



City of Loveland

Please note that the proposed changes to the City's Charter are not a Tax Levy and will NOT increase your taxes

On the November 5 ballot you will be asked to consider amendments to the Loveland City Charter. The Charter is our City's constitution. It defines how the City of Loveland is organized and how it functions and can only be changed by a vote of Loveland citizens. Loveland's first Charter was approved by the voters in 1961, and throughout the years, revisions have been made, with the last round of revisions being approved by the voters in 2003.

In 2018, Loveland City Council determined that our Charter needed to be reviewed, as most communities review their charters at least every ten years. City Council appointed a Charter Review Commission on February 27, 2018, and the members met twice a month for over a year to review each section of the charter. Additional background on the proposed amendments is available on the City's website within the Commission's meeting minutes. The Commission accepted public comments at every meeting and held a formal public hearing on May 22, 2019, to receive public input before submitting the proposed Charter Amendments to City Council for consideration.

On July 9, 2019, the Charter Amendments were presented to City Council and a second public hearing was held to receive public comments. Following the public hearing, City Council adopted Ordinance 2019-61, which approved the submission of the proposed Charter Amendments to electors on the November 5 general election ballot.

The proposed Charter Amendments are presented in a format that allows you to easily see the current charter language in the left column and the proposed changes within the right column. Many sections were not subject to changes. These proposed changes are being mailed to all registered voters in the City as required by Article XVIII Section 9 of the Ohio Constitution.

All Loveland citizens are encouraged to vote in the November 5, 2019 general election which will include these proposed changes to our Charter.

PROPOSED **REVISED** CHARTER
of the
CITY OF LOVELAND

EDITOR'S NOTE: The revised Charter of the City of Loveland, was approved by the voters on November 5, 1991. Additional changes were approved by the voters on November 7, 2000, on November 6, 2001 and November 4, 2003.

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PROPOSED REVISED CHARTER OF THE
CITY OF LOVELAND, OHIO

PREAMBLE

We, the people of the City of Loveland, Ohio (hereinafter "City"), desirous of securing for our ~~City-city~~ and for ourselves and our children the benefits and advantages of self-government conferred by the Constitution and statutes of Ohio (hereinafter "~~the laws of Ohio~~ Ohio law"), do hereby ordain and establish this revised Charter (hereafter referred to as "Charter") for the government of the City of Loveland.

ARTICLE I

NAME AND BOUNDARIES; POWER; FORM OF GOVERNMENT

SECTION 1.01 -NAME AND BOUNDARIES.

The present Municipality known as the City of Loveland, Ohio, shall continue to be a corporate body and political subdivision under the name of the City of Loveland. The boundaries of the City shall be those existing at the time of the adoption of this Charter, subject to change in the manner provided by ~~the laws of Ohio~~ Ohio law. (Amended 11-7-00; 11-6-01)

SECTION 1.02 -MUNICIPAL POWERS.

The City, under this Charter, shall exercise all powers of local self-government granted by ~~the laws of Ohio~~ Ohio law, including all statutes and Constitutional Amendments (**including, but not limited to, Home Rule-Article XVIII, Section 7**) now or hereafter adopted. All such powers shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, in such manner as shall be provided by ordinances and/or resolutions, and if not provided by ordinances or resolutions, then as provided by ~~the laws of Ohio~~ Ohio law. References to any particular power in this Charter shall not be deemed exclusive. (Amended 11-7-00; 11-6-01)

SECTION 1.03 -FORM OF GOVERNMENT.

The form of government provided for by this Charter ~~shall be is known as "T~~the Council-Manager Plan." (Amended 11-6-01)

ARTICLE II

THE CITY COUNCIL

SECTION 2.01 NUMBER, SELECTION, TERM.

Except as reserved to the people by this Charter, the legislative powers of the City shall be vested in a Council of seven (7) members, elected at large, for four-year (4) overlapping terms with four (4) members to be elected at a scheduled municipal election and three (3) members to be elected at a scheduled municipal election two years thereafter. All elections of Council members shall be on a non-partisan ballot. (Amended 11-6-01)

SECTION 2.02 QUALIFICATIONS.

Electors of the City ~~of Loveland~~ meeting the qualifications for member of City Council as set forth in ~~the laws of Ohio~~ Ohio law shall be eligible to have their names placed on the ballot. **An elector who is finally convicted of a felony or a misdemeanor involving moral turpitude as defined under Ohio law, shall not be qualified under this section.** A Council member who, during his or her term of office, ceases to meet such qualifications, or who is absent, without excuse by a majority of the other members of Council, from four (4) consecutive regular meetings of the Council, shall automatically vacate ~~his/her~~ the office on the Council. (Amended 11-7-00; 11-6-01)

SECTION 2.03 FILLING OF VACANCIES.

Vacancies in the office of Council member shall be filled within ~~thirty (30)~~ forty-five (45) days by vote of a majority of the remaining members of Council, by the selection of a person qualified as provided in Section 2.02 of this Charter. If Council fails to make a selection to fill such vacancy within ~~thirty (30)~~ forty-five (45) days, the Mayor shall forthwith make the appointment. Such person so chosen shall serve the remainder of the unexpired term of the Council member whose vacancy ~~he or she~~ the person was appointed to fill. (Amended 11-6-01)

SECTION 2.04 BEGINNING OF TERM OF OFFICE.

The term of office of Council members shall begin on the first Monday in December following **the certification of all Council seats subject to** the regular municipal election held the first Tuesday after the first Monday of November in the odd-numbered years, or such other election date prescribed by ~~the laws of Ohio~~ Ohio law. (Amended -11-6-01)

SECTION 2.05 ORGANIZATION AND MEETINGS.

Following each municipal election, Council shall meet within five (5) days after the beginning of the term of office of the newly-elected members of Council, for the purpose of organizing. At such meeting, the newly-elected members of Council shall take the oath of office and the Council shall proceed to elect a Mayor and Vice-Mayor and may transact such other business as

may come before it. Thereafter, regular meetings shall be held as prescribed in the Council rules, but not less frequently than twice each month **except in the month of December if one (1) meeting during this month is approved by at least five (5) members of Council. Except as otherwise provided by the laws of Ohio, All meetings of the Council shall be open to the public, except as allowed by Ohio law and as Council may provide by ordinance to require confidentiality and be the subject of executive session.**—A majority of the members elected or appointed shall constitute a quorum at all meetings. (Amended 11-7-00; 11-6-01)

SECTION 2.06 -MAYOR AND VICE-MAYOR.

At its organization meeting, the Council shall elect, from among its own members, one to serve as Mayor and one as Vice-Mayor for a term of two (2) years and until their successors are chosen and qualified. The Mayor shall preside at Council meetings, when present, and shall have a vote on all matters which come before Council, but shall have no power of veto. The Mayor shall be recognized as the head of the municipal government for ceremonial purposes, but shall have no administrative duties. The Mayor shall have the judicial functions of a Mayor under ~~the laws of Ohio~~ **Ohio law** until such judicial functions are performed by some other officer appointed or elected for that purpose. The Vice-Mayor shall perform the duties of the Mayor when the Mayor is absent or disabled. **If the Mayor's office is vacant, the Vice-Mayor shall become Mayor for the unexpired term, and Council shall elect a new Vice-Mayor for the unexpired term. If the person holding the office of Vice-Mayor declines to become Mayor, Council shall elect a Mayor from its membership, by a majority vote of the remaining members.** (Amended 11-7-00; 11-6-01)

SECTION 2.07 SALARIES.

The salary of Council members shall be fixed by ordinance. No increase in salary shall ~~ever~~ take effect during the term of the Council members enacting the ordinance.

The Mayor's salary shall be fixed by ordinance. The Council ~~may~~ **shall** not increase or decrease the salary of the Mayor during ~~his/her~~ **their** term of office.

The Vice-Mayor's salary shall be fixed by ordinance. Council ~~may~~ **shall** not increase or decrease the Vice-Mayor's salary during the Vice-Mayor's term of office. ~~A temporary increase in the Vice Mayor's salary is allowed if the Vice Mayor is performing the duties of the Mayor.~~—(Amended 11-6-01)

SECTION 2.08 -CLERK OF COUNCIL.

~~There shall be a~~ **The Clerk of Council shall be appointed by council, The Clerk of Council's whose duties shall include it will be to attending all council meetings, giving notice of Council meetings, taking and maintaining minutes of all council meetings, keep the journal, advertising public hearings, recording in separate books of all ordinances and resolutions enacted by Council and having the same published in the manner provided by this Charter.** (Amended 11-6-01)

SECTION 2.09 RULES AND JOURNAL.

The Council shall determine its own rules of procedure in conformity with the provisions of this Charter and shall keep a journal of its proceedings which shall be a public record. (Amended 11-6-01)

SECTION 2.10 POWERS OF COUNCIL.

Among other powers, the Council shall have the authority to:

1. Adopt ordinances and resolutions on any subject within the scope of its powers;
2. Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;
3. Adopt and modify the master plan and official map of the City; **with review by a comprehensive planning commission at least every 10 years;**
4. Regulate the use of real estate in the City by establishing zones, limiting the uses in each zone, and limiting the height of buildings and the intensity of land use;
5. Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;
6. Enact a comprehensive building code;
7. Authorize the levy of taxes and the issuance of bonds as provided in this Charter;
8. Adopt an annual appropriation ordinance based upon the annual budget, and delegate its enforcement to the City Manager.
9. Appoint and remove the City Manager, establish the City Manager's salary and benefits, and appoint an acting City Manager when necessary;
- ~~10.~~ **Appoint and remove the Director of Finance, and establish the Director of Finance's salary and benefits, and appoint an acting Director of Finance when necessary;**
- ~~101.~~ Appoint and remove the City Solicitor and establish the City Solicitor's salary and benefits, and appoint an acting City Solicitor when necessary;
- ~~112.~~ Inquire into the conduct of any municipal officers or employees in the performance of their public functions;
- ~~123.~~ Make investigations of any office, department or agency of the City;
- ~~134.~~ Grant public utility franchises by vote of 6/7 of the members of Council;
- ~~145.~~ Appoint and remove the members **of of the Planning and Zoning Commission, the Board of Zoning Appeals, the**

Recreation Board, and any other board, committee or commission created by this Charter, or by ordinance or resolution;

1615. Employ a public accountant to make an audit of the financial affairs of the City whenever such an audit is deemed necessary;

1716. Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary;

18. ~~Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearing or investigation.~~

19 17. Appoint and remove the Clerk of Council, establish the Clerk of Council's salary and appoint an acting Clerk of Council when necessary;

18. To exercise all other powers granted to the Council by this Charter and by Ohio law.

(Amended 11-7-00; 11-6-01)

ARTICLE III
ACTION OF COUNCIL

SECTION 3.01 -ACTION OF COUNCIL.

The action of Council shall be by ordinance, resolution, or motion. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating money, or contracting an indebtedness to be evidenced by the issuance of bonds or notes, or for the purchase, sale, lease or transfer of real property or establishing an offense and fixing the penalty therefore; action shall be taken formally by ordinance, in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution, or, where not required by ~~the laws of Ohio~~Ohio law, to be by an ordinance or resolution, by motion approved by a majority of members present at the meeting when the action is taken.

(Amended 11-7-00; 11-6-01)

SECTION 3.02 -ENACTMENT OF ORDINANCES AND RESOLUTIONS.

Each proposed ordinance shall be introduced in writing ~~by a member of the Council~~ and, in addition to the title, shall contain an opening clause reading as follows: "Be it ordained by the Council of the City of Loveland, Hamilton, Clermont, and Warren Counties, Ohio. " The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only, which shall be stated clearly in the title. No ordinance shall be passed without the concurrence of a majority of all members of Council, except that emergency ordinances, as hereinafter provided, shall require the concurrence of six (6) members of Council for passage. Every ordinance and resolution shall be read by title only, except that Council may require a full reading by a majority vote of its members. Such readings shall occur on two (2) different days before its enactment, unless an emergency is declared as hereinafter provided, or unless by a vote ~~of~~ six (6) members elected to Council, the reading on two (2) different days in full is dispensed with, in which case such ordinance may be read one (1) time and passed on the day of such reading. Each resolution shall be read on one (1) occasion before its enactment. The Mayor and the Clerk of Council shall certify the final passage of all ordinances and resolutions, shall be certified by the Mayor and the Clerk of Council. (Amended 11-6-01)

SECTION 3.03 -EFFECTIVE DATE.

Ordinances providing for appropriations for current expenses of the City, or for public improvements petitioned for by the owners of a majority of the foot frontage of property benefitted and to be specially assessed for the cost thereof, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect thirty (30) days after passage. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than thirty (30) days to meet a real and present emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance shall contain therein a separate section setting forth the reason for and nature of the emergency. No ordinance granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure. (Amended 11-6-01)

SECTION 3.04 -PUBLICATION OF ORDINANCES.

After passage, ordinances required by law to be published shall be published in summary form, one time, in a newspaper, circular or other publication as determined by Council and of general circulation in the on the City's official website ~~City~~. Such summary shall consist of a brief statement of the purpose and effect of the ordinance. A copy of each ordinance shall be posted at least fourteen (14) days in a public place in the City Hall. (Amended 11-6-01)

SECTION 3.05 -INITIATIVE AND REFERENDUM.

Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative and referendum. Any action taken shall follow the procedure set forth by the laws of Ohio Ohio law, now in effect or as hereafter amended except that:

1. Initiative and referendum petitions and any other documents required to be filed with the City shall be filed with the Clerk of Council.
2. Submitted petitions must be transmitted along with a certified copy of the text of the ordinance, to the Board of Elections on or before the fifteenth business day after receipt by the Clerk of Council.
3. Ordinances proposed by initiative petition and ordinances referred to the electorate by referendum shall be submitted to the electors for approval or rejection at the next succeeding general, primary, or special election occurring subsequent to seventy-

five (75) days after the transmission of such petitions to the Board of Elections. (Amended 11-7-00; 11-6-01)

SECTION 3.06 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt model or standard codes prepared and published by public or private agencies by reference to the date and source of the code without reproducing the same in full in the ordinance. Copies of all such codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall be available for sale, at cost, by the Clerk of Council. Any standard code adopted in this manner shall not be required to be published at length. (Amended 11-6-01)

ARTICLE IV THE CITY MANAGER

SECTION 4.01 APPOINTMENT, QUALIFICATIONS, SALARY, AND BENEFITS.

The Council shall appoint, by majority vote of all members, an officer of the City who shall have the title of City Manager. The City Manager shall be chosen by the Council solely on the basis of ~~his/her their~~ executive and administrative qualifications, ~~and as judged by the~~ adequacy of **public administration training and experience.** ~~the City Manager's training and experience in public administration. At the time of appointment, the City Manager need not be a resident of the City or state, but during the tenure of office shall reside in the City.~~ No Council members shall be eligible for appointment as City Manager during the term for which they have been elected, or for one (1) year thereafter. The salary and benefits of the City Manager shall be fixed by ordinance. (Amended 11-6-01)

SECTION 4.02 DUTIES OF THE CITY MANAGER.

The City Manager shall be the chief executive and administrative officer of the City. The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City, and to that end, subject to the provisions of this Charter, shall have the authority and shall be required to:

1. See that this Charter and the ordinances and resolutions of the City are faithfully observed -and enforced;
2. Appoint and remove all officers and employees of the City except those selected or appointed by Council, or as otherwise provided in this Charter;
3. Prepare the annual budget, and submit the same to the Council;
4. Prepare and submit monthly reports to the Council. Prepare and submit to the Council and the public annually, not later than March 31st a complete report on the finances and administrative activities of the City for the preceding year; which report shall be deemed to satisfy the requirements of ~~the laws of Ohio~~ **Ohio law**, without separate publication of the financial statement. Such annual report shall be published in the manner provided by ordinance;
5. Formulate and arrange contracts, franchises, and agreements subject to the approval of Council. Sign all contracts, bonds and notes on behalf of the City;
6. Attend meetings of the Council and shall have the right of participating in the discussion of all matters coming before Council, but shall have no vote;
7. Serve as an ex-officio non-voting member of all boards, ~~and~~ commissions, **and committees** authorized under this Charter, except the Civil Service Commission and the Board of Zoning Appeals;
8. Delegate to subordinate officers and employees of the City any duties conferred upon the City Manager by this Charter or by action of the Council, and hold them responsible for the faithful discharge of such duties;
9. Perform such other duties, not inconsistent with this Charter, as may be required by the Council. (Amended 11-7-00; 11-6-01)

SECTION 4.03 -ABSENCE OR DISABILITY OF THE CITY MANAGER.

The City Manager shall ~~designate notify in writing, by letter filed with the Clerk of Council with a copy to Council, and the Clerk of Council of the designation of~~ any qualified administrative officer of the City to perform the City Manager's duties during temporary absence or disability. If such designation has not been made and the Manager is unable to perform the City Manager's duties or to make such designation, the Council may, by ~~motion resolution~~, appoint any qualified administrative officer of the City to perform the duties of the City Manager until the City Manager shall return or ~~his/her their~~ disability ceases. (Amended 11-6-01)

SECTION 4.04 -REMOVAL OF THE CITY MANAGER.

The City Manager shall serve for an indefinite term, subject to removal at any time, with or without cause, by a majority vote of all members of Council. In the case of the voluntary resignation of the City Manager, the Council and the City Manager shall agree upon the effective date and terms of the resignation. (Amended 11-6-01)

SECTION 4.05 -RELATIONSHIP BETWEEN COUNCIL AND THE CITY MANAGER.

Neither Council, nor any member thereof, shall **direct or** give orders to any subordinate of the City Manager, or take part in the appointment, discipline or removal of subordinate employees of the City Manager, either publicly or privately. Council, or any member thereof, shall deal with the administrative employees of the City solely through the City Manager. Any member of Council may request information regarding the City directly from any employee. (Amended 11-6-01)

ARTICLE V
ADMINISTRATIVE DEPARTMENTS

SECTION 5.01 -CREATION OF DEPARTMENTS.

The administrative functions of the City shall be carried on by a Department of Finance, a Department of Law, a Department of Safety, a ~~Department of Service~~ Department of Public Works and such other departments as may be created by ordinance, after consultation with the City Manager. (Amended 11-6-01)

SECTION 5.02- DEPARTMENT DIRECTORS.

Each department of the City government shall be headed by a full-time or part-time director. With the exception of ~~the Department of Finance and the Director of~~ the Department of Law, the City Manager shall appoint and may remove all department directors, subject to approval by the Council. The ~~Director of the Department of Finance and the Director of the~~ Department of Law shall be appointed by the Council in accordance with the provisions of this Charter. Each department director shall be an administrative officer of the City. Two or more departments may be headed by the same person and the City Manager may serve as the director of one or more departments except Law ~~and Finance~~, in addition to ~~his/her~~ their duties as Manager, once approved by the Council. (Amended 11-6-01)

SECTION 5.03 -DEPARTMENTAL DIVISIONS.

The work of each department may be distributed among such divisions thereof as may be established by the ~~administrative~~ Administrative code Code. (Amended 11-6-01)

SECTION 5.04 -ADMINISTRATIVE CODE.

Subject to the provisions of this Charter, and after consultation with the City Manager, the Council shall adopt an ~~Administrative~~ Code which shall provide in detail the organization of the City government, define the powers and duties of each organization unit and determine the administrative procedures to be followed. Amendments to and revisions of the ~~administrative~~ Administrative code Code shall be made by the Council only after consultation with the City Manager. Where the ~~administrative~~ Administrative code Code is silent the officers and employees of the City shall have and may exercise all powers and duties provided for similar officers and employees by ~~the laws of Ohio~~ Ohio law. (Amended 11-7-00; 11-6-01)

SECTION 5.05- DEPARTMENT OF LAW.

The Director of the Department of Law shall be known as the City Solicitor and shall be an attorney-at law, admitted to the practice of law in the State of Ohio. The City Solicitor shall serve for an indefinite term, subject to removal at any time, with or without cause, by a majority vote of all members of Council. (Amended 11-7-00; 11-6-01)

SECTION 5.05a POWERS AND DUTIES OF THE CITY SOLICITOR.

The City Solicitor shall be the legal advisor, attorney and counsel for the City and for all offices, departments, divisions, bureaus, boards, commissions and the bodies of the City in connection with municipal affairs. Subject to the direction of Council, the City Solicitor shall represent the City in all proceedings in court, or before any administrative board or body. The City Solicitor shall perform such other duties consistent with the office, as may be required by this Charter, by ordinance or resolution of the Council, or by ~~the laws of Ohio~~ Ohio law. The City Solicitor shall be the prosecuting attorney on behalf of the City and shall prosecute cases brought before courts of competent jurisdiction.

Council may provide for assistants and special counsel to the City Solicitor. All assistants and special counsel shall be responsible to the City Solicitor and when authorized by Council, may exercise powers and duties granted to the City Solicitor. (Amended 11-7-00; 11-6-01)

SECTION 5.06 -DEPARTMENT OF FINANCE.

The Department of Finance shall perform those functions customarily performed by the City Auditor and Treasurer under ~~the laws of Ohio~~ Ohio law. ~~The Director of the Department of Finance shall be appointed by Council for an indefinite term subject to removal at any time, with or without cause, by a majority vote of all members of Council. The Director of Finance shall be the fiscal officer of the Municipality and shall be appointed by the City Manager subject to confirmation by the affirmative vote of five members elected to Council; shall serve at the pleasure of the City Manager and may be removed by the City Manager subject to such removal being confirmed by the affirmative vote of five members elected to Council. The Director of Finance shall have knowledge of municipal accounting and taxation and shall have had experience or training in budgeting and financial control. In the event of the removal, resignation, or death of the Finance Director, Council shall order an audit of the Department of Finance.~~

SECTION 5.06a POWERS AND DUTIES OF THE DIRECTOR OF FINANCE.

The Director of Finance shall be the fiscal officer of the City, shall be responsible for the accounting, collection and custody of public funds, and shall control all disbursements authorized from the City Treasury. The Director of Finance shall submit to the Council and the City Manager, and make available to the public, a complete report on the finances of the City as of the end of each fiscal year. Upon the death, resignation, removal or expiration of the term of office of any officer or employee, the Director of Finance shall examine the accounts of such officer or other person, and report the findings to

Council and the City Manager. The Director of Finance shall countersign all bonds and notes issued by the City and shall perform such other functions as may be prescribed by this Charter, assigned by ordinance of Council, or by order of the City Manager. (Amended 11-7-00; 11-6-01)

SECTION 5.07- DEPARTMENT OF SAFETY.

The Department of Safety shall have and perform such functions relative to police protection and fire and emergency medical services as may be assigned by ordinance or by order of the City Manager. Notwithstanding any provisions of state law, the Council may establish a unified police and fire protection service in which both types of service are rendered by the same personnel. The head of this department shall be designated the Director of Safety. (Amended 11-6-01)

SECTION 5.08 DEPARTMENT OF ~~SERVICE~~PUBLIC WORKS.

The Department of ~~Service~~**Public Works** shall have the custody, care and maintenance of the public buildings, grounds, streets, sewers, municipal utilities, and cemeteries owned by the City. The head of this department shall be designated the ~~Director of Service~~**Public Works Director**. The ~~Director of Service~~**Public Works Director** shall perform such functions and duties with reference to the service department as may be assigned by ordinance or by order of the City Manager, in addition to those prescribed in the ~~A~~**Administrative Code**. (Amended 11-6-01)

ARTICLE VI
TAXATION AND BORROWING

SECTION 6.01 LEVYING TAXES.

The Council shall have the power to levy **and collect** taxes in the manner provided by ~~the laws of Ohio~~**Ohio law**, subject to the limitations provided therein, and the limitations expressly set forth in this Charter. (Amended 11-7-00; 11-6-01)

SECTION 6.02 -SUBMISSION OF EXTRA LEVY TO VOTE.

On or before the 15th day of September in any year, the Council may by Ordinance adopted by a majority of the members elected or appointed thereto, declare that the amount of money which may be raised by taxation together with all the funds available during the year will be insufficient for the **annual budgeted operational** requirements of the City and it is necessary to levy additional taxes and may require the submission of the question of levying such additional tax to the electors of the City at a primary, special or general election. Such ordinance shall specify the additional rate of the levy and the purpose thereof and the number of years during which such levy shall have effect. Such ordinance shall take effect on its adoption and shall be certified to the election authorities, as prescribed by general law. The election authorities shall place said question upon the ballot in the form prescribed by general law.

The question covered by such ordinance shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition, ~~other than the election of officers~~, submitted at the same election. If a majority of those voting thereon at a municipal election, or sixty percent of those voting thereon at a special election, vote for the approval of the levy, Council shall immediately make such levy, or such part thereof as it finds necessary, pursuant to such approval, and certify the same to the County Auditor, to be placed on the tax list and collected as other taxes. (Amended 11-6-01)

SECTION 6.03 POWER TO INCUR DEBT, ISSUE BONDS OR NOTES.

Council may, by ordinance, authorize and issue ~~any and~~ all types of bonds or notes for any purpose permitted by ~~the laws of Ohio~~ **Ohio law**. In issuing such bonds or notes, Council shall be bound by the definitions, limitations and procedures prescribed by ~~the laws of Ohio~~ **Ohio law**, except as otherwise provided in this Charter. (Amended 11-7-00; 11-6-01)

SECTION 6.04 MORTGAGE REVENUE BONDS AND REVENUE BONDS.

The Council may, by ordinance, issue mortgage revenue **bonds** and/or revenue bonds for any purpose and in any total amount authorized by ~~the laws of Ohio~~ **Ohio law**. (Amended 11-7-00; 11-6-01)

SECTION 6.05 SPECIAL ASSESSMENT BONDS.

The Council may, by ordinance, determine to proceed with a public improvement, all or part of the cost of which is to be assessed against real property specially benefitted by the improvement. Council may establish by ordinance the procedure to be followed in making such assessments, and shall determine the proportion of the cost of such improvement which shall be paid by the City from general receipts, taxes, bond or note issues; and the proportion of the cost which shall be assessed against the owners of benefitted property. In all other respects the levying, certification and collection of special assessments by the City shall be in conformity with ~~the laws of Ohio~~ **Ohio law**, governing the assessment of the cost of improvements on benefitted property. (Amended 11-7-00; 11-6-01)

SECTION 6.06 TAX AND REVENUE ANTICIPATION NOTES.

The Council may, by ordinance, issue notes in anticipation of the collection of taxes or other revenue on whatever conditions may seem reasonable. Such notes shall be paid from the tax receipts of the year in which they are issued. (Amended 11-6-01)

SECTION 6.07 PROCEDURE IN BOND AND NOTE ISSUES.

The procedure followed in authorizing bonds and notes and applying the proceeds therefrom, shall be in accordance with the applicable provisions of ~~the laws of Ohio~~ Ohio law. (Amended 11-7-00; 11-6-01)

SECTION 6.08 EMERGENCY BORROWING.

The Council may, by ordinance, borrow money and issue notes in case of public emergency as authorized by ~~the laws of Ohio~~ Ohio law. (Amended 11-7-00; 11-6-01)

SECTION 6.09 ADDITIONAL LEVIES.

The authority of the Council to submit additional levies to a vote of the people under authority of the Constitution and laws of the State of Ohio, shall not be deemed impaired or abridged by reason of any provision contained in this Charter. (Amended 11-6-01)

SECTION 6.10 INCOME TAX MEASURES TO BE APPROVED BY ELECTORS.

No ordinance passed by Council enacting an income tax shall be effective unless and until such ordinance is approved by a majority of the electors of the City ~~of Loveland~~-voting at a municipal election, or a special election called for that purpose. (Amended 11-6-01)

SECTION 6.11 SALE OF MUNICIPALLY-OWNED UTILITIES.

No utility owned by the City ~~of Loveland~~ shall ever be sold without first submitting the question of such sale to the electors for approval. If a majority of the electors voting vote in favor of selling such utility, the Council may proceed with the sale. (Amended 11-6-01)

ARTICLE VII
FINANCE

SECTION 7.01 ANNUAL TAX BUDGET.

On or before the first ~~day of June~~ regularly scheduled Council meeting in June of in each year, the ~~City Manager~~ Director of Finance shall submit to the Council a tax budget for the ensuing fiscal year. For that purpose, ~~at such time as he/she shall determine,~~ the Director of Finance ~~City Manager~~ shall obtain from the director of each department or agency of the City government, plans for the work to be undertaken by such department during the next fiscal year, together with estimates of the cost of performing such work. The Department of Finance shall supply estimates of available revenue. From these data, the Director of Finance ~~City Manager~~ shall prepare the consolidated estimates for the annual tax budget. The Council shall consider these estimates, revise and adopt them, with or without amendments, as the tax budget of the City for the ensuing year, and transmit them, on or before the 15th day of July to the County Budget Commission, in the form required by ~~the laws of Ohio~~ Ohio law. (Amended 11-7-00; 11-6-01)

SECTION 7.02 REVISION OF TAX BUDGET.

The City Manager shall prepare and submit to the Council each year a budget so revised that the total contemplated work program and expenditures from each fund during the ensuing fiscal year shall not exceed the total recommended appropriations from each fund and the total estimated resources certified by the County Budget Commission and the County Auditor. Such revised budget shall serve as the basis for the annual appropriation ordinance. (Amended 11-6-01)

SECTION 7.03 OTHER PROCEDURES.

In all other respects the procedure for the preparation, hearing, advertising and adoption of the budget and the appropriation of municipal funds, shall be governed by ~~the laws of Ohio~~ Ohio law pertaining to such matters. (Amended 11-7-00; 11-6-01)

SECTION 7.04 FISCAL YEAR.

The fiscal year of the City shall be the calendar year, beginning January 1st and ending December 31st each year. (Amended 11-6-01)

ARTICLE VIII
CIVIL SERVICE

SECTION 8.01 CIVIL SERVICE COMMISSION: MEMBERSHIP.

There shall be a Civil Service Commission consisting of three (3) members, qualified electors of the City, who shall be appointed by the Council for ~~three six~~-year (36) staggered and overlapping terms. (Amended 11-4-03)

SECTION 8.02 CIVIL SERVICE COMMISSION: POWERS, DUTIES AND JURISDICTION.

The Council shall provide by ordinance the powers, duties and jurisdiction of the Civil Service Commission and shall determine the positions of employment which shall comprise the classified and unclassified service of the City. The Civil Service Commission shall establish the method and procedure for determining merit and fitness for employment and promotion in the

classified service and such other matters relating to classified employment service as may be necessary and proper. (Amended 11-4-03)

ARTICLE IX
BOARDS-, AND COMMISSIONS AND COMMITTEES

SECTION 9.01 CREATION AND ABOLISHMENT OF OFFICES.

Council shall not abolish any office, board, or commission or diminish or transfer any powers or duties prescribed in this Charter. Council may, however, by ordinance, establish, abolish, divide, or combine, and shall determine the functions, compensation, powers, and duties of any office, board, commission, or committee not prescribed in this Charter. (Amended 11-6-01)

SECTION 9.02 BOARD AND COMMISSION APPOINTMENT AND REMOVAL.

~~No~~ Appointments shall be made by ~~Council~~ **the Mayor with the approval** ~~except by of~~ a majority vote **of Council**. Council may remove any person ~~it has~~ appointed, but such removal shall be effected ~~(unless the appointee in writing waives these provisions)~~ only by an affirmative vote of four (4) or more members of Council at a regular meeting of Council. The action of Council in such matters shall, ~~however,~~ be final, and subject to no appeal, ~~it being the intention of this Charter to vest all authority and fix all responsibility for any such removal in the Council with or without establishing any reason for removal.~~ Council may ~~in any event~~ suspend ~~such an~~ appointee from office pending ~~such meeting and a~~ final decision ~~with regard to~~ on removal. (Amended 11-6-01)

SECTION 9.03 PLANNING AND ZONING COMMISSION.

There shall be a City Planning and Zoning Commission consisting of five (5) members. One (1) ~~of said~~ members shall be a member of Council, ~~to be~~ selected by Council. One (1) ~~of said~~ members shall be selected by the Board of Education who may or may not be a member of ~~the said~~ Board. ~~Council shall select~~ **Three (3) of said** members ~~shall be selected by Council, but shall who are not Council members of Council.~~ Members of the Commission shall be residents of the City for at least one year prior to their appointment. If the Board of Education and/or the Council shall fail in ~~their~~ ~~these~~ appointed duties ~~hereinbefore set forth~~, for a period of forty-five (45) days, after a vacancy occurs, the Mayor shall ~~forthwith~~ make such appointments. The terms of office of a ~~member of the~~ Commission member, who is also a member of Council shall be concurrent ~~with such Council Member's term of office as such member of Council.~~ The remaining four (4) members shall be appointed to staggered and overlapping terms of three (3) years each. ~~Any~~ ~~The~~ incumbents, as of this Charter's adoption, as of the time of the adoption of this Charter shall serve out their respective unexpired terms. (Amended 11-6-01)

SECTION 9.03a POWERS AND DUTIES OF PLANNING AND ZONING COMMISSION.

The Commission shall act as the ~~City's~~ ~~plating~~ ~~commission~~ ~~of the City.~~ ~~As such, it~~ ~~and~~ shall provide for planning and regulations covering the platting of all lands ~~which are subject to~~ ~~controlled~~ by the ~~Municipality~~ **City**, and may ~~cause~~ ~~require~~ an official map of such territories to be made. The Commission shall carry out the City planning functions, which ~~may~~ includes ~~preparation~~ ~~preparing~~ of a master plan, to be updated a minimum of every ten (10) years, and ~~make such investigations~~ investigate, and make such reports and recommendations relating to planning and zoning, and the physical development of the City ~~as it finds necessary and desirable~~; and shall have all the powers granted to and shall perform all the duties imposed on planning commissions by the laws of Ohio Ohio law, and such other powers and duties as established by Council by ordinance. ~~Regular meetings shall be held at least once each month~~ Meetings of the Commission shall be held as needed but not less than every two (2) months. (Amended 11-6-01)

SECTION 9.04 -BOARD OF ZONING APPEALS.

The Council shall appoint a Board of Zoning Appeals consisting of three (3) ~~electors~~ residents of the City to serve staggered and overlapping terms of three (3) years each. ~~Any incumbents, as of this Charter's adoption, shall serve out their respective unexpired terms. The incumbents as of the time of adoption of this Charter shall serve their respective unexpired terms.~~ If Council fails to make an appointment for a period of forty-five (45) days after a vacancy occurs, the Mayor shall ~~forthwith~~ make such appointment. The Board shall establish its own rules of procedure and keep a record of its proceedings in all matters coming before the Board. (Amended 11-6-01)

SECTION 9.04a -POWERS AND DUTIES OF BOARD OF ZONING APPEALS.

~~The Board shall have the power to hear and determine appeals from decisions of the Development Director and requests for variances from building and zoning regulations and refusal of the Planning and Zoning Commission to permit the cutting up of lots under certain conditions. Whenever any person is aggrieved at any action of the Development Director in denying a building permit, or a certificate of occupancy under the Zoning Ordinance, or the refusal of the Planning and Zoning Commission to permit the cutting up of lots, such person may file an appeal with the Board who shall fix the time for a hearing on such appeal to be conducted in the manner provided by ordinance. The Board shall have the power to grant such variances from building and zoning ordinances as may be required to afford justice and avoid unreasonable hardship to property owners. The standards to be applied in such cases shall be established by ordinance and have uniform application. No resolution overruling an action under, or interpretation of the Zoning Ordinance by an administrative officer of the City shall be adopted except by the affirmative vote of all three (3) members of the Board~~

~~appointed by Council. (Amended 11-6-01)~~

SECTION 9.04a POWERS AND DUTIES OF BOARD OF ZONING APPEALS.

The Board shall have the powers to hear and decide appeals for exceptions to and variances in, measures and orders of officials and commissions governing zoning, building and floodplain regulations as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council; and such Board shall have such other powers as may be granted to it by Council.

SECTION 9.05 PARKS AND RECREATION BOARD.

There shall be a **Parks and Recreation** Board consisting of five (5) members, ~~electors~~ **residents** of the City, appointed by the Council for staggered and overlapping terms of ~~four (4) years~~ **three (3) years**. One (1) of the five (5) appointees shall be approved by and be a representative of the Board of Education. The **Parks and Recreation** Board ~~shall provide~~ **oversight** for the development, maintenance and operation of ~~playgrounds~~ **parks** and recreational facilities and programs for the City. **Any incumbents, as of this Charter's adoption, shall serve out their respective unexpired terms. The incumbents as of the time of the adoption of this Charter shall serve their respective unexpired terms.** (Amended 11-6-01)

SECTION 9.06 FINANCE COMMISSION.

There shall be a Finance Commission consisting of five (5) members with one (1) member being a member of City Council and four (4) members, residents of the City, appointed by the Council for staggered and overlapping terms of three (3) years. Any incumbents, as of this Charter's adoption, shall serve out their respective unexpired terms. The Commission shall provide oversight of the annual operating budget and make recommendations to Council. The Commission shall also act in an advisory capacity to the Council in matters pertaining to short and long range financial policy matters and funding for City operations. The Commission shall review and recommend changes to the City's Investment Policy.

SECTION 9.067 OTHER BOARDS AND COMMISSIONS.

Council may create and abolish such other advisory boards, ~~C~~commissions and ~~C~~committees as may be deemed necessary. (Amended 11-6-01)

SECTION 9.078 CITY MANAGER - EX OFFICIO MEMBER.

The City Manager shall be an ex officio, non-voting member of all boards, ~~and~~ commissions, **and committees** created by or under authority of this Charter, except the Civil Service Commission and the Board of Zoning Appeals. (Amended 11-6-01)

ARTICLE X
NOMINATIONS AND ELECTIONS

SECTION 10.01 MUNICIPAL ELECTIONS.

The regular election for the choice of members of the Council shall be held at the general election in the odd-numbered years. This shall be known as the Municipal Election. The Council may, by resolution, order a Special Election at any time, the purpose of which shall be set forth in the resolution. (Amended 11-6-01)

SECTION 10.02 CONDUCT OF ELECTIONS.

All elections shall be conducted under the provisions of this Charter by the Board of Elections of the respective counties in which the City lies. Where the Charter is silent, the provisions of ~~the laws of Ohio~~ **Ohio law** shall be followed. (Amended 11-7-00; 11-6-01)

SECTION 10.03 NOMINATIONS.

No primary election shall be held for the nomination of candidates for Council. Nominations for the office of Council member shall be made by petition signed by not less than twenty-five (25) nor more than fifty (50) electors of the City. Petitions shall be the standard forms for the nomination of individual nonpartisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections within the time period **and in the county** specified by the Ohio Revised Code. An elector may sign only as many petitions as there are Council members to be elected at the Municipal ~~election~~ **Election** for which the nominations are made. (Amended 11-6-01)

SECTION 10.04 SPONSORS, ACCEPTANCE, VERIFICATION.

Each candidate shall have a sponsoring committee of five (5) qualified voters, whose names and addresses shall appear on each copy of the petition. ~~The signature of the candidate indicating acceptance of the nomination and willingness to serve if elected shall appear on each copy of the petition.~~ The petition may be in a number of parts, but each part shall be verified under oath by the circulator, as required by law. (Amended 11-6-01)

SECTION 10.05 BALLOTS.

The ~~full~~ names of all nominated candidates shall be printed on the official ballot without party designation. The resident

addresses of candidates with the same surname, or with names likely to cause confusion shall be placed below their respective names on the ballot. The names of all candidates shall be rotated on the ballot as provided by ~~the laws of Ohio~~ Ohio law. (Amended 11-7-00; 11-6-01)

SECTION 10.06 WRITE-INS.

~~Only in the event that fewer candidates are nominated by petition than there are Council members to be elected at the ensuing election, shall space be provided on the ballot for the writing in at the election of the names of additional persons.~~ Write-in candidates shall be permitted as provided by Ohio law. (Amended 11-6-01)

SECTION 10.07 WATCHERS AND CHALLENGERS.

~~At each municipal election, each regularly nominated candidate shall be entitled, on written application to the Board of Elections, at least ten (10) days before the election, to appoint one (1) person and one (1) alternate to represent him/her as a watcher and a challenger at each polling place during the casting and counting of ballots, and one (1) person and one (1) alternate to represent him/her as watcher and challenger during the canvass of votes at the Board of Election.~~ Watchers and challengers shall be permitted as provided by Ohio law. (Amended 11-6-01)

SECTION 10.08 ELECTION.

The candidates for member of Council at the regular municipal election, equal in number to the ~~places~~ seats to be filled on Council, who received the highest number of votes shall be declared elected. (Amended 11-6-01)

SECTION 10.09 RECALL.

Members of Council may be removed from office before the expiration of their terms by the qualified voters of the City. The procedure for such recall shall be that provided by ~~the laws of Ohio~~ Ohio law. (Amended 11-7-00; 11-6-01)

ARTICLE XI GENERAL PROVISIONS

SECTION 11.01 OATH OF OFFICE.

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

"I (name) solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Ohio, the Charter and Ordinances of the City of Loveland, and will obey the laws thereof and will faithfully discharge the duties of (_____) upon which I am about to enter." (Amended 11-6-01)

SECTION 11.02 OFFICIAL BONDS.

As designated by Council or Ohio law, ~~All~~ officers and employees of the City, whose duties require them to handle municipal and other public money or property, shall be covered by a ~~may be required by Council to furnish a~~ corporate bond issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts. The amount of the bond in each case shall be determined by Council and the premium on such bonds shall be paid from the funds of the City. All such bonds shall be filed with the Clerk of Council. (Amended 11-6-01)

SECTION 11.03 PERSONAL INTEREST.

No member of the Council or any officer or employee of the City shall have any financial interest, direct or indirect, in any contract with or sale to the City of any materials, supplies, or services, or any land or interest in land. A person who knowingly and willfully violates this section shall be guilty of malfeasance in office and upon conviction thereof, shall be removed from office. Any contract or agreement made in violation of this section shall be ~~violable-voidable at the election of the by~~ action of Council. (Amended 11-6-01)

SECTION 11.04 REMOVAL FROM OFFICE - DISQUALIFICATION.

Whenever, in this Charter, certain acts on the part of City officials are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed by ~~the laws of Ohio~~ Ohio law. (Amended 11-7-00; 11-6-01)

SECTION 11.05 AMENDMENTS.

Any section of this Charter may be amended to meet changing conditions as the Municipality develops, in order that the best interests of those who live and work in the City ~~of Loveland~~ may continue to be served. Amendments may be submitted to electors by five (5) votes of the Council, or shall be submitted upon petition signed by ten (10%) percent of the electors of the City voting at the last preceding Municipal Election. Copies of the proposed amendments shall be mailed to the electors not less than thirty (30) days prior to the date of an election at which such amendments are to be voted on. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter of this Municipality. (Amended 11-6-01)

SECTION 11.06 SEVERABILITY CLAUSE.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, which would have been adopted without the invalid portion if such invalidity could have been known at the time of its original adoption. (Amended 11-6-01)

ARTICLE XII TRANSITIONAL PROVISIONS

SECTION 12.01 FISCAL SUCCESSION.

The City, under this Charter, is hereby declared to be the only legal successor of the City of Loveland under its former charter and ~~the laws of Ohio~~ **Ohio law**. As such, the City has title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes in the process of collection, together with all accounts receivable and rights of action. The City is liable for all outstanding orders, contracts and debts of its predecessor and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. (Amended 11-7-00; 11-6-01)

SECTION 12.02 CONTINUATION OF ORDINANCES AND RESOLUTIONS.

All ordinances **and resolutions** of the City ~~of Loveland~~ in effect at ~~this Charter's adoption~~ **the time of the adoption of this Charter** shall remain in effect, except as **amended and** superseded by ~~the provisions of this Charter's provisions~~, until they are amended or repealed. (Amended 11-6-01)

SECTION 12.03 CONTINUATION OF OFFICES.

Every person holding an office of the City government when this Charter takes effect shall be retained except as superseded by this Charter's provisions. ~~All persons holding office at the time this Charter is adopted shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office.~~ (Amended 11-6-01)

SECTION 12.04 CONTINUANCE OF EMPLOYEES.

Every employee of the City government when this Charter takes effect shall be retained in employment **and except as superseded by this Charter's provisions.** ~~shall thereafter by subject in all respects to the provisions of this Charter.~~ (Amended 11-6-01)

SECTION 12.05 TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of the City shall be transferred and delivered promptly to their successors, upon termination of tenure of office or employment. (Amended 11-6-01)

SECTION 12.06 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.

All contracts entered into for the City or for its benefit, prior to the taking effect of this Charter, 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 practicable, under the provisions of such laws. (Amended 11-6-01)

SECTION 12.07 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 City 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. (Amended 11-6-01)

SECTION 12.08 REVISED CHARTER; WHEN AMENDMENTS THERETO TAKE EFFECT.

The proposed amendments shall be voted upon at the general election on November ~~56, 2001~~ **19** and, if approved by a majority of the electorate voting ~~thereupon~~, shall take effect and be in force from and after certification by the Board of Elections. Except as amended, all other provisions of the Revised Charter approved on November 5, 1991 and thereafter shall remain unchanged. (Amended 11-7-00; 11-6-01)

SECTION 12.09 CHARTER REVIEW.

At least every ten (10) years, the Council shall appoint no more than seven (7) qualified electors of the Municipality as members of a Charter Review Commission. Such Commission shall review the Charter of the Municipality, and within eighteen (18) months after such appointment, recommend to Council any alterations, revisions, and amendments. The Council shall submit to the electors any such proposed alterations, revisions, or amendments in accordance with Ohio law. The members appointed to the Charter Review Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.