

CHARTER
(Charter adopted 12-16-41)

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§ 1. General powers. The people of Indian Hill, as its territorial limits are now or may hereafter be, shall be a body politic and corporate by the name of "the Village of Indian Hill," and shall, as a village or a city, have perpetual succession. It is the purpose and intent of the people of Indian Hill that the character and uses of the area within the village may not be changed, and that it shall continue to be a rural neighborhood of homes and farms. The village shall have all the powers of local self government and home rule and under this Charter exercise all powers of local self-government possible for a municipality to have under the Constitution of Ohio, and all other powers which may be granted to municipalities by the law of Ohio including all statutes now or hereafter enacted. All such powers shall be exercised in the manner prescribed in this Charter, or if not expressly prescribed therein, in such a manner as shall be provided by ordinance of council.

(Amendment adopted by voters 11-8-94)

§ 2. Powers and term. All legislative powers of the village, except as reserved in this Charter to the electors, shall be vested in a council of 7 members, elected by the electors of the village at large. Members of council shall be residents of the village and shall serve terms of 2 years beginning on the first day of December following their election.

§ 3. Attendance and vacancies. If any member shall be absent from 3 consecutive regular meetings of council without valid excuse acceptable to a majority of the other members, council may by resolution declare his seat vacant, but no member shall be otherwise penalized for non-attendance at meetings. Council shall declare vacant the seat of any member who shall cease to be a resident or qualified elector of the village, or shall hold any other public office or employment, except that of mayor of the village, notary, member of the armed forces of Ohio or the United States, or trustee or director without pay of a public institution. The remaining members of council shall, by majority vote, elect a successor to fill any vacancy however caused.

§ 4. Meetings. Council shall hold not less than six (6) regular meetings per annum at any time and place designated by rule or ordinance. Special meetings may be called by the mayor or by any three (3) members on 12 hours personal notice. All meetings of council and of its committees shall be open to the public except Executive Sessions as provided for by Ohio statute. A majority of the members elected to council shall constitute a quorum to do business, but a less number may adjourn from time to time. Every ordinance shall be read on three (3) separate days before its passage unless such requirement is dispensed with by a vote of at least five (5) members of council. The vote of at least majority of the members, except as otherwise prescribed in this Charter, shall be necessary to the passage of any measure, and all votes shall be taken by yeas and nays entered upon the journal. Council may adopt rules, not inconsistent with this Charter, governing its own proceedings and all other matters pertaining to the exercise of its powers and performance of its duties.

(Amendment adopted by voters 11-2-99)

§ 5. Effective date of measures. Measures passed by council shall, unless a later date be specified therein, take effect as follows:

- (A) Measures to which the referendum is not applicable, immediately upon passage;
- (B) Emergency measures, except public utility franchise or rate ordinances, to which council has by a vote of at least 5 members added a section declaring that such measure is necessary for the preservation from immediate danger of the public peace, property,

health, safety or welfare, or is necessary for the daily operation of a department or office of the village and also stating specifically the reason for such necessity, immediately upon passage; and

(C) All other measures, on the first day of the third month after passage, unless a referendum petition in respect thereof has been filed within 45 days after passage by council.

§ 6. Publication. All measures of council shall be authenticated, recorded, and published or not published, all in such manner as the council may from time to time by ordinance provide.

§ 7. Establishment and discontinuance of offices. Council shall not, except in the case of the treasurer, abolish any office, or diminish or transfer any powers or duties prescribed in this Charter. Council may by ordinance establish, abolish, divide, or combine, and may determine the functions, powers, and duties of any office or department not prescribed in this charter.

§ 8. The Mayor. Council shall at the regular December meeting following its election choose by majority vote one of its members as mayor to serve the remainder of his current term. The mayor shall in addition to his powers, rights, and duties as a member of council preside at all its meetings, and shall be recognized as the official head of the village for all ceremonial purposes, by the governor for military purposes, and by the courts for the purpose of serving civil process. The mayor shall perform all other duties prescribed for him in this Charter, and such mayoral duties as may be imposed upon him by any measure of council. The mayor shall also have jurisdiction in civil and criminal cases as provided by the laws of Ohio including all statutes now or hereafter enacted, until such jurisdiction is placed elsewhere by law.

§ 9. The vice-mayor. Council shall at the regular December meeting following its election choose one of its members as vice-mayor, to serve during the remainder of his current term. The vice-mayor shall exercise all the powers and perform all the duties of the mayor in case of the temporary absence or disability of the mayor and shall succeed to his office in case of any vacancy therein.

§ 10. Clerk. Council shall choose a clerk to serve during its pleasure. The clerk shall attend all meetings of council and keep its records and shall perform all other duties prescribed for him in this Charter and such secretarial duties as may be imposed upon him by any measure of council.

§ 11. Powers defined. The initiative and referendum are reserved by this Charter to the people of the Village of Indian Hill, to be exercised as prescribed in this Charter. Electors, not less in number than 1/5 of those who voted at the preceding general election, may by an initiative petition propose to council the passage of an ordinance set forth therein, or by a referendum petition propose the repeal of any measure passed within 45 days by council, except as otherwise prescribed in this Charter.

§ 12. The petition. The form, content, verification of and other requirements for initiative and referendum petitions, except as otherwise prescribed in this Charter, shall be controlled by the laws of Ohio including all statutes now or hereafter enacted. The petition shall be filed with the clerk and within 10 days thereafter he shall determine whether it is valid and sufficient, according to law, and shall present the petition, with a certificate as to his determination, to council at its next regular meeting. If the petition is determined to be invalid or insufficient, no further action shall be had.

§ 13. The initiative. Each ordinance initiated by a petition certified to be valid and sufficient shall upon presentation be referred by council to a committee to hold a public hearing thereon, and to report its recommendations at the next regular meeting of council. Council shall, not later than the second regular meeting following such reference, either pass the ordinance in its original form, or take such action as may be required to submit the ordinance to a vote of the electors at a regular or special election to be held within 4 months thereafter. If an initiated ordinance is approved by a majority of the electors voting thereon, it shall be an ordinance of the village, and shall take effect immediately unless another date is specified therein. Any resolution proposed by initiative petition for the purpose of terminating a contract for fire or police services shall be submitted to a vote of the electors, without other action by council than may be required to ensure an election thereon as promptly as possible.

§ 14. The referendum. The referendum shall not be applicable to: (1) ordinances making or transferring annual appropriations, or amendments thereto; (2) measures providing for the discharge of any obligation legally due from the village; (3) measures submitting any measure to a vote of the electors; (4) measures directing the performance of any official duty or providing for investigations or reports; (5) resolutions not having the force or effect of law; (6) repealing measures passed by the council pursuant to referendum petitions; or (7) measures relating to any subsequent to the ordinance determining to proceed. The referendum shall be applicable to all emergency measures, but the filing of a referendum petition shall not prevent the taking effect thereof. The taking effect of all other measures shall be postponed by the filing of a referendum petition within 45 days after the passage thereof, unless the clerk shall certify that it is invalid or insufficient. Each repealing measure proposed by a referendum petition certified to be valid and sufficient shall upon presentation be referred by council to a committee to hold a public hearing thereon, and to report its recommendations at the next regular meeting of council. Council shall, not later than the second regular meeting following such reference, either pass the repealing measure or take such action as may be required to submit it to a vote of the electors at a regular or special election to be

held within 4 months thereafter. If the repealing measure is approved by a majority of the electors voting thereon, the repeal shall take effect immediately; otherwise the measure shall either remain in effect or take effect immediately.

§ 15. Taxes. Council shall have the authority to levy taxes given to councils of municipalities by the laws of the State of Ohio. (Amendment adopted by voters 11-3-70)

§ 16. The budget. On or before the first day of November in each year the village manager shall prepare and submit to council an appropriation budget presenting a financial plan for conducting the affairs of the village for the ensuing calendar year. Council shall by ordinance specify the form of and the information to be included in the appropriation budget. Council shall immediately refer the appropriation budget to a committee to hold a public hearing thereon during the month of November. The appropriation budget in its original form or as amended by the committee shall be reported to council at its meeting in December.

§ 17. Compensation to officers. Members of council, the mayor, and vice-mayor, and members of the village planning commission shall receive no salary or other compensation for their services. The salaries, fees, and other compensation payable to other officers, subordinates, employees, agents, or other persons, for services rendered to or on behalf of the village, shall be fixed by ordinance, or by the village manager within limits established by ordinance.

§ 18. Annual audits. Council shall, within the first six (6) months of each year, cause an annual audit of all the financial affairs of the Village during the preceding year to be made by a certified public accountant not in the employ of the Village or financially interested in any transaction to be audited. If, however, any representative of the State of Ohio is then making or is about to make such an audit pursuant to law, Council may accept such audit in lieu of causing an annual audit to be made hereunder. Council may, in addition, cause other audits for any purpose to be made at any other time.

(Amendment adopted by voters 11-8-94)

§ 19. Capital improvement reserve.

(A) Council shall create and maintain a capital improvement reserve fund and shall transfer or appropriate thereto the unencumbered balance remaining in the general fund of the village at the end of each fiscal year; provided, however, that council shall retain in the general fund at the end of each fiscal year for general fund purposes for the succeeding fiscal year the lesser of:

- (1) The year end balance of the general fund, or
- (2) An amount equal to 20% of the aggregate general fund expenditures for the fiscal year then ended.

(B) The foregoing moneys so retained shall not be taken into account in preparing the appropriations budget for the ensuing year. (Amendment adopted by voters 11-2-76)

§ 20. Appointment and removal. Council shall appoint a village manager, who may or may not be a resident of the village or the state, to serve during the pleasure of council. No member of council shall during his term in office be appointed village manager. The village manager may be removed at the pleasure of council after a public hearing on the reasons for such removal. Council may designate some qualified person to exercise the rights and perform the duties of the village manager during his absence or temporary disability or during a temporary vacancy.

§ 21. Rights and duties. The village manager shall be the conservator of the peace within the village, the administrator of its business and the executive of all its affairs. He may act as the head of any department or office under his control. He shall see that the contracts and ordinances of the village and the laws of Ohio are enforced, make such recommendations to council concerning the affairs of the village as may seem to him desirable, keep council advised of the financial condition and future needs of the village, prepare and submit an annual report and such other reports as may be required, issue all licenses and permits pursuant to ordinance, and perform all other duties prescribed for him in this Charter, or imposed upon him by any measure of council. The village manager, together with such subordinates as he may designate, shall be entitled to sit with council and the village planning commission at all meetings and to take part in any discussion, but shall have no vote.

§ 22. The village solicitor. The village manager shall appoint a village solicitor for an indefinite term, who shall be an attorney-at-law admitted to practice in Ohio, but who may or may not be a resident of the village. He shall be the legal advisor of and attorney and counsel for the village and for all officers and departments thereof in all matters relating to their official duties, and shall when requested give legal opinions in writing. He shall represent the village in all suits or cases in which it may be a party, and shall prosecute for all offenses against the ordinances of the village and such offenses against the laws of Ohio as may be required of him by law. He shall, on request of the village manager, prepare all contracts, bonds and other instruments in writing in which the village is concerned, and shall endorse on each his approval of the form and correctness thereof. He shall perform all other duties of a legal nature imposed on him by any measure of council, or imposed upon the chief legal officers of municipalities by a general law of Ohio which such municipalities are not entitled to modify.

§ 23. The treasurer. The village manager may appoint a treasurer for an indefinite term, who may or may not be a resident of the village. The treasurer shall receive, collect, and deposit all moneys due to the village, and countersign all checks and vouchers for their disbursement. He shall be the custodian of official bonds and of instruments for the payment of moneys to the village. Council may, after December 31, 1943, abolish the office of treasurer and transfer his powers and duties to the comptroller.

§ 24. The comptroller. The village manager shall appoint a comptroller for an indefinite term, who may or may not be a resident of the village. The comptroller shall be the fiscal and accounting officer of the village, and shall also perform all other financial duties imposed on him by any measure of council.

§ 25. Appointments and removals. The village manager shall appoint for an indefinite term and may promote all subordinates and employees in the service of the village, except as otherwise prescribed in this Charter. Council shall by ordinance establish rules and regulations governing the classified and non-classified service requiring that all such appointments and promotions shall be made by the Village Manager according to merit and fitness. Council shall issue by ordinance regulations to facilitate the administration of such rules and regulations. This section and the ordinances and regulations pursuant hereto shall be exclusive as to the personnel and civil service of the village and are intended to supersede any provision of state civil service law with which it may conflict. Any officer, subordinate, or employee appointed by the Village Manager may be laid off, suspended, reduced in rank, or removed by the Village Manager, and his action shall be final. The Village Manager shall have full authority to leave positions under a single position whenever he deems it in the best interest of the city.

Classified positions may be filled by appointment or promotion. Such positions shall be filled by a competitive examination, insofar as practicable, and when a vacancy occurs in such position, the Personnel Director shall notify the Village Manager of that fact and the Personnel Director shall certify to the Village Manager, for each such vacancy to be filled, the names and addresses of three (3) candidates with the highest rating as established by the competitive examination and other criteria established by council and the Village Manager may appoint or promote one of the persons so certified. This procedure is intended to supersede any state civil service statute with which it conflicts.

(Amendment adopted by voters 11-8-94)

§ 26. Purchases. The village manager shall purchase all things required by the village. Purchases may be made simultaneously with purchases by other governmental bodies and in cooperation with their officers. No purchase shall be made in an amount which exceeds the applicable statute of the State of Ohio except after advertisement and the receipt of bids in writing unless in case of emergency which will not admit of delay, and in any such case, the village manager shall report the facts to council at its next meeting. (Amendment adopted by voters 11-3-70)

§ 27. Contracts. The village manager shall execute and deliver all contracts for the village, except contracts for annual audits which shall be executed by the mayor. No contract involving an expenditure of more than \$500.00, or an expenditure out of the general fund in a year after the date of the contract, or an expenditure for expert or professional services shall be made unless authorized by ordinance. No contract involving the expenditure of more than \$500.00 for the construction, maintenance or repair of any public work or improvement by a private contractor shall be made, except after advertisement and the receipt of bids in writing, unless in case of an emergency which will not admit of delay; and, in such case, the village manager shall report the facts to council at its next meeting. No contract, except as otherwise prescribed in this Charter, shall be made for a term longer than 5 years.

§ 28. Interference by council. Neither council, nor its committees or members shall direct or request the appointment of any person to, or his removal from office by the village manager, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the administrative service of the village. Council, its committees, and its members shall deal with that portion of the service of the village for which the village manager is responsible solely through the village manager, and neither council, nor its committees or members, shall give any orders to any subordinate of the village manager. In case any member shall be found by council to have violated this section, council shall declare his seat vacant. Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of the affairs of the village, and may in the exercise of such power compel, or authorize a committee to compel the attendance and testimony of witnesses and the production of books, papers, and other evidence under penalty of law.

§ 29. Police and fire. The village shall have all powers to organize and maintain a police department and a fire department, granted to municipalities by the constitution and the laws of Ohio including all statutes now or hereafter enacted. By reason of such powers or otherwise, the village shall have power to enter into contracts obligating Ohio corporations, not for profit, to render for periods not exceeding 10 years any or all police services within the jurisdictional limits of the village, including the preservation of the peace, the protection of persons and property and the obedience and enforcement of ordinances and all criminal laws, and also any or all fire protection services within the territorial limits of the village, including the protection of lives and property in case of fire. It is the desire and intent of the people of Indian Hill that the village shall contract for police services with the Indian Hill Rangers, and for fire

protection services with the Madeira and Vicinity Fire Department Company, and that the village shall pay the costs thereof. Each contract shall provide that any provision thereof may be modified by mutual agreement for the purpose of improving or extending the services to be rendered; and that it may be terminated before expiration, by a vote of at least 5 members of council if public safety is endangered because of any inadequacy of the services, or by a resolution proposed by initiative petition and approved by a majority of the electors voting thereon. Council may negotiate and agree upon all other details of each contract including the amounts payable thereunder, and may cause the properly qualified employees of the corporations, respectively, to be vested with all the powers granted to the members of police or fire departments of municipalities by the laws of Ohio including all statutes now or hereafter enacted.

§ 30. Contracts for other services. Council may, by a resolution passed by the vote of at least 5 members, authorize the village manager to contract for any governmental services other than police and fire protection to be rendered to the village and its people, including the building, repair, and maintenance of streets and other public ways for a period not exceeding 5 years, or for the furnishing of water for a period not exceeding 10 years.

§ 31. Appointment. The village planning commission shall consist of 5 members, one a member of council, and 4 electors of the village, and shall be appointed by council to serve as follows: the member and his successors, until their respective terms in council expire; and one of the 4 electors, until January 1, 1944; one, until January 1, 1946; one, until January 1, 1948; one, until January 1, 1950, and their successors for terms of 8 years, each.

§ 32. Powers and duties. The village planning commission shall have all the powers granted to and shall perform all the duties imposed upon planning commissions and platting commissioners by the laws of Ohio including all statutes now or hereafter enacted. The village planning commission shall also prepare a building code regulating the construction of buildings and other structures within the village, and from time to time amendments thereto as required.

§ 33. Action by the council. The village planning commission shall file with council ordinances embodying any plans, recommendation, report, building code, or amendment. Each ordinance so filed shall be referred at the next regular meeting to a committee to hold a public hearing thereon. The committee shall report its recommendations and council shall, not later than the second regular meeting following such reference, either pass or reject the ordinance, but no change shall be made therein without the consent of the village planning commission or, if such consent is not given, without the vote of at least 5 members of council. Any amendment to such ordinances shall be submitted to the village planning commission, and, unless it shall approve or fail to report within 25 days or such longer time as may be specified, no amendment may be passed without a vote of at least 5 members.

§ 34. Appeals. Appeals on the ground of undue hardship from any decision, made by the village manager in the administration of any such ordinances, may be taken to the village planning commission and shall be finally determined by the vote of not less than 3 of the members thereof.

§ 35. Nominations and elections. Nominations shall be made, form of ballots determined and all elections held and conducted pursuant to the laws of Ohio including all statutes now or hereafter enacted, applicable to the nomination and election of officers of villages of less than 2,000 population.

§ 36. Counting. The 7 candidates for council receiving, respectively, the largest number of votes shall be declared elected.

§ 37. Fluoridation. Any ordinance, resolution, or other measure enacted by the Council of Indian Hill which provides for or authorizes the fluoridation of water furnished to Indian Hill or its people or processed and distributed by any water works which may now or hereafter be maintained or operated by the Village of Indian Hill must first be approved by a majority of the electors voting on the question at a general election before said ordinance shall become effective, and any such ordinance, resolution or measure providing for or authorizing such fluoridation that may have been passed or enacted before this amendment is adopted shall cease to be effective until approved by a majority of the electors voting on the question at a general election. (Amendment adopted by voters 11-6-73)

Schedule 1 Effect. This Charter shall take effect and be in force from and after adoption.

Schedule 2 Offices of members of council. The offices of members of council, mayor, clerk and treasurer as provided by statute are abolished by this Charter from and after its adoption. The 6 members of council and the mayor, elected by the electors of Indian Hill on November 4, 1941, shall upon the adoption of this Charter have and exercise all the powers and perform all the duties of members of council as prescribed in this Charter and shall serve until their successors elected in 1943 shall take office, and such mayor shall, in addition have all the powers and perform all the duties of the mayor as prescribed in this Charter. The clerk and treasurer of Indian Hill elected on November 4, 1941, shall, respectively, have the powers and perform the duties of the clerk and the treasurer, as prescribed in this Charter, and shall be entitled to serve until December 31, 1943.

Schedule 3 Ordinances. All ordinances of the village, not inconsistent with this Charter and in force when it takes effect, shall continue in force until amended or repealed by council.

Schedule 4 Contracts. All contracts entered into and obligations incurred by the village or for its benefit prior to the taking effect of this Charter shall continue in full force and effect.