

**CHARTER OF THE
CITY OF THE VILLAGE OF INDIAN HILL**

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PREAMBLE

We the people of the City of the Village of Indian Hill, Ohio, in order to continue to secure the benefits of municipal home rule authority and local self-government conferred by the Ohio Constitution, and in order to preserve the character of the City of the Village of Indian Hill, do adopt the following Charter for the government of the City of the Village of Indian Hill.

ARTICLE 1. NAME AND CHARACTER; GENERAL POWERS.

Section 1.1 Name and Character.

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 City of the Village of Indian Hill" (hereinafter referred to as the "Village"), 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.

Section 1.2 Powers Granted; Exercise of Powers.

The Village shall have all the powers of local self-government and home rule and under this Charter shall 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 laws of Ohio including all statutes now or hereafter enacted. All such powers shall be exercised in the manner prescribed in this Charter, or if not expressly prescribed therein, in such a manner as shall be provided by ordinance of Council.

ARTICLE 2. COUNCIL.

Section 2.1 General Powers.

All legislative powers of the Village, except as reserved in this Charter to the electors, shall be vested in a council of seven members, elected by the electors of the Village at large.

Section 2.2 Election; Term.

Members of Council shall be residents of the Village. The seven candidates for Council receiving, respectively, the largest number of votes at an election held pursuant to Article 5 of this Charter shall be declared elected. Each Council member shall serve terms of two years, beginning on the first day of December following their election.

Section 2.3 Vacancies.

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 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.

Section 2.4 Meetings; Attendance; Voting.

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. Council shall

hold not fewer than six 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 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.

If any member shall be absent from three consecutive regular meetings of Council without valid excuse acceptable to a majority of the other members, Council may by resolution declare that member's seat vacant. No member shall be otherwise penalized for non-attendance at meetings.

A majority of the members elected to Council shall constitute a quorum to do business.

Section 2.5. Mayor.

Council shall, at a regular or special December meeting following its election, choose by majority vote one of its members to serve the remainder of his or her current term as Mayor. The Mayor shall, in addition to the 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 in this Charter, and such mayoral duties as may be imposed by any ordinance or other 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.

Section 2.6. Vice-Mayor.

Council shall, at a regular or special December meeting following its election, choose one of its members to serve as Vice-Mayor during the remainder of his or her 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 that office in case of any vacancy therein.

Section 2.7 Clerk.

Council shall choose a Clerk to serve during its pleasure. The Clerk shall attend all meetings of Council, keep its records, and perform all other duties prescribed in this Charter and such secretarial duties as may be imposed by any ordinance or other measure of Council.

Section 2.8 Taxing Authority.

Council shall have the authority to levy taxes given to councils of municipalities by the laws of the State of Ohio.

Section 2.9 Annual Audits.

Each year, Council shall cause an annual audit of all the financial affairs of the Village during the preceding year to be performed by a certified public accountant not in the employ of the Village or financially interested in any transaction to be audited, and the Mayor shall execute the contract for such annual audit. 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.

ARTICLE 3. ORDINANCES AND OTHER MEASURES.

Section 3.1 Passage of Ordinances and Other Measures.

Every ordinance shall be read on three separate days before its passage, unless such requirement is dispensed with by a vote of at least five members of Council. The vote of at least a majority of the members, except as otherwise prescribed in this Charter, shall be necessary for the passage of any ordinance or other measure, and all votes shall be taken by yeas and nays entered upon the journal.

Section 3.2 Effective Date.

Ordinances and other measures passed by Council shall, unless a later date be specified therein, take effect as follows: (1) Ordinances and measures to which referendum is not applicable, immediately upon passage; (2) Emergency ordinances and measures, except public utility franchise or public utility rate ordinances, to which Council has by a vote of at least five members added a section declaring that such ordinance or 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 (3) All other ordinances or measures, on the 31st day after passage, unless a referendum petition in respect thereof has been filed within 30 days after passage by Council. 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.

Section 3.3 Publication.

All ordinances and other measures of Council shall be authenticated, recorded, and published or not published, all in such manner as Council may from time to time provide by ordinance.

ARTICLE 4. INITIATIVE AND REFERENDUM.

Section 4.1 Initiative and Referendum.

The initiative and referendum are reserved by this Charter to the people of the Village, 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 or other measure set forth therein, or by a referendum petition propose the repeal of any ordinance or measure passed within the prior 30 days by Council, except as otherwise prescribed in this Charter.

Section 4.2 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, together with such reasonable filing fee as may be established by Council or under Ohio law, shall be filed with the City Manager or his or her designee and transmitted to the Clerk. Within 10 days, the Clerk shall determine whether the petition appears to be valid and sufficient according to law. If the petition appears valid and sufficient, the Clerk shall present the petition, together with a certificate as to his or her initial determination and the proposed measure or ordinance, to the County Board of Elections. The County Board of Elections will examine the signatures and return the petition to the Clerk within

the time set by the laws of Ohio, together with a statement attesting to the number of voters who signed the petition. The Clerk shall thereafter present the petition and a certificate of his or her final determination that the petition is valid and sufficient to Council at its next regular or special meeting. If at any point the petition is determined to be invalid or insufficient, no further action shall be had.

Section 4.3 Initiative.

Each ordinance initiated by a petition and finally certified by the Clerk 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 the next general or primary election occurring more than 90 days thereafter, or at a special election to be held on a date fixed by Council by a vote of at least five members thereof. 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.

Section 4.4 Referendum.

The referendum shall not be applicable to: (1) ordinances or other measures making or transferring appropriations; (2) ordinances or other measures providing for the discharge of any obligation legally due from the Village; (3) ordinances or other measures submitting any ordinance or measure to a vote of the electors; (4) ordinances or measures directing the performance of any official duty or providing for investigations or reports; (5) ordinances or other measures not having the force or effect of law; (6) repealing measures passed by Council pursuant to referendum petitions; (7) ordinances or other measures subsequent to the first ordinance or measure when a series of legislative steps are required to accomplish the particular purpose or objective of said first ordinance or measure; or (8) emergency ordinances or measures passed by Council pursuant to Section 3.2 of this Charter. The taking effect of all other ordinances and measures shall be postponed by the filing of a referendum petition within 30 days after the passage thereof, unless the Clerk shall certify that the petition is invalid or insufficient. Each repealing measure proposed by a referendum petition finally certified by the Clerk 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 the next general or primary election occurring more than 90 days thereafter, or at a special election to be held on a date fixed by Council by a vote of at least five members thereof. If the repealing measure is approved by a majority of the electors voting thereon, the repeal shall take effect immediately; otherwise the ordinance or measure subject to referendum shall either remain in effect or take effect immediately.

ARTICLE 5. NOMINATIONS AND ELECTIONS.

Nominations shall be made, the 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 Ohio municipal corporations having a population the same size as the Village in the last population census performed by the United States Census Bureau.

ARTICLE 6. CITY MANAGER.

Section 6.1 Appointment and Removal.

Council shall appoint a City Manager, who may or may not be a resident of the Village or the state, to serve at the pleasure of Council. No member of Council shall concurrently hold the positions of member of Council and City Manager. The City 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 City Manager during his or her absence or temporary disability, or during a temporary vacancy in the position.

Section 6.2 Rights and Duties.

The City Manager shall be the conservator of the peace within the Village, the administrator of its business, and the chief executive of all its affairs. The City Manager may act as the head of any department or office under his or her control, and 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 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 in this Charter or imposed by any ordinance or measure of Council. The City Manager, together with such subordinates as he or she 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.

Section 6.3 Budget.

Before December 1 of each year, the City Manager shall submit an appropriation budget to Council 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, or such committee as Council may direct, shall hold a public hearing thereon. The appropriation budget, in its original form or as it may be amended following the public hearing, shall be considered by Council for approval prior to the end of the calendar year. Notwithstanding any other limitations in this Charter, the City Manager is authorized to execute and deliver all contracts for the Village necessary to accomplish the items identified in the appropriation budget after its adoption by Council, and Council may amend the appropriation budget at its discretion during the course of any calendar year.

Section 6.4 Purchases.

The City 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. Council shall, by ordinance, establish all circumstances in which the City Manager must advertise and receive bids in writing prior to purchasing, except in case of emergency. The City Manager shall report the facts justifying any emergency purchase to Council at its next meeting.

Section 6.5 Execution and Approval of Contracts.

The City Manager shall cause all contracts to be executed and delivered for the Village, except contracts for annual audits which shall be executed by the Mayor, with the following limitations:

- a) Unless already authorized within the appropriation budget adopted by Council pursuant to Section 6.3 of this Charter, no contract involving an expenditure of more than \$10,000.00, shall be made unless authorized by ordinance.
- b) No contract involving the expenditure of more than \$50,000.00 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 City Manager shall report the facts to Council at its next meeting.
- c) No contract for professional services, except as otherwise prescribed in this Charter, shall be made for a term longer than five years.
- d) Council may, by ordinance or other measure, authorize the City Manager to contract for any governmental services, including the building, repair, and maintenance of streets and other public ways, to be rendered to the Village and its people for a period not exceeding five years. A contract for the furnishing of water authorized by ordinance or other measure of Council may be for a period not exceeding 25 years. Contracts for the provision of police and fire protection are governed by Article 9 of this Charter.
- e) Council may, by ordinance or other measure passed with the vote of at least five members, authorize the disposition of any real property owned by the Village that Council deems unneeded for Village purposes, in the manner in which Council deems to be most beneficial to the Village.
- f) 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.

ARTICLE 7. VILLAGE ADMINISTRATION; GENERAL PROVISIONS.

Section 7.1. City Solicitor.

The City Manager shall appoint a City Solicitor, who shall serve at the pleasure of the City Manager. The City Solicitor shall be an attorney-at-law admitted to practice in Ohio, but who may or may not be a resident of the Village. The City Solicitor 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. The City Solicitor shall represent the Village in all suits or cases in which it may be a party and shall prosecute all offenses against the ordinances of the Village and such offenses against the laws of Ohio as may be required by law. The City Solicitor shall, on request of the City Manager, prepare all contracts, bonds and other instruments in writing in which the Village is concerned, and shall endorse approval of the form and correctness thereof on each. The City Solicitor shall perform all other duties of a legal nature imposed by any ordinance or 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. The City Manager may retain special counsel to handle any such matters as the City Manager deems necessary.

Section 7.2. Comptroller.

The City Manager shall appoint a Comptroller, who shall serve at the pleasure of the City Manager. The Comptroller 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 by any ordinance or measure of Council or as directed by the City Manager.

Section 7.3 Establishment and Discontinuance of Offices.

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. Council shall not, abolish any office, or diminish or transfer any powers or duties prescribed in this Charter.

Section 7.4 Compensation to Officers.

Members of Council, the Mayor, the 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 City Manager within limits established by ordinance.

Section 7.5 Effect of Charter on Statutory Offices.

The offices of members of council, mayor, and clerk as provided by statute are abolished by this Charter from and after its adoption, and replaced as provided herein.

Section 7.6 Appointments and Removals of Village Employees.

The City Manager shall appoint, and may promote, all subordinates and employees in the service of the Village, except as otherwise prescribed in this Charter. Any officer, subordinate, or employee appointed by the City Manager may be laid off, suspended, reduced in rank, or removed by the City Manager, and this action shall be final. The City Manager shall have full authority to leave positions under a single position whenever it is deemed to be in the best interest of the Village.

Neither Council, nor its committees or members shall direct or request the appointment of any person to, or removal from, office by the City 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 City Manager is responsible solely through the City Manager, and neither Council, nor its committees or members, shall give any orders to any subordinate of the City Manager. In case any member shall be found by Council to have violated this section, Council shall declare that member's 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.

Section 7.7 Classification of Village Employees.

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 City 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 adopted 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.

Classified positions may be filled by appointment or promotion. Such classified positions shall be filled by a competitive examination, insofar as practicable, and when a vacancy occurs in such position, the Personnel Director, or the person holding such equivalent position as Council may from time-to-time establish by ordinance, shall notify the City Manager of that fact and the Personnel Director shall certify to the City Manager, for each such vacancy to be filled, the names and addresses of three candidates with the highest rating as established by the competitive examination and other criteria established by Council, and the City 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.

ARTICLE 8. PLANNING COMMISSION.

Section 8.1 Appointment; Term.

The Village Planning Commission shall consist of five members: a member of Council and four electors of the Village. Village Planning Commission members shall be appointed by Council to serve as follows: the member of Council until his or her term in Council expires and the four electors to serve terms of eight years each, staggered so that the term of one elector member expires every two years. Council may appoint up to two alternates to the Village Planning Commission to serve for eight year terms.

Section 8.2. 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.

Section 8.3. Actions Certified to Council.

The Village Planning Commission shall file with Council proposed ordinances embodying any plans, recommendation, report, building code, or amendment. Each proposed 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 proposed 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 five members of Council. Any amendment to such proposed ordinance shall be submitted to the Village Planning Commission, and, unless it shall approve or fail to report within 25 days, no amendment may be passed without a vote of at least five members.

Section 8.4 Appeals.

Appeals on the ground of undue hardship from any decision, made by the City Manager in the administration of any such ordinances, may be taken to the Village Planning Commission and shall be determined by the vote of not less than three of the members thereof.

ARTICLE 9. 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, and it is the desire and intent of the people of the Village that the police department for the Village shall be known as the Indian Hill Rangers. 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. 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 five 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.

ARTICLE 10. MISCELLANEOUS.

Section 10.1 Capital Improvement Reserve.

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. The foregoing moneys so retained shall not be taken into account in preparing the appropriations budget for the ensuing year.

Section 10.2 Fluoridation.

Any ordinance or other measure enacted by Council which provides for or authorizes the fluoridation of water furnished to the Village or its people or processed and distributed by any water works which may now or hereafter be maintained or operated by the Village must first be approved by a majority of the electors voting on the question at a general election before said ordinance shall become effective.

Section 10.3 Force and Effect of Charter.

The residents of the City of the Village of Indian Hill first adopted this Charter on December 16, 1941, and it took effect from and after its adoption. Certain provisions of this Charter were

amended from time to time thereafter, and a comprehensive reaffirmation, revision, and reorganization of this Charter was approved by the residents of the Village and took effect on March 17, 2020.

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