

CHARTER OF RIVERSIDE, OHIO

(Initially approved by electors on February 7, 1995.)

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INTRODUCTION AND PREAMBLE

Whereas, on January 1, 1994, pursuant to a vote of the citizens of Mad River Township and the Village of Riverside, both communities merged into the Municipality of Riverside; and

Whereas, on May 3, 1994, the electors of the new community voted to form a charter commission to frame a charter to be submitted to the voters;

Now, therefore, we, the people of Riverside, Montgomery County, Ohio, in order that we may have the benefits of municipal home rule and exercise all of the powers of local self-government and other powers conferred under the Constitution and Statutes of the State of Ohio, do hereby ordain and establish the following charter for our municipality.

ARTICLE I. NAME AND BOUNDARIES

SECTION 1.01. NAME.

The municipal corporation existing as the Village of Riverside 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. When the Municipality attained the status of a City, under the constitution and laws of Ohio it became known as the "City of Riverside". As used in this Charter, "Municipality" shall mean the municipal corporation of Riverside.

SECTION 1.02. BOUNDARIES.

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. No territory shall be detached from the Municipality, nor shall the Municipality be annexed to any other municipality without the consent of Council.

ARTICLE II. FORM OF GOVERNMENT

SECTION 2.01. FORM OF GOVERNMENT.

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

ARTICLE III. POWERS

SECTION 3.01. POWERS.

All powers of local self-government now or hereafter granted under the Constitution and laws of the State of Ohio to municipal corporations shall be exercised in the manner prescribed in this Charter, or to the extent not prescribed thereby, then in such manner as Council may determine by ordinance or resolution; and when not prescribed by this Charter or determined by the Council, then in such manner as may now or hereafter be provided by the general laws of Ohio.

No act of the Municipality shall be invalid or limited by reason of failure to enumerate a particular power in this Charter. The Municipality shall have and may exercise any and all powers, either expressed or implied, which it would be competent for this Charter to enumerate, as fully and completely as though such powers specifically were included herein.

ARTICLE IV. THE COUNCIL

SECTION 4.01. POWERS; NUMBER.

The legislative power of the Municipality shall be vested in a Council of seven electors of the Municipality, one of whom shall be elected as Mayor. All members shall be nominated and elected at large by the qualified electors of the Municipality on a non-partisan ballot.

SECTION 4.02. TERMS.

At the general municipal election in November, 1995, six members of Council shall be elected at-large in the Municipality for terms beginning the first day of January, 1996. At the general municipal election in 1995, the two candidates having the largest number of votes shall be elected to full terms of four years and the four candidates having the next largest number of votes shall be elected to two year terms.

The successors of the several members of the Council elected to four year terms shall be elected at the general municipal election of November, 1999 and every fourth year thereafter. Successors of the several members of Council elected to two year terms shall be elected at the general municipal election in November, 1997 and every fourth year thereafter.

The members of Council shall begin their terms on the first day of January following their election.

SECTION 4.03. QUALIFICATIONS.

Council members shall be qualified electors of the Municipality and a resident of the Municipality for one (1) year at the time of the filing of a nominating petition.

SECTION 4.04. REMOVAL.

The Council shall be the judge of the election and qualifications of its own members. In case of persistent failure to abide by the rules of Council or absence without justifiable excuses for three (3) consecutive regular meetings, the seat of such member may be declared vacant by resolution of Council, five (5) members concurring.

Council shall declare vacant a seat of any member for the following reasons:

1. One who shall cease to be a qualified elector and resident of the Municipality as required by the Charter.
2. One who enters upon the performance of the duties of an incompatible public office.
3. One who shall hold any appointed office or employment with the Municipality for which compensation is authorized.
4. One who shall violate any expressed provision of this Charter.
5. One who shall be convicted of a crime involving moral turpitude or any felony.
6. One who shall be convicted of any other provision of the State laws as applicable to public officials and the penalty includes forfeiture of office.

SECTION 4.05. FILLING OF VACANCIES.

A vacancy in the office of Council member shall be filled within thirty (30) days by a vote of the majority of the remaining members of the Council. If a vacancy occurs on one or more positions among Council members elect, Council of the new term shall make the appointment. If the Council fails to make an appointment within thirty (30) days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Mayor shall fill the vacancy by appointment immediately following the expiration of the said thirty (30) days. Any appointee under this section shall qualify under the provisions of this Charter, shall hold office, and shall serve for the unexpired term and until a successor is elected and qualified.

SECTION 4.06. SALARIES.

The initial salary of a Council member shall be \$4,000.00 annually. The initial salary of the Mayor shall be \$6,000.00 annually.

Salary changes of Council members and the Mayor shall be established by ordinance.

No ordinance increasing the salaries of the Council members and/or Mayor shall become effective until the commencement of the terms of Council members elected at the next regular municipal election, provided that such election follows the adoption of such ordinance by at least six (6) months.

SECTION 4.07. MAYOR.

At the general municipal election in November, 1995, a Mayor shall be elected by separate ballot from the Municipality at large for a four (4) year term beginning the first day of January, 1996. A successor shall be elected every fourth year thereafter. The Mayor shall be a qualified elector of the Municipality, a resident of the Municipality for one (1) year at the time of the filing of his/her nominating petition and upon removal of residency from the Municipality shall forfeit his/her office.

The Mayor shall be a member of the Council. The Mayor shall have a right to vote as a member of Council, but shall have no veto.

In addition to his/her powers, right and duties as a member of Council, the Mayor shall preside at all regular, special and executive meetings of the Council and shall be recognized as the official head of the City for ceremonial purposes, by the Governor for military purposes and by the courts for the purposes of serving civil process. The Mayor shall perform all other duties prescribed for said office by this Charter and such other duties as may be imposed by any ordinance or resolution of the Council.

SECTION 4.08. DEPUTY MAYOR.

At the organizational meeting following its election, and every year thereafter, Council shall choose one of its members as Deputy Mayor who shall act as Mayor during the temporary absence or temporary disability of the Mayor. If a vacancy in the office of Mayor occurs, the Deputy Mayor shall serve as Mayor until the next regular municipal election. At such election, a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term. Upon the election of a Mayor, the Deputy Mayor may retain a position as Council member for the remainder of his/her unexpired term.

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

SECTION 4.09. MEETINGS.

Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once a month. All meetings shall be open to the public except executive sessions as defined and authorized by ordinance of the Municipality.

A regular organizational meeting shall be held during the first week in January of each year. A majority of the members elected to Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time.

Special meetings may be called by the Mayor or City Manager or any three (3) members of Council on seventy-two (72) hours notice served on each member personally, or left at the member's usual place of residence. Any member of Council may waive this notice by filing within the Clerk of Council a written waiver prior to the start of the special meeting. The purpose of the special meeting shall be stated in the notice, and no other business shall be transacted at such meeting.

SECTION 4.10. RULES.

The Council shall by ordinance determine and may amend its own rules and order of business in conformity with the requirements of this Charter.

SECTION 4.11. AUDIT.

The Council shall provide for an independent audit of all municipal accounts. Such audits shall be made by a certified public accountant having no interest, direct or indirect, in the fiscal affairs of the Municipality or any of its officers and/or officials. If the State of Ohio makes an audit, it may be accepted by the Council as satisfying the requirements of this section.

SECTION 4.12. CLERK OF COUNCIL.

There shall be a Clerk of Council, selected by an affirmative vote of a majority of all members of Council, from outside its membership, to serve until a successor is chosen and enters upon the duties of this office. The Clerk shall give notice of Council meetings, keep the journal, advertise public hearings, record in separate books all ordinances and resolutions approved by Council and see that such enactments are published as required by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter, or by ordinance or resolution of the Council. The Clerk may be appointed to serve full or part time and shall receive a salary for services as such, as established by ordinance.

SECTION 4.13 APPOINTMENT AS OFFICIAL OR EXEMPT POSITION.

No councilperson shall receive an appointment as an official or employee in an exempt position as defined in Section 8.02 of this Charter for which compensation is received during the term for which he or she shall have been elected nor within one (1) year after the expiration of his/her term. (Added 11-7-95)

**ARTICLE V.
LEGISLATION****SECTION 5.01. ORDINANCES AND RESOLUTIONS.**

Council legislative action shall be by ordinance or resolution. Ordinances shall be the enactments of the Council establishing permanent rules of conduct or of government. Resolutions shall be orders of the Council dealing with a specific matter of a temporary nature which expresses the policy of the Council or opinion regarding such matter and which do not establish permanent or general legislation.

SECTION 5.02. MAJORITY REQUIRED.

The affirmative vote of four (4) members of the Council shall be necessary for the passage of any ordinance unless otherwise provided herein. A resolution may be enacted on a formal motion by a majority vote of the members of Council present.

SECTION 5.03. PROCEDURE FOR PASSAGE OF ORDINANCES.

Every ordinance shall be introduced in written form. Ordinances shall be reviewed by the Law Director who shall be responsible to see that they are written in the manner prescribed by law.

- A. First Reading. Upon approval of its first reading, in its entirety the complete text of the ordinance shall be published by posting at each Municipal Fire Station and the Municipal Building. The Clerk shall also publish the title of the proposed ordinance in a newspaper of general circulation in the Municipality and on the municipal web site. Such publication shall state that copies of the proposed ordinance are available without cost at the Municipal Building during regular business hours and shall specify the time and place for the second reading and public hearing. Copies of the ordinance, in the form in which it was approved on the first reading shall be available for the public without cost in the municipal offices together with a notation as to the time and place of its consideration for adoption. The publication by posting and otherwise shall be at least seven (7) calendar days prior to the time set for the second reading and public hearing.
- B. Second Reading and Public Hearing. For the second reading, at the time and place so published, such ordinance may be read by title only, unless any person present requests that the same be read in full. All interested persons shall be given an opportunity to be heard prior to the final vote. Written communications from any person concerning such ordinance shall be received, read and entered into the record of proceedings. After such reading, the Council may finally adopt such ordinance, except if any amendment changes it in substance. When an ordinance is amended, it shall not be finally adopted until it is again published as herein above set forth.

- C. Final Adoption. The affirmative vote of at least four (4) members of Council shall be necessary for the final passage of any ordinance unless otherwise provided for in this Charter. Every ordinance, upon its final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer of the Council and the Clerk of Council.
- D. Rule Suspension. The Council, by an affirmative vote of five (5) members, may suspend the rule preventing adoption of an ordinance at the meeting at which it was introduced. A summary or the complete text of an ordinance adopted under rule suspension shall be published by posting within seven (7) days.
- E. Emergency Ordinances. Council may, with an affirmative vote of not less than five (5) members, pass emergency ordinances to take effect immediately upon their passage, or at the time indicated therein in order to preserve the public health, safety, moral, welfare or the public interest or to provide for special emergencies in the operation of the usual municipal services. Each emergency ordinance shall set forth the specific facts necessitating the emergency legislation. No legislation involving the levy of taxes, except when incidental to incurring debt; the granting, renewal or extension of a franchise, except one affecting health; the regulation of rates charged by any public utility.
(Amended 11-8-05.)

SECTION 5.04. PROCEDURE FOR PASSAGE OF RESOLUTIONS.

Every resolution shall be introduced in written form. Resolutions shall be reviewed by the Law Director who shall be responsible to see that they are written in the manner prescribed by law. A resolution shall take effect immediately upon its adoption and shall not be subject to referendum. Every resolution, upon its final passage, shall be recorded in a book kept for this purpose, and shall be authenticated by the signature of the presiding officer of the Council and the Clerk of the Council.

ARTICLE VI. THE MANAGER

SECTION 6.01. APPOINTMENT.

The Council by a five out of seven affirmative vote of all members of Council shall appoint a Manager for an indefinite term and shall fix compensation.

SECTION 6.02. QUALIFICATIONS.

The Manager shall be chosen solely on the basis of his/her executive and administrative qualifications with actual experience and training in the accepted practices and duties of such office. At the time of appointment, the Manager need not be a resident of the Municipality or State, but shall reside therein during his/her term of office unless otherwise provided by resolution of Council.

SECTION 6.03. POWERS AND DUTIES.

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

- (a) To see that all laws, provisions of this Charter, ordinances and resolutions of the Municipality, subject to enforcement by him/her or by officers, subject to his/her direction and supervision are faithfully observed and enforced.
- (b) To submit to the Council and make available to the public, a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year, said report to be completed not later than ninety (90) days after the close of each fiscal year.
- (c) To prepare and submit to the Council on such date or dates as Council shall designate, a yearly budget and capital program for the Municipality.
- (d) To keep the Council fully advised as to the financial condition and future needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as is deemed desirable or as Council may require.
- (e) To direct and supervise the administration of all departments, officers and agencies of the Municipality except as otherwise provided by this Charter.
- (f) To appoint, and when the Manager deems it necessary for the good of the Municipality, suspend or remove any Municipal employee or appointive administrative officer, except as otherwise provided by this Charter or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (g) To attend all Council meetings and have the right to take part in discussion, but not to vote.
- (h) To make such other reports as the Council may require concerning the operations of the Municipal departments, offices and agencies subject to the Manager's direction and supervision.
- (i) To execute and deliver all contracts, purchase orders, franchises and agreements for the Municipality, but no such contracts, purchase orders, franchises or agreements shall be legal until ratified or authorized by ordinance or resolution of the Council and with reference to public utilities, in accordance with the provisions of Article XVIII of the Constitution of the State of Ohio.
- (j) To perform such other duties as are specified in this Charter or may be required by the Council within the limits of the Charter.

SECTION 6.04. INTERFERENCE BY COUNCIL.

Neither the Mayor nor the Council, or any of its committees or members, shall interfere in any way with the appointment or removal of any of the officers and employees in the administrative service appointed by the Manager, except as provided in this Charter. Except for the purpose of inquiry or investigation incident to carrying out their powers, duties and responsibilities as set forth in this Charter, the Mayor, Council and its members shall deal with that part of the administrative service for which the Manager is responsible, solely through the Manager. In case any member shall be found by Council to have violated this section, Council shall declare his/her seat vacant.

SECTION 6.05. RESIGNATION.

The Manager shall have the right to resign his/her position at any time, subject to any notice requirements contained in any contractual agreement he/she may have with the Municipality or in the event there is no agreement he/she shall give a sixty (60) day notice of intention to resign. Requirement of notice may be waived by resolution of Council.

SECTION 6.06. REMOVAL.

The Council may remove the Manager by the affirmative vote of five of its members. In any case of removal, the former Manager shall be paid all sums due him/her pursuant to any contractual agreement he/she may have with the Municipality or in the event there is no contract, the former Manager shall be paid any unpaid balance of his/her salary and benefits and his/her salary and benefits for the next two (2) months following his/her removal.

SECTION 6.07. EMPLOYMENT CONTRACT.

The Council may, by a five out of seven vote of all its members, enter into an employment agreement with the Manager fixing compensation, benefits, allowances, and severance pay upon removal.

SECTION 6.08. ACTING MANAGER.

The Manager may designate, by a letter filed with the Clerk of Council, a qualified administrative officer of the Municipality to perform the powers, duties and functions of the Manager during the temporary absence or temporary disability of the Manager. If the Manager fails to make such designation, the Council may, by the adoption of a motion by a majority affirmative vote of its members, appoint a qualified administrative officer of the Municipality to perform such powers, duties and functions during the temporary absence or temporary disability of the Manager. In the event of an emergency and the Manager has not filed a letter of designation, the Mayor shall make a temporary appointment of a qualified member of the administrative staff to act as Manager, until the Council acts as required in this section.

**ARTICLE VII.
ADMINISTRATIVE DEPARTMENTS****SECTION 7.01. DEPARTMENTS.**

A Department of Law, a Department of Finance, a Department of Service, a Department of Safety, a Department of Police and a Department of Fire are hereby established by this Charter and the Council shall provide by ordinance for the organization thereof.

The administrative activities of the Municipality shall be carried on by a Department of Finance, a Department of Law, a Department of Service, a Department of Safety, a Department of Police and a Department of Fire and such other departments as may be created by ordinance after consultation with the City Manager.

At the head of each department there shall be a full-time or part-time Director except that the Director of Police and Fire Departments may assume the title of Chief. The City Manager, with the approval of the Council, shall appoint the Directors of all departments other than the Director of the Department of Law, who shall be appointed by Council. Each Director shall be an administrative officer of the City and shall have supervision and control of the department subject to the direction of the City Manager except the Director of the Department of Law who shall be subject to the direction of Council. With the approval of Council, the City Manager may serve as the head of one or more departments, except that the City Manager, may not serve as Director of Law or Director of Finance. One individual may be appointed to head more than one department.

At the time of their appointment, department heads need not be residents of the Municipality or State, but shall reside therein during their respective terms unless otherwise provided by Council. This residency requirement shall not apply to the Director of Law. (Amended 11-2-99.)

SECTION 7.02. CREATION OF NEW DEPARTMENTS.

The Council by ordinance, may create, change and abolish offices, departments, divisions and agencies, other than those established by this Charter. The Council may assign additional duties to the departments established by this Charter, but may not discontinue or assign to any other office, department, division or agency any function assigned by this Charter to a particular office, department or agency.

SECTION 7.03. DEPARTMENT OF LAW.

The Department of Law shall be headed by a Director of Law who shall be an attorney-at-law qualified to practice in the State of Ohio. A law firm as well as an individual attorney may serve as Director of Law.

SECTION 7.04. DUTIES OF LAW DIRECTOR.

The Law Director shall serve the Manager, Mayor, the Council, the administrative departments and the officers, boards and commissions of the City as legal counsel in connection with Municipal affairs and shall represent the Municipality in all proceedings in court or before administrative boards. The Law Director shall perform any other duties prescribed by this Charter, by ordinance, by the Administrative Code and all other duties now or hereafter imposed upon Law Directors by the laws of the State of Ohio unless otherwise provided by ordinance of the Council, provided however, that the Law Director shall not be authorized, nor obligated to perform any duties with regard to or on behalf of the officers or employees of the Mad River School District, if the District establishes itself as a city school district.

SECTION 7.05. DEPARTMENT OF FINANCE.

There shall be a Department of Finance, the head of which shall be the Director of Finance. The Department of Finance shall perform those functions customarily performed by the Auditor and Treasurer under the general law.

SECTION 7.06. DUTIES OF FINANCE DIRECTOR.

The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for accounting, collection and custody of public funds, and control over disbursements. The Finance Director shall advise the Manager and the Council concerning the financial condition of the Municipality and shall examine all payrolls, bills and other claims against the Municipality and shall issue no warrants unless found that the claim is in proper form, correctly computed, duly approved and that an appropriation has been made therefore. The Director of Finance shall countersign all bonds and notes issued by the Municipality and shall perform such other functions as may be prescribed by this Charter, by ordinance, resolution or by the Administrative Code.

SECTION 7.07. DEPARTMENT OF PUBLIC SERVICE.

There shall be a Department of Public Service, the head of which shall be the Director of Public Service.

SECTION 7.08. DUTIES OF PUBLIC SERVICE DIRECTOR.

The Director of Public Service shall be responsible for the general supervision, custody, care and maintenance of the public buildings, grounds, streets, sewers, Municipal utilities and other properties owned or operated by the Municipality and shall perform such other functions as may be prescribed by this Charter, by ordinance, resolution, by the Administrative Code or by order of the Manager.

SECTION 7.09. DEPARTMENT OF PUBLIC SAFETY.

There shall be a Department of Public Safety, the head of which shall be the City Manager acting as the Director of Public Safety.
(Amended 11-2-99.)

SECTION 7.10. DUTIES OF PUBLIC SAFETY DIRECTOR.

The Director of Public Safety shall have all the powers and duties now or hereafter given the Director of Public Safety in municipalities by general law and shall have supervision over and responsibility for the efficient operation of the Police and Fire Departments and shall perform such other functions as may be prescribed by this Charter, by ordinance, resolution, by the Administrative Code or by order of the Manager.

SECTION 7.11. ADMINISTRATIVE CODE.

Subject to the provisions of this Charter and upon consultation with and the recommendations of the Manager and Law Director, the Council may adopt an Administrative Code which shall provide in detail the organization of the municipal government and further define the powers and duties of each organizational unit. Amendments to and revision of the Administrative Code shall be made by the Council only after consultation with and the recommendation of the Manager and Law Director. Where the Charter and the Administrative Code is silent, the officers and employees subject to the direction of the Manager of the Municipality shall have and may exercise all powers and duties provided for similar officers and employees by the State law. However, provisions of the Charter and the Administrative Code shall supersede those of State law in case of conflict.

**ARTICLE VIII.
PERSONNEL**

SECTION 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the Municipal service shall be made according to merit, to be ascertained, so far as practicable, by competitive examination.

SECTION 8.02. EXEMPT POSITIONS.

All positions in the Municipal service shall be filled pursuant to the preceding section except the following:

- (1) Members of Council and the Mayor;
- (2) The Manager;
- (3) The Clerk of Council;
- (4) The Directors of departments and chiefs or heads of divisions;
- (5) Assistant to the Manager;
- (6) Secretary to the Manager;
- (7) Any office or position requiring exceptional or professional qualifications;
- (8) Unskilled laborers;
- (9) Seasonal or part-time employees;
- (10) Member of boards and commissions appointed by Council.

Council may by ordinance designate other positions which may be filled by original appointment or by promotion without the necessity of such examinations.

SECTION 8.03. DIRECTOR OF PERSONNEL.

The Manager shall appoint a Director of Personnel to serve full or part-time; the appointee may have another position with the municipal administration, or the Manager may, with the consent of Council, appoint him/herself. The Director of Personnel shall:

- (1) Conduct recruitment of qualified persons for positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing authorities for appointment or promotions;
- (5) Establish a job classification plan and allocate the various positions to classifications within said plan;
- (6) Certify payrolls;
- (7) Develop and conduct training programs;
- (8) Perform such other duties relating to personnel as the Manager may direct;
- (9) Prepare and recommend to the Manager for approval and publication, necessary rules to establish and maintain the merit system in the Municipality.

SECTION 8.04. PERSONNEL APPEALS BOARD.

There shall be a Personnel Appeals Board consisting of three (3) members appointed by a majority vote of Council for overlapping terms of three (3) years, except that the members first selected shall be appointed for such terms that the term of one member shall expire annually thereafter. The Director of Personnel shall provide necessary staff assistance for the Board.

(Amended 11-7-06)

SECTION 8.05. DUTIES OF PERSONNEL APPEALS BOARD.

The Personnel Appeals Board shall hear appeals from Municipal employees in the non-exempt service who are not part of a grievance procedure under a collective bargaining agreement, who have passed their probationary period as set forth in the Personnel Manual and who have been suspended, demoted in position or compensation or discharged. The Board shall have such other powers and duties as may be assigned by ordinance. The Board shall, choose its own officers, have authority to subpoena witnesses and to require the production of records.
(Amended 11-7-06)

SECTION 8.06. CANDIDACY FOR MUNICIPAL OFFICE.

No official or employee of the Municipality shall continue therein after becoming a candidate for nomination or election to any Municipal office.

SECTION 8.07. FINALITY OF DECISIONS.

Decisions of the Personnel Board shall be final to the extent provided by law, except that an appeal therefrom may be taken to any court of record in accordance with the laws of the State, by any proper and interested party including the Municipality. The Municipality shall only have the right to appeal a decision of the Personnel Appeals Board which is contrary to the Codified Ordinances and/or personnel policies manual of the City. The vote of Council authorizing the appeal must be by the affirmative vote of five members of Council.
(Added 11-8-05.)

**ARTICLE IX.
COMMISSIONS AND BOARDS****SECTION 9.01. CREATION OF OTHER BOARDS AND COMMISSIONS.**

In addition to the boards and commissions established by this Charter, the Council may by ordinance, create additional boards and commissions it deems necessary or desirable for the efficient operation of the Municipality and provide for their duties and powers.

SECTION 9.02. OPERATIONS OF BOARDS AND COMMISSIONS.

(1) All boards and commissions of the Municipality, including the personnel appeals board, whether established by Charter or ordinance shall have the power and authority to adopt their own rules of procedure. Council shall authorize funds as are appropriate for the operation of the boards and commissions established by this Charter and Council may authorize funds as is appropriate for the operation of boards and commissions established by ordinance.

(2) Appointments and removals shall be made by an affirmative majority vote of council and subject to the procedures as specified in the administrative code.

(3) Each member of the board or commission shall be and continue to be an elector of the municipality.

(4) Except as otherwise provided in this Charter, members of a board or commission shall not hold any elected office in the city or be an official or employee thereof.

(5) Boards and commissions shall keep a journal or minutes of their proceedings in such detail as to comply with the law. An affirmative vote of a majority of all members shall be required to adopt any question, motion or proposed order or adjudication.

(6) No board or commission member shall receive any compensation for service, but may be reimbursed for expenses upon approval of council.

(7) Boards and commissions shall perform all duties and functions imposed upon them by law, charter and by ordinance.

(8) No elector of the City shall be appointed to serve at the same time on more than one board or commission of the municipality established by this charter. This limitation shall not apply to boards, commissions or committees established by ordinance or resolution of council.

(Amended 11-7-06)

SECTION 9.03. PLANNING COMMISSION.

The Planning Commission shall consist of the Mayor as ex officio member without voting power, and five (5) electors appointed by Council to serve without compensation for terms of four (4) years. The first three (3) electors appointed shall serve for four (4) years, and the remaining two (2) electors for two (2) years. Thereafter, appointments shall be made for four (4) year terms. Council, by majority vote of its members, shall choose a successor to fill any elector vacancy.

SECTION 9.04. POWERS AND DUTIES OF PLANNING COMMISSION.

It shall be the function and duty of the Planning Commission to act as the platting commissioners of the Municipality, and as such it shall have control of planning and shall provide regulations covering the platting of all land within the Municipality.

It shall adopt and recommend to the Council a comprehensive general plan for the physical development of the Municipality, which shall include the location of public ways, property, bridges, utilities, buildings, parks, playgrounds and recreation areas. The comprehensive general plan shall show all existing school locations in the Municipality and shall show the projected location of new schools as determined by the Board of Education of the various school districts.

It shall prepare and recommend to Council, ordinances creating areas, zones and districts of permitted and excluded uses, including rules, regulations, restrictions and limitations governing the design, height, floor area, size of structures, area and size of lots, size of yards, courts, open spaces, use and occupancy of public and private building structures, and land for trade, industry, off-street parking, residences, parks, playgrounds and other uses or purposes as will promote the general welfare of the Municipality and its inhabitants.

The Planning Commission shall render a recommendation to the Council as to whether any lands within the Municipality should be rezoned.

The Planning Commission shall make a base map to be titled "The Official Map of the Municipality of Riverside". The Planning Commission shall have control over the platting and subdivision of lands and the improvement or development thereof.

In the performance of its functions, the Planning Commission may enter upon any land and make examinations and surveys, and place and maintain necessary monuments and marks thereon.

In addition, the Planning Commission shall perform such other functions and duties as may be prescribed by this Charter, by ordinance or by the Administrative Code.

SECTION 9.05. BOARD OF ZONING APPEALS.

There shall be a Board of Zoning Appeals composed of five (5) electors, appointed by a majority vote of the Council, for terms of four (4) years. The first three (3) electors appointed shall serve for four (4) years and the remaining two (2) electors for two (2) years. Thereafter, appointments shall be made for four (4) year terms. (Amended 11-7-06.)

SECTION 9.06. DUTIES OF BOARD OF ZONING APPEALS.

It shall be the duty of the Board of Zoning Appeals to hear and determine applications for variances from the provisions of the zoning ordinance, in harmony with the intent and purposes of that zoning ordinance and in accordance with the procedures and standards for decision provided therein. The Board of Zoning Appeals shall also hear and determine appeals from any administrative officer who enforces and applies the zoning ordinance. In addition, the Board of Zoning Appeals shall hear and determine such other matters as may be prescribed by this Charter, by ordinance or by the Administrative Code. The decisions of the Board of Zoning Appeals shall be final.

SECTION 9.07. FINALITY OF DECISIONS.

Decisions of City Boards and Commissions established pursuant to Article IX of the Charter shall be final to the extent provided by law, except that an appeal therefrom may be taken to any court of record in accordance with the laws of the State, by any proper and interested party including the Municipality. The Municipality shall only have the right to appeal a board or commission decision which is contrary to the Codified Ordinances of the City and/or state law. The vote of Council authorizing the appeal must be by the affirmative vote of five members of Council. (Added 11-8-05.)

**ARTICLE X.
NOMINATIONS AND ELECTIONS****SECTION 10.01. TIME OF ELECTIONS.**

The regular Municipal election shall be held on the first Tuesday after the first Monday in November in the odd-numbered years commencing with the year 1995. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution. All candidates for Council, including the Mayor, shall be nominated by petition, and all petitions, ballots and ballot labels shall be without party mark or designation.

SECTION 10.02. NOMINATIONS.

No primary election shall be held for the nominations of candidates for the Council or Mayor. Nominations for the offices of Council person or Mayor shall be made by petition signed by not less than 100 nor more than 200 of the qualified electors of the Municipality. Petitions shall be the standard forms provided by the Board of Elections for the nomination of individual non-partisan candidates for such office. Group petitions shall not be used. Such petition shall be accompanied by a declaration of candidacy, and shall be filed with the Board of Elections by 4:00 p.m. at least seventy-five (75) days before the date of the regular or special election.

SECTION 10.03. CONDUCT OF ELECTIONS.

Both regular and special Municipal elections shall be conducted by the Board of Elections of Montgomery County, Ohio, under the provisions of this Charter. Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the laws of the State of Ohio.

SECTION 10.04. PUBLIC INFORMATION ON ISSUES.

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

ARTICLE XI.
INITIATIVE, REFERENDUM AND RECALL

SECTION 11.01. INITIATIVE.

Ordinances may be proposed by initiative petition and adopted by election, to the extent and in the manner now or hereafter provided by the Constitution and the laws of Ohio.

SECTION 11.02. REFERENDUM.

All ordinances, except those passed as an emergency measure or providing for appropriations for the current expenses of the Municipality or for improvements petitioned for by the owners of the property benefited to be assessed for an improvement or for raising revenue shall be subject to referendum as provided by the Constitution and the laws of Ohio and this Charter. Resolutions shall not be subject to referendum. The manner in which referendum petitions are presented shall be as now or hereafter provided by the Constitution and laws of Ohio and this Charter. No ordinance subject to a referendum petition duly filed according to law shall go into effect until approved by a majority of those voting upon it.

SECTION 11.03. RECALL.

The electors shall have the power to remove from office by recall election any elected officer of the Municipality. If an elected officer shall have served for one year of his or her term, a petition demanding removal may be filed with the Board of Elections who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for removal. Such petition shall be signed by the number of electors which equals at least twenty-five percent (25%) of the total votes cast for Mayor at the last preceding regular municipal election for the office of Mayor. Within ten (10) days after the day on which such petition is filed, the Board of Elections shall determine whether or not the petition meets the requirements herein. If the Board of Elections shall find the petition insufficient, it shall promptly certify the particulars in which the petition is defective, deliver a copy of this certificate to the person who filed the petition with it, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Board of Elections shall find the petition sufficient, it shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought and shall make a record of such delivery. If such officer shall not resign within five (5) days after the date on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with the provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively such officer shall remain in office. If a majority of votes cast shall be voted negatively, such officer shall be considered as removed, his or her office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy thereby.

If a majority of the votes cast shall be voted positively, such officer shall retain his or her seat and shall not be subject to recall for a period of one (1) year from the date of such recall election.

**ARTICLE XII.
DEBT AND TAXATION**

ARTICLE 12.01. DEBT AND TAX LIMITATIONS.

The limitations on debt and tax rates without vote of the electors shall be continued as provided in the Constitution and general laws of the State of Ohio.

SECTION 12.02. LEVIES FOR DEBT SERVICE.

The Council shall annually levy a sufficient sum to pay the interest, sinking fund and relevant charges on all bonds and notes of the Municipality of Riverside lawfully issued, and the expenses incident to the management of the sinking fund, which entire levy shall be outside of limitations provided in this Charter, but subject to limitations imposed by general law, and placed before and in preference to all other levies. Amounts certified under the laws of the state as necessary for such purpose shall not be subject to change by Council.

**ARTICLE XIII.
GENERAL PROVISIONS**

SECTION 13.01. DEFINITION OF OFFICIALS AND EMPLOYEES.

All persons invested by law and engaged in the direct function of government shall be classified as officials.

All persons engaged for hire by an official of the Municipality shall be classified as employees.

SECTION 13.02. POLITICAL BELIEF, SOLICITATION AND ACTIVITY.

No person in the employment of the Municipality or seeking employment thereto shall be employed, reduced or removed, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, religion, sex, age, national origin or ancestry.

No appointed officer or employee of the Municipality shall directly or indirectly solicit or receive from any other officer or employee of the Municipality any assessment, subscription or contribution for any political party or political purpose.

The Council shall enact ordinances to enforce this provision.

SECTION 13.03. PERSONAL FINANCIAL INTEREST.

Any elected officer, official or employee who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in a corporation, in any contract with the Municipality or in the sale or purchase of any land, material, supplies or services to the Municipality or to a contractor supplying the Municipality, as may subsequently be defined by ordinance or resolution of Council, shall make known that interest and shall refrain from voting upon or otherwise participating in that capacity as a municipal elected officer, official or employee in the making of such sale or purchase, or in the making or performance of such contract. Any Municipal officer, official or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the Municipality shall render the contract or sale voidable by the Manager or Council.

SECTION 13.04 AMENDMENT.

This Charter may be amended as provided in Article XVIII, Section 9, of the Ohio Constitution, by submission of a proposed amendment to the electors of the Municipality and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated by either a vote of at least five (5) members of Council, or by petition to the Council signed by ten (10) percent of the electors of the Municipality based on the total number of votes cast at the last preceding general municipal election.

At the first meeting of the Council in January 1999 and every five (5) years thereafter, Council shall appoint a Commission of nine (9) electors of the Municipality. It shall be the duty of the Commission to review the existing Charter and make such recommendations as it may see fit for revision. The Commission shall submit its written report to Council not later than July 1 of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations. (Amended 11-8-05.)

SECTION 13.05. OFFICIAL BONDS.

The Municipality shall furnish all security bonds for its officers, employees, appropriate Board and Commission members and any other persons required by Council to be bonded. The amount of such bonds shall, in any case, be fixed by the Council for all persons whose duties require that they handle or be concerned with the management of the Municipality money or other property. Such bonds shall be procured from a regularly accredited surety company authorized to do business under the laws of Ohio. Premiums on such bonds shall be paid by the Municipality.

SECTION 13.06. OATH OF OFFICE.

Every officer of the Municipality shall, before entering upon the duties of his/her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Clerk of Council:

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

SECTION 13.07. EFFECT OF PARTIAL INVALIDITY.

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

SECTION 13.08. INTERGOVERNMENTAL COOPERATION.

A. In carrying out any lawful function or power of the Municipality, the Council may, by legislation, authorize the execution of contracts or in any other manner provide for cooperation or joint action, between the Municipality and the Federal Government, State of Ohio, municipalities, state subdivisions, universities, council of governments or other organizations, corporations, whether for profit or non-profit, firms, persons or other entities, their officers, departments, divisions, instrumentalities or other units or agencies thereof.

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

SECTION 13.09. OTHER.

The Municipality and the Personnel Appeals Board shall have no jurisdiction over, nor be obligated to perform, any duties with regard to the employees of the Mad River School District, if the District establishes itself as a city school district.

SECTION 13.10. CORRECTION OF MISPELLINGS AND GRAMMAR.

Any misspellings and errors of grammar or construction may be corrected upon reprinting of this Charter, provided that no substantive changes to Charter language are made. (Added 11-2-99.)

SECTION 13.11. NONDISCRIMINATION.

The City of Riverside, its officers, agents, boards and commissions shall not discriminate based on race, gender, religion, national origin, age, political affiliation, or disability in the exercise of municipal powers including but not limited to: provision of municipal services, exercise of police power, personnel decisions, contracting and decisions by boards and commissions. (Added 11-8-05.)

SECTION 13.12. COUNCIL INTERVIEWS.

When Council is interviewing applicants for appointments authorized by this Charter, only the applicant being interviewed may be present. All other applicants may not be present during another applicant's interview. (Added 11-8-05.)

**ARTICLE XIV.
TRANSITION PROVISIONS****SECTION 14.01. WHEN CHARTER TAKES EFFECT.**

This Charter shall be voted upon at the special election held on February 7, 1995. If approved by the voters, the Charter shall go into effect immediately after certification of passage by the Montgomery County Board of Elections.

SECTION 14.02. PENDING ACTIONS AND PROCEEDINGS.

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

SECTION 14.03. FISCAL SUCCESSIONS.

The Municipality of Riverside is hereby declared to be the only legal successor of the Village (or City) of Riverside and as such the Municipality has title to all property real or personal, owned by the Village (or City) including all monies on deposit and all taxes in the process of collection together with all accounts receivable and rights of action. All the levies voted for a term of years shall remain in effect for the full term provided in the vote. The Municipality shall also be liable for all outstanding orders, contracts and debts of the Village (or City) and for any other obligations for which it may be held liable, as successor to the Village (or City), by any court of competent jurisdiction.

SECTION 14.04. CONTINUATION OF ORDINANCES.

All existing ordinances, resolutions and other acts of the Municipality of Riverside which are not inconsistent with or superseded by the provisions of this Charter, shall remain in effect until amended or repealed.

SECTION 14.05. TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of the Municipality shall be transferred and delivered promptly to their successors when these have been designated by this Charter or by ordinance.

SECTION 14.06. CONTINUATION OF CONTRACTS AND PUBLIC IMPROVEMENTS.

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

SECTION 14.07. CLERK-TREASURER.

The person holding the office of Village Clerk-Treasurer for the Village of Riverside at the effective date of this Charter, is hereby designated to serve as the Acting Director of Finance and Acting Clerk of Council under this Charter, with all the powers, duties and functions of the Director of Finance and Clerk of Council under this Charter, until a Director of Finance and Clerk of Council is appointed pursuant to this Charter.

SECTION 14.08. CONTINUATION OF COUNCIL.

Council members in office when this Charter becomes effective shall continue in office until their successors have been chosen under the provisions of this Charter.

SECTION 14.09. CONTINUATION OF THE MAYOR.

The elected Mayor in office when this Charter becomes effective shall become a Council member and retain the responsibilities of Mayor as provided in Section 4.07 for the remainder of the term for which he/she was elected when a successor shall be chosen for a full term under the provisions of this Charter.

SECTION 14.10. CONTINUATION OF OFFICERS.

All persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made, in conformity with the Charter, for the performance of such duties by a successor, or the office is abolished.