laws of Ohio.

5.03 Powers, Duties and Function

- (A) The Mayor shall be the chief executive and law enforcement officer of the Municipality, and shall be responsible for and have the authority together with the Administrator to administer and generally control, direct and supervise all administrative departments, divisions and sub-units thereof. The Mayor shall enforce the provisions of this Charter and the ordinances and resolutions of the Municipality pertaining to matters subject to the Mayor's direction, control and supervision.
- (B) In addition to the matters set forth in Division (A) of this Section, the Mayor shall have the following powers, duties and functions:
- (1) The right and duty to preside at and attend all meetings of the Council, to introduce ordinances and resolutions and to participate in the discussions on any matters before the Council, but the Mayor shall not be entitled to vote on any matter before the Council, except in the case of a tie among the members of Council.
 - (2) To appoint, promote, remove, suspend or otherwise discipline members of the Police Department, subject to the provisions of this Charter relating to village tenure and the Municipality's merit system.
 - (3) To prepare and submit to the Council on or before the first day of March of each year, and to make available to the general public, a complete report of the administrative activities and programs of the Municipality which are under his general direction, control and supervision for the prior year.
 - (4) To make such other reports as the Council may require concerning the operation and programs of the administrative departments, divisions or sub-units thereof, and any Boards of Commissions of the Municipality which are under the Mayor's general direction, control and supervision.

(5) To keep the Council fully advised concerning the present condition and future needs of the Municipality and to make any recommendations to the Council concerning the affairs of the Municipality as the Mayor deems desirable.

(6) To enforce or cause the Administrator to enforce all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party, and to see that they are faithfully kept and performed.

(7) The Mayor shall be recognized as the head of the Municipality government by the President and other officers of the United States and the Governor and other officers of the State of Ohio for military purposes.

(8) To exercise all judicial powers and functions granted to Mayors of municipal corporations by the laws of Ohio and applicable court rules.

(9) To affix to all official documents and instruments of the Municipality the Mayor's seal, which shall be the seal of the Municipality, but the absence of the seal shall not affect the validity of any document or instrument.

(10) To perform such other powers, duties and functions as provided under this Charter, the Municipality's ordinances and resolutions, and the laws of Ohio, to the extent that such laws are consistent with this Charter and the Municipality's ordinances and resolutions.

5.04 Vacancy, Succession

Whenever a vacancy shall occur in office of Mayor, as determined by the adoption of a "motion to determine vacancy" by a majority vote of the Council, the person serving as President Pro Tem of the Council shall have five days after the adoption of the motion to accept and qualify as the Mayor or to notify the Clerk of Council that he or she rejects succession to the office of Mayor. If the person holding the office of President Pro Tem rejects succession to the office of Mayor, the Council shall elect, by a majority vote, a qualified person to serve as the Mayor. The President Pro Tem or the person elected by the Council shall serve as Mayor until January 1 following the next regular municipal election, at which election a qualified person shall be elected Mayor from the City at large for either a full four year term or for the remainder of the term vacated by the person creating the vacancy, as appropriate. If, at the time the vacancy is determined, more than two years remain in the term of office and fewer than fifty days remain prior to the regular municipal election, the person who succeeds to the office of the Mayor or the person elected by the Council shall serve for the remainder of the unexpired term.

ARTICLE VI - ADMINISTRATOR

6.01 Appointment, Tenure

(A) The Mayor shall appoint and the Council shall confirm by a majority vote of its members a qualified person to serve as Administrator of the Municipality. The

Administrator shall serve at the pleasure of the Mayor and the Council. He or she may be removed, without cause, by (i) the Mayor upon the approval of the Council by a majority vote of its members, or (ii) a vote of at least five members of the Council without the consent of the Mayor.

(B) The Council shall establish the compensation of the Administrator from time to time; including the granting of termination pay, if the Council determines it to be appropriate in its discretion.

(C) The person appointed as Administrator shall be qualified by training and/or experience in the public or private sector. He or she shall not hold any elective public office or other public or private employment unless the other public or private employment is approved by a majority vote of the Council. He or she shall not serve as the Law Director or Chief of Police.

6.02 Powers and Duties

(A) Except for the Departments of Law and Police, the Administrator shall be the Municipality's chief administrative officer. He or she shall be under the direction and control of the Council with respect to matters within the control of Council. The administrator shall be under the direction and supervision of the Mayor with respect to administrative matters. He or she shall assist the Mayor with respect to the Mayor's administration of the Police Department.

(B) In addition to the provisions of Division (A) of this Section, the Administrator shall have the following powers and shall perform the following duties:

(1) Appoint, promote and, when he or she deems it necessary for the good of the service, suspend or remove or otherwise discipline all municipal employees and appointive administrative officers, except those within the Departments of Police and Law, the Mayor's office and the Council and as otherwise provided for by or under this Charter, subject to the provisions of this Charter pertaining to the Municipality's merit system or village tenure statutes.

(2) Direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.

(3) Attend all Council meetings and shall have the right to take part in discussions but may not vote.

(4) See that all laws, provisions of this Charter and ordinances and resolutions of the Council, subject to enforcement by the Mayor, the Administrator or by officers subject to their direction and supervision, are faithfully executed.

(5) Prepare and submit the annual budget, appropriation measure and capital program to the Council.

(6) Submit to 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.

(7) Make such other reports as the Council or Mayor may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his or her direction and supervision.

(8) Keep the Council fully advised as to the financial condition and future operating and capital needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as he or she deems desirable.

(9) Require reports and information of subordinate officers and employees of the Municipality as he or she deems necessary in the orderly operation of the Municipality, or when requested to do so by the Council, the Mayor or any board of commission of the Municipality.

(10) Execute on behalf of the Municipality all contracts and agreements, except as otherwise provided in this Charter, with the exception that the Administrator may authorize his or her designee to execute any contract or agreement that involves a facility rental agreement for the Departments of Recreation and Parks, Community Affairs and Golf where there is no financial obligation on the part of the Village.

(11) Perform such other powers, duties and functions as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

6.03 Acting Administrator

(A) The Mayor may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the Municipality to perform the Administrator's powers, duties and functions during his or her temporary absence from the Municipality or during his or her disability. The Acting Administrator so designated shall exercise all powers, duties and functions of the Administrator during the temporary absence from the Municipality or disability of the Administrator.

(B) In the event of a vacancy in the office of Administrator, the Mayor may designate a person as Acting Administrator, who shall exercise all power, duties and functions of the Administrator until an Administrator is appointed.

ARTICLE VII - ADMINISTRATIVE DEPARTMENTS

7.01 Chief Fiscal Officer, Department of Finance

(A) The person holding the office of Clerk-Treasurer under the general statutory plan of government for the Village of Groveport on the effective date of this Charter shall continue in office until the expiration of her term of office and shall perform the statutory powers and duties of that office, which do not conflict with the provisions of this Charter. At the end of the term of the Clerk-Treasurer, or at an earlier date if such office shall become vacant, the office of Clerk-Treasurer shall be abolished and shall cease to exist. Thereafter the Director of Finance shall be the chief fiscal officer of the Municipality.

(B) Upon the abolishment and termination of the statutory office of Clerk-Treasurer, there is hereby created the Department of Finance to be headed by a Director of Finance. The Director of Finance shall be appointed by the Mayor and confirmed by the Council by a majority vote of its members. The Director of Finance may be removed from office, without cause by (i) the Mayor upon Council's approval, by a majority vote of its members, of the Mayor's action to remove the Director of Finance, or (ii) the Council upon a vote of at least five members of the Council, without the consent of the Mayor. The Director of Finance need not be an elector or resident of the Municipality. He or she shall be qualified by training or experience in public or private sector financial management or other related fields, with those qualifications being determined in the sole discretion of the Mayor and the Council. The Director of Finance shall hold no other public office or public or private employment, unless the other public office or public or private employment shall be allowed by a majority vote of the members of the Council.

(C) The Director of Finance shall be subject to the control and direction of the Administrator and under the general control and supervision of the Mayor and the Council. With respect to collection of revenues and the control over the expenditure of funds by the officers and employees of the Municipality, the Director of Finance shall be subject to the control and direction of the Council.

(D) The Director of Finance shall be the chief fiscal officer of the Municipality and shall perform the powers, duties and functions now or hereafter given to City Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this Charter or the ordinances and resolutions of the Municipality. The Director of Finance, in addition to the powers, duties and functions prescribed by this Charter, shall have other powers, duties and functions as required by ordinance or resolution, or as directed by the Administrator. The Director of Finance shall keep the financial records of the Municipality, establish the accounting systems, financial records and reports used by the offices, departments, divisions, bureaus, boards and commissions of the Municipality; conduct internal audits upon the request of the Council; assist the Administrator in the preparation and submission of appropriation measures, estimates, budgets, capital programs and other financial matters; provide full and complete information concerning the financial affairs and status of the Municipality as requested by the Administrator, the Mayor or Council; and provide full and complete information and assistance concerning the finances or accounting systems or records of

any office, department, division, bureau, board or commission of the Municipality as requested by the Administrator.

(E) The Director of Finance shall be responsible for the deposit and investment of the funds of the Municipality pursuant to the general laws of Ohio, provided that the Council may, by a vote of a majority of its members, adopt ordinances and resolutions from time to time to provide methods and procedures other than pursuant to the general laws of Ohio for the deposit and investment of the Municipality's monies and funds.

7.02 Department of Law

(A) Until the Council shall determine by ordinance or resolution that a Department of Law shall be established, the Council may provide for legal counsel to be provided to the Municipality pursuant to a contract, executed by the Mayor on behalf of the Municipality, with an attorney or firm of attorneys licensed to practice law in Ohio. Except as otherwise provided in this Charter, such legal counsel shall have the same powers and duties as directors of law for general statutory plan cities under the general laws of Ohio.

(B) The Council may establish a Department of Law by ordinance or resolution. The Department of Law shall be under the supervision, direction and control of the Director of Law, who shall be appointed by the Mayor, subject to approval by motion of the Council by a majority vote of its members. The Director of Law shall serve at the pleasure of the Mayor and Council and may be removed, without cause, by (i) the Mayor upon Council's approval by a majority vote of its members, or (ii) by a vote of at least five members of the Council without the consent of the Mayor.

(C) The Director of Law need not be an elector or resident of the Municipality, but shall be an attorney-at-law duly authorized to practice law in the State of Ohio. The Director of Law shall not hold any other public office without the consent of the Council (given by a majority vote), except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter or the laws of Ohio.

(D) The Director of Law shall be the legal advisor, prosecuting attorney and counsel for the Municipality, and subject to the direction of Council, shall represent the Municipality in all proceedings in Court or before any administrative board or body. The Director of Law shall perform all other powers, duties and functions now or hereafter imposed on directors of law under the laws of Ohio; and shall perform other duties as required by this Charter, by ordinance or resolution, or as directed by the Mayor.

(E) The Council may provide for assistants and special counsel to the Director of Law. All assistants shall be appointed by the Director of Law. The assistants shall be responsible to the Director of Law and when authorized, may exercise all or any part of

the powers, duties and functions granted to the Director of Law under this Section. Special counsel may be engaged by the Director of Law or the Council.

(F) The Director of Law or other legal counsel to the Municipality shall not be required to serve as legal counsel to any school district.

(G) In the event of a vacancy in the office of Director of Law, a successor shall be appointed in the same manner as provided in Division (B) of this Section in the case of an original appointment. The Director of Law shall designate, by a writing filed with the Clerk of Council, a qualified person to serve as Acting Director of Law in the event of his or her temporary absence or disability and, in the event of a vacancy, until the vacancy is filled as provided in this Division. The Acting Director of Law shall exercise the powers, duties and functions of the Director of Law under this Charter.

7.03 Contract Services

Engineering and other professional services not otherwise provided for in this Charter may be provided by way of contract engagements authorized by the Council and executed on behalf of the Municipality by the Administrator. The Council may substitute or supplement services to be provided by municipal personnel through contracts with other political subdivisions or other government agencies or by contracts with private persons, firms, corporations or other entities.

7.04 Police Department

The Police Department shall be headed by a Chief of Police. The Chief of Police shall be appointed by the Mayor subject to the approval of the Council by a vote of a majority of its members. The Chief of Police shall be directed and controlled by the Mayor. The Chief of Police shall be subject to discipline or removal for cause as follows: (i) while the Municipality is a village, such discipline or removal shall be pursuant to the general laws of Ohio pertaining to members of police departments of general statutory plan villages, and (ii) when the Municipality becomes a city, the Chief of Police shall be in the classified service and shall be subject to the provisions of Divisions (B) and (C) of Section 8.01 of this Charter with respect to discipline or removal but not with respect to appointment to office, which appointment shall be governed by this Section. The Chief of Police and other members of the Police Department shall have such powers and duties as are provided by this Charter, the ordinances and resolutions of the Municipality, the general laws of Ohio and the lawful orders of the Mayor.

7.05 Other Departments

The administrative departments, divisions and sub-units thereof which exist under the village general statutory plan of government at the time this Charter takes effect, and which are not otherwise provided for in this Charter, shall continue under this Charter until revised or terminated by the Council pursuant to this Section of the Charter. The Council may, by ordinance or resolution, create, combine, change and abolish other offices, departments, divisions or sub-units thereof, and provide for the organization and

powers, duties and functions thereof. The Council shall not abolish any department specifically created by this Charter.

7.06 Acting Department and Division Heads

Except as otherwise provided in this Charter, in the event of a vacancy or the temporary absence or disability of the head of any administrative department or division, the Mayor may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

ARTICLE VIII - BOARDS AND COMMISSIONS

8.01 Merit System

(A) While the Municipality has the status of a village under the general laws of Ohio, the employees of the village shall be entitled to the tenure provided, if any, under the laws of Ohio applicable to general statutory plan villages, unless otherwise provided in this Charter. When the Municipality achieves city status under the general laws of Ohio, then Divisions (B) and (C) of this Section shall apply and the village tenure statutes shall not be applicable to the Municipality.

(B) Upon the Municipality achieving city status under the general laws of Ohio, all appointments and promotions of employees in the service of the Municipality shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examination. The Council by ordinance or resolution shall provide that the Administrator or his or her appointee is to be the personnel director of the Municipality. The Council by ordinance or resolution shall establish and define a classified and unclassified service for employees of the Municipality and shall adopt a Code of Personnel Practices and Procedures to implement the mandate of this Section; provided that appointments to and removal from all elected and appointed offices, including boards and commissions created by this Charter or by ordinance or resolution, shall be made in accordance with the specific applicable provision of this Charter or the specific applicable ordinance or resolution, and shall not be subject to this Article unless otherwise specifically provided in this Charter. The Code of Personnel Practices shall include provisions for causes and procedures for the dismissal, suspension and other disciplinary action against employees in the classified service. Except as otherwise provided in this Charter, the Administrator shall appoint, promote, dismiss, suspend and otherwise discipline employees in the classified and unclassified service of the Municipality.

(C) Upon the Municipality achieving city status under the general laws of Ohio, there is hereby created a Personnel Board of Review consisting of three electors of the Municipality not holding other office, appointment or employment with the Municipality, to be appointed by motion passed by a majority vote of the Council for a term of three years, except that of the three members of the Board first appointed, one shall be

appointed of a term of one year, one for a term of two years, and one for a term of three years. The Personnel Board of Review shall be organized as provided in Division (C) (1) of this Section and shall have the powers, duties and functions provided in Division (C) (2) of this Section.

(1) The Personnel Board of Review shall designate one of its members as Chairman and the Council by ordinance or resolution may authorize the appointment by said Board of a Clerk who may be a person having other employment with the Municipality.

(2) The Personnel Board of Review shall have the power to hear appeals from administrative determinations made pursuant to the Code of Personnel Practices and Procedures, as may be authorized by the Code, and may have such other powers and duties as may from time to time be given to it by ordinance or resolution of the Council. The Board shall keep a record of its proceedings which shall be open to public inspection and shall conduct its proceedings in accordance with the ordinances and resolutions of Council enacted pursuant to this Charter and the rules and regulations of the Board adopted by it pursuant to authority granted by ordinances or resolutions of the Council.

8.02 Planning and Zoning Commission

(A) There is hereby created a Planning and Zoning Commission consisting of five members to be comprised as follows:

(1) The Mayor shall be a member of the Commission.

(2) A member of the Council selected by a vote of a majority of the members of the Council shall be a member of the Commission to serve at the pleasure of the Council.

(3) The Mayor shall appoint three electors to serve on the Commission, subject to the Council's approval by a majority vote of the Council. These citizen members shall not hold other office or employment with the Municipality. They shall serve for overlapping six year terms of office, provided that the three members of the Planning Commission under the statutory plan of government for the Village of Groveport (other than those members serving because of their capacity as the Mayor or as a member of Council) are hereby designated as members of the Planning and Zoning Commission under this Charter to serve for the remainder of their terms, and thereafter each citizen member shall be appointed for a term of six years.

(B) The powers, duties and functions of the Planning and Zoning Commission shall be provided by this Charter and the ordinances and resolutions of the Municipality; but until such ordinances or resolutions shall be passed, it shall possess powers, duties and

functions as are provided by the laws of Ohio, to the extent that such laws do not conflict with the provisions of this Charter.

8.03 Board of Zoning Appeals

(A) There is hereby created a Board of Zoning Appeals consisting of five citizen members who are residents and electors of the Municipality to be appointed by the Mayor subject to approval by the Council by a motion adopted by a majority vote of its members. Members of the Board shall serve for overlapping six year terms of office, provided that the five members of the Board under the general statutory plan of government for villages who do not hold other office with the Municipality, are hereby designated as members of the Board under this Charter to serve for the remainder of their terms, and thereafter, each member shall be appointed for a term six years.

(B) The Board of Zoning Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations and other legislative measures and orders of administrative officials or agencies governing zoning in the Municipality, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution. The Board shall have such additional powers, duties and functions, relative to appeals from actions of the Municipality's administrative officers or employees concerning public buildings, streets or other public property or works, as provided by ordinance or resolution. The Board may make advisory recommendations to the Council and the Planning and Zoning Commission concerning zoning matters as it believes to be in the best interest of the Municipality. The Board shall have such other powers, duties and functions consistent with this Charter, as provided by the Municipality's ordinances and resolutions.

8.04 Charter Review Commission

(A) During the month of January 2000 and each ten years thereafter, the Council shall appoint, by a majority vote of its members, a Charter Review Commission consisting of five members who are electors of the Municipality. In addition to the mandatory duty imposed upon the Council by this Section to appoint a Charter Review Commission during January of 2000 and each ten years thereafter, the Council may appoint such Commission, with membership as provided in this Division, at any time, by a majority vote of its members.

(B) The Charter Review Commission shall study and review the provisions of this Charter and the operations of the Municipality and shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of June following the appointment of the Commission, unless a later date is specified by the Council, by a majority vote of its members. The Council may submit any amendments to the Charter recommended by the Commission to the voters in the manner provided by the Constitution and laws of Ohio. The Council may submit such amendments in a form different than recommended by the Commission. The Council

shall appropriate funds to the Commission as determined to be necessary by the Commission to carry out its powers, duties and functions, including amounts required to pay any consultants or special legal counsel selected by the Commission.

8.05 Other Boards and Commissions

Boards and commissions existing under the general statutory plan of government for villages when this Charter becomes effective shall continue until they are revised or abolished. The Council may create, change and abolish other boards and commissions as it determines to be necessary, and may provide for their organization, membership, terms of office of members, powers, duties and functions by ordinance or resolution.

8.06 Organization and Vacancies

(A) Unless otherwise provided in this Charter, each of the Municipality's boards and commissions, whether created by this Charter or by ordinance or resolution, shall:

(1) Organize at its first meeting each year by electing a chairman, vice chairman and secretary. The chairman and vice chairman shall be members of the board or commission and the secretary may be elected from within or without the membership of the board or commission. The Mayor shall call the organizational meeting prior to the first day of February by personally serving or leaving a notice at each member's usual place of residence, which notice shall state the time, date and place of the meeting. The secretary shall keep an accurate and complete record of the proceedings of the board or commission; and shall file a copy of its proceedings with the Clerk of Council for public inspection.

(2) Take action by motion or by resolution, and a majority vote of the members of the board or commission shall be necessary to take action. A majority of the members shall constitute a quorum. All members of boards and commissions shall be electors of the Municipality.

(3) Adopt rules for the conduct and government of the board or commission, however, the rules shall not conflict with the provisions of this Charter or ordinances and resolutions of the Municipality.

(B) Unless otherwise provided in this Charter, a vacancy during the term of any member of a board or commission created by this Charter or by ordinance or resolution shall be filled for the unexpired term, if any, in the manner authorized for an original appointment; provided that if such appointing authority shall fail to fill the vacancy within thirty days, the Council shall fill the vacancy by appointment for the unexpired term, if any.

ARTICLE IX - FINANCE, TAXATION AND DEBT

9.01 General

The laws of Ohio relating to budgets, appropriations, taxation, debts, assessments and other fiscal matters of the Municipality shall be applicable to the Municipality, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provisions therefor is made in the Constitution of Ohio.

9.02 Contracting Powers and Procedures

(A) Except as otherwise provided in this Charter, the Administrator shall be the contracting officer of the Municipality and shall award and execute all contracts on behalf of the Municipality.

(B) When any expenditure or contract is more than the amount specified by the laws of Ohio for which work may be accomplished only after advertisement and bidding, such contract or expenditure shall first be authorized or directed by an ordinance or resolution passed by the Council and shall be advertised once a week for at least two weeks in a newspaper of general circulation in the Municipality or posted on the Municipality's web site for fourteen (14) consecutive days, provided the Council, by an ordinance or resolution adopted by a majority vote of its members, may authorize, without advertising/posting and competitive bidding, contracts and expenditures for any purpose where the statutory or common law of Ohio does not require competitive bidding.

(C) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contract, they shall be made only upon the order of the Administrator. No such order shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Administrator on behalf of the Municipality. Modifications or alterations in contracts shall not require advertising and competitive bidding.

(D) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the Administrator unless the Director of Finance or his or her duly authorized representative shall first certify:

(1) That the money required for such contract, agreement, obligation or expenditure is in the Municipality's treasury or in the process of collection thereto, and

(2) That the money has been appropriated by Council for the specified purposes, and it remains unencumbered.

Said certification as to the availability of funds and the appropriation of funds shall be filed and recorded in the accounting records of the Municipality and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be void and

unenforceable against the Municipality unless subsequently approved by the Council or recognized by Council as a moral obligation.

(E) The Administrator shall not divide any order or contract to avoid the requirements of competitive bidding.

ARTICLE X - NOMINATIONS AND ELECTIONS – INITIATIVE, REFERENDUM AND RECALL

10.1 Nominations

Nominations for all elected offices of the Municipality shall be made by petition only and no primary shall be held to nominate officers of the Municipality. Nominating petitions shall be in the form determined by the election authorities provided under the general laws of Ohio and signed by electors of the Municipality in the numbers provided under the general laws of Ohio.

10.2 Regular Municipal Elections

The regular municipal elections for all elected offices, and for issues to be presented to the voters, shall be held on the dates and at the times fixed by the elections laws of Ohio for general statutory plan cities.

10.3 Special Elections

The Council may, at any time, order a special election by ordinance or resolution which shall set forth the date and purpose of the election, including but not limited to the referral of pending ordinances and resolutions to the electors for their approval or rejection. Special elections may be held on any date, including but not limited to the dates of general and primary elections in odd or even numbered years.

10.4 Conduct of Elections

All regular and special elections shall be conducted by the election officials as established under the laws of Ohio. Such elections shall be held in conformity with the provisions of this Charter. Where the Charter is silent, the provisions of the election laws of Ohio shall be followed.

10.5 Initiative and Referendum

Ordinances, resolutions, issues and other measures may be proposed by initiative petition and adopted by election, and ordinances and resolutions adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of Ohio.

10.6 Recall

(A) The electors shall have the power to remove from office by a recall election any elected official of the Municipality in the manner provided in this Section.

(B) If the elected official shall have served six months of his or her term, an elector or electors of the Municipality may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of a named elected official or officials. No petitions for the recall of an elected official may be circulated until such written notice of intent is served upon the Clerk of Council. Not later than thirty days after service of such notice of intent on the Clerk of Council, such persons may file, with the Clerk of Council, a petition demanding the removal of an elected official. Separate petitions shall be filed for each elected official sought to be removed by recall. The Clerk shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. 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. Such petition shall be signed by at least that number of electors which equals fifteen percent in number of the electors voting at the last preceding regular municipal election.

(C) Within ten days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition and make a record of such delivery. Such person shall be allowed a period of ten 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 Council and shall deliver a copy of such certificate to the person whose removal is sought within five days and make a record of such delivery.

(D) If the person whose removal is sought shall not resign within five days after the day on which the Clerk's certificate shall have been delivered, Council shall, by ordinance or resolution, fix a day for holding a recall election, not less than thirty days nor more than forty-five days after the date of the Clerk's certification of sufficiency to the Council, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper of general circulation in the Municipality. At such recall election, this question shall be placed upon the ballot: "Shall (naming the person whose removal is sought) be allowed to continue as (naming the office)?", with the provision on the ballot for voting affirmatively or negatively. In the event a majority of the vote is negative, such person shall be removed, the office shall be vacant, and such vacancy shall be filled as provided in this Charter. If the person is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one year following such election.

ARTICLE XI - GENERAL PROVISIONS

11.01 Removal of Officials

(A) Elected officials and members of Boards and Commissions shall be removed for cause as provided in this Section of the Charter

(B) As used in this Section of the Charter, the "Charging Official" shall mean: the "Mayor" except where the person accused of grounds for removal is the person holding the office of Mayor; or the "President Pro Tem" where the person sought to be removed for cause holds the office of Mayor.

(C) The Charging Official, if he or she has reason to believe there is probable cause (as such causes are defined in this Section 11.01) for the removal of an elected official or member of a Board or Commission, shall give notice of the alleged cause for removal and the time, date and place of the commencement of hearing for removal, which shall not be earlier than ten days after the service of the notice, to the accused person by personal service, certified mail, or by leaving a copy of such notice at the person's last know place of residence in the Municipality. At such time, date and place and at any adjourned meetings, the Council shall hear, provide an opportunity to the accused person to be heard and present defenses, and determine whether the accused person shall be removed from his or her office. The Council shall remove an official for any of the following causes by a two-thirds vote of the members of the Council, provided that if the accused person is a member of Council, such person shall not vote on any matter during the removal procedure and shall not be counted in determining required majorities:

(1) Unexcused absences from any four consecutive regular meetings of the Council or the Board or Commission on which such person serves or any six regular or special meetings thereof in any year, provided the accused person received notice of special meetings. An absence from a regular or special meeting may be excused by a majority vote of the members of the Council or the Board or Commission on which such person serves at any time, including the excusing of any absence after action is initiated but prior to the commencement of hearings for the person's removal under this Section.

(2) Failure to possess or maintain the qualifications of the office.

(3) A determination that the accused person is guilty of misfeasance, malfeasance or nonfeasance in office.

(D) Upon the removal of an official from office pursuant to this Section, the office of the offending person shall be vacant, subject to any appeal to and review by an appropriate court, and the vacancy shall be filled as provided in this Charter.

(E) The removal of an official or the occurrence of any of the causes permitting the removal shall not invalidate any action of the official or any body, including the Council, in which the member participated. The subsequent removal of a person who fills a vacancy created pursuant to this Section by the reinstatement by a court of a person previously removed by the Council, shall not invalidate any action of the person who filled the vacancy or any body, including the Council, in which such person who filled the vacancy participated.

(F) The Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. The Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall be entitled to either a private or public hearing on demand, but in any case, a record of the proceedings shall be made and preserved. If a public hearing is demanded, a notice of such hearing shall be published in one or more newspapers of general circulation in the Municipality at least one week in advance of the hearing, and in such an event, the Mayor, or other presiding officer of the Council, may reschedule the time, date and place of the hearing set by the Charging Official to accommodate the publication of the notice. If the hearing is rescheduled, the Mayor or other presiding officer, shall notify the accused person of such fact. Decisions made by the Council under this Section shall be subject to review by the Courts on matters of law and whether the Council acted arbitrarily and without probative evidence to support the grounds for removal.

(G) The Director of Law shall prosecute the removal proceedings before the Council and any review thereof by the Courts. If a person accused is not finally removed, the Municipality shall pay the reasonable costs of the defense of such person and any compensation withheld pending the appeal of the action of the Council.

11.02 Conflicts of Interest, Ethics, Campaign Financing

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

11.03 Succession

The Municipality of Groveport under this Charter is hereby declared to be the legal successor of the Municipality of Groveport under the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The Municipality shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by

the Municipality or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

11.04 Effect of Charter on Existing Laws and Rights

(A) The adoption of this Charter shall not affect any pre-existing rights of the Municipality nor any right, liability, pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears in this Charter, all acts of Council of the Municipality including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until amended or repealed.

(B) No action or proceeding pending against the Municipality or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

11.05 Effect of Charter on Existing Offices

(A) The person holding the office of Village Administrator under the general statutory plan of government for the Village of Groveport is hereby designated to serve as the initial Administrator under this Charter.

(B) The person holding the office of Clerk-Treasurer under the general statutory plan of government for the Village of Groveport shall continue in such office until the office is abolished and terminated pursuant to Division (A) of Section 3.05 and Division (A) of Section 7.01 of this Charter.

(C) Except as otherwise provided by this Charter, all persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until other provisions have been made in accordance with this Charter for the performance or discontinuance of the duties of the office. When that provision shall have been made, the term of any officer shall expire and the office shall be abolished. The powers conferred and the duties imposed upon any officer, body, commission, board, department or division of the Municipality under the laws of Ohio or under any municipal ordinance, resolution or contract in force at the time this Charter takes effect, if the office, body, commission, board, department or division is abolished by the Charter, shall be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.

11.06 Continuance of Present Employees

Every employee of the Municipality on the effective date of this Charter shall continue in such employment subject in all respects to the provisions of this Charter and ordinances, resolution's rules or regulations enacted or promulgated under the Charter.

11.07 Reference to Village/City Status

Use of the words "Village" or "City" in this Charter shall mean Municipality.