

# Charter

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## **Incorporation, Powers and Form of Government**

**Section 1.01 Preamble:** WE THE PEOPLE of St. Bernard, Ohio, in order to secure home rule, provide efficient and fair methods of administering the affairs of the community, ensure the continuation of our present form of government, and provide the best possible protection for the health, safety, and welfare of the community, do hereby adopt this Charter.

**Section 1.02 Incorporation:** The municipal corporation now existing in the County of Hamilton, State of Ohio, and known as the City of St. Bernard, and hereinafter referred to as the "municipality" shall be and continue to be a municipal corporation with all the privileges and

powers pertaining thereto. The provisions of this Charter shall apply whether St. Bernard is classified as a city or a Village under Ohio law.

**Section 1.03 Powers:** The Municipality shall have all powers, privileges, and benefits of local self-government and home rule and all other powers accorded to a municipality under the Constitution and general laws of the State of Ohio now or hereafter in effect. 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 or resolution. The general laws of the State of Ohio not inconsistent with the Charter, or with ordinances of St. Bernard, shall have the force and effect of ordinances of the Municipality. The enumeration of particular and specific powers in this Charter shall not be deemed to exclude other powers to which the Municipality is now or hereafter becomes entitled under the Constitution and general laws of the State of Ohio.

**Section 1.04 Form of Government:** The form of municipal government provided by this Charter shall be known as the ~~“strong Mayor”~~ **“Mayor-Council”** form of government. The powers of the municipal government shall be distributed according to the provisions of this Charter among the elected and appointed officials, boards, and commissions, and the electorate.

**Section 1.05 Change in Form of Government:** The electors of the Municipality shall have the power to change the form of government from the ~~“strong Mayor”~~ **“Mayor-Council”** form of government to one of the optional plans permitted by Ohio Revised Code § 705 as presently codified or hereafter amended only by amendment of this Charter pursuant to the procedures set forth in Section 11.02 of the Charter and Article XVIII, Section 9 of the Ohio Constitution.

## **Legislative Authority**

**Section 2.01 Council:** All legislative powers of the Municipality shall be vested, ~~subject to the terms of this Charter and of the Constitution and laws of the State of Ohio,~~ in an elected Council **which shall consist of seven (7) electors of the municipality.**

**Section 2.02 Composition and Terms of Office:** ~~The Council shall be composed of not fewer than seven members, four of whom shall be elected by wards and three of whom shall be elected by the electors of the Municipality at large. Pursuant to Ohio Revised Code §731.01, for the first twenty thousand inhabitants of the Municipality, in addition to the original five thousand, there shall be two additional Council members elected by wards, and for every fifteen thousands inhabitants thereafter there shall be one additional member similarly elected. The total number of members of Council shall not exceed seventeen. Members of council shall be elected for a term of two years, commencing the first day of January next after the election and serving until their successors are elected and qualified. The electors of the Municipality may, by affirmative vote, change the term of office for council members to four years and, if the terms of office are so changed, institute staggered terms of office. Any such change in the terms of office shall be accomplished pursuant to the procedures set forth in Ohio Revised Code § 731.03 as presently codified or hereafter amended. Council shall be elected by the~~ **electors of the Municipality at-large. Members of Council shall be elected to four-year overlapping terms. At the first municipal election after the adoption of this Charter the three (3) candidates receiving the largest number of votes shall be elected to four (4) year terms of office and the four (4) candidates receiving the next highest number of votes shall be elected**

to two (2) year terms of office. Thereafter all members of Council shall be elected for a four (4) year term of office.

**Section 2.03 Qualifications:** ~~The qualifications of council members shall be governed by Ohio Revised Code §§ 731.02 and 731.44 as presently codified or hereafter amended. Council members at large shall be electors of the Municipality and council members from wards shall be electors of the Municipality who have resided in their respective wards for a continuous period of not less than one year preceding the election. Council members shall not hold any other public office, except that of a notary public or a member of the state militia, and shall neither be interested in any contract with the Municipality nor hold employment with the Municipality. A council member who ceases to possess any of these qualification, who removes from his or her ward, if elected from a ward, or from the Municipality, if elected at large, shall forfeit his or her office.~~ **Council members shall be electors of the Municipality who have resided in the municipality for a continuous period of not less than one year preceding the election. Council members shall not hold any other public office, except that of a notary public or a member of the state militia, and shall neither be interested in any contract with the Municipality nor hold employment with the Municipality. A council member who ceases to possess any of these qualifications or who removes from the Municipality shall immediately forfeit his or her office.**

**Section 2.04 Vacancies and Removals:** ~~All vacancies in the office of a council member shall be filled pursuant to the procedures set forth in Ohio Revised Code § 731.43 as presently codified or hereafter amended.~~

**(A) The Council shall immediately declare vacant the seat of any member who shall cease to be a resident of municipality. Council may also declare vacant the seat of any member who persistently fails to abide by the rules of the Council or who is otherwise guilty of misconduct affecting performance of his or her duties as a councilperson. Such action shall be taken only upon the concurrence of five members of Council at a regular meeting of Council after service of notice upon such of such proposed action at least twenty-four hours in advance of such meeting.**

**(B) Vacancies in the membership of the Council shall be filled for the unexpired term by a majority vote of the remaining members of Council within 60 days after the vacancy occurs. If the Council does not fill the vacancy within the 60-day period the Mayor shall fill the vacancy by an appointment for the unexpired term.**

**Section 2.05 Compensation of Council Members:** Compensation of council members shall be set by ordinance, subject to the Constitution and general laws of the State of Ohio now or hereafter in effect.

**Section 2.06 Meetings of Council:** The requirements of quorum, regular meetings, and special meetings shall be governed by Ohio Revised Code §§ 731.44 - 731.46 as presently codified or hereafter amended. Council shall conduct "open" meetings in accordance with Ohio Revised Code § 121.22 as presently codified or hereafter amended. Council shall maintain a journal in

accordance with Ohio Revised Code § 731.45 as presently codified or hereafter amended and shall have the power to establish its own rules and to punish or expel members in accordance with Ohio Revised Code § 731.45 as presently codified or hereafter amended.

**Section 2.07 Powers, Duties and Liabilities of Council Members:** Council and its members shall possess all powers, duties and liabilities afforded to city councils and city council members under Ohio Revised Code § 731 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.

**Section 2.08 Procedure for Enacting Ordinances and Resolutions:** Council procedures for making motions and enacting ordinances and resolutions shall be governed by Ohio Revised Code §§ 731.18- 731.27 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. Council shall have the power to enact emergency legislation in accordance with Ohio Revised Code § 731.10 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.

**Section 2.10 Officers of Legislative Authority:** In accordance with the procedures set forth in Ohio Revised Code § 731.04 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect, Council shall elect a president pro tempore, a clerk and such other employees as are necessary.

## **Executive**

**Section 3.01 Mayor:** There shall be a Mayor who shall be elected for a term of four years, commencing on the first day of January next after the election and who shall have all powers and duties accorded to the mayor of a municipality under Ohio Revised Code §§ 733.01 - 733.08 and §§ 733.30 -733.41 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. The Mayor shall be an elector of the Municipality **and shall have resided in the municipality for a continuous period of not less than one year preceding the election.**

**Section 3.02 Vice Mayor and President of Council:** There shall be a Vice Mayor who shall serve as President of Council. The Vice Mayor shall be elected for a term of two years, commencing on the first day of January next after the election. The Vice Mayor shall be an elector of the Municipality. The Vice Mayor shall have all powers and duties accorded to a president of the legislative authority of a city under Ohio Revised Code § 733.09 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.

## **Boards and Commissions**

**Section 5.01 Planning Commission:** Council may establish a Planning Commission, with shall have all powers and duties accorded to a city planning commission under chapter 713 of the Ohio Revised Code as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect. Pursuant to Ohio Revised Code §

713.01 as presently codified or hereafter amended, the Planning Commission shall consist of the Mayor, the Public Service Director and three citizens of the Municipality who shall be appointed by the Mayor.

**Section 5.02 Recreation Board:** Council may establish a Recreation Board, which shall consist of five members, two of whom shall be appointed from the Board of Education and three of whom shall be appointed by the Mayor. The Recreation Board shall have all powers and duties accorded to a city recreation board under Ohio Revised Code §§ 755.12 - 755.181 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect.

~~**Section 5.03 Board of Health:** Pursuant to Ohio Revised Code § 3709.01, the Municipality shall constitute a city health district and, pursuant to Ohio Revised Code § 3709.05, the Mayor, as president of the Board of Health, shall appoint, and Council shall confirm, a Board of Health, consisting of five members and possessing all of the powers and duties accorded to a city board of health under Chapter 3709 of the Ohio Revised Code as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect. The Board of Health shall have the power to appoint a Health Commissioner and a Registered Nurse, as Director of Nursing, to contract for the services of a Registered Sanitarian, as Director of Environmental Health, and a Licensed Pest Control Officer. The Mayor, as President of the Board of Health, shall have the power to appoint a plumbing Commissioner, who shall serve under the Health Commissioner. Consistent with Ohio law regarding municipal~~



~~contracts, the Plumbing Commissioner a registered licensed Master Plumber, shall have the power to contract with state-certified inspectors to conduct inspections.~~

**Section 5.034 Civil Service Commission:** The Mayor shall appoint a Civil Service Commission with the concurrence of Council, as procedurally set forth in Ohio Revised Code, consisting of a three-member board with overlapping terms, the members of which shall serve as the civil service commission of the city, the school district and city health district, as specified by Article XV, Section 10 of the Ohio Constitution and Chapter 124 of the Ohio Revised Code as presently codified or hereafter amended. **No member of this Commission shall be in the classified or unclassified service of the Municipality.** Any eligible officer or employee may, within thirty days of receiving an adverse decision from the Civil Service Commission, appeal to the Court of Common Pleas for Hamilton County.

## **Legislative Authority**

**Section 6.01 Power to Tax, Spend and Incur Debt:** The Municipality shall have all powers granted to municipalities, by the Constitution and general laws of the State of Ohio now or hereafter in effect, to impose taxes, expend funds for public purposes, incur debts, borrow money and issue bonds.

## **Nominations, Elections and Removal**

**Section 7.01 Municipal Elections:** Except as expressly provided in this Charter, the Constitution and general laws of the State of Ohio now or hereafter in effect shall govern the nomination, election and removal of elective officers of the Municipality.

**Section 7.02 Recall:** Any elective officer of the Municipality may be removed from office by the qualified voters of the Municipality, pursuant to Ohio Revised Code § 705.92 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect

**Section 7.03 Qualified Electors:** All citizens qualified to vote in the Municipality by the Constitution and general laws of the State of Ohio now or hereafter in the effect and who satisfy the requirements for registration prescribed by law shall be qualified electors within the meaning of this Charter.

### **Initiative and Referendum**

**Section 8.01 Initiative:** In accordance with Ohio Revised Code §§ 731.28 and 731.30 - 731.40 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect, the electors of the Municipality shall have the power to propose ordinances and other measures by initiative petition.

**Section 8.02 Referendum:** In accordance with Ohio Revised Code §§ 731.29 - 731.40 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect, the electors of the Municipality shall have the power to approve or reject at the polls any ordinance or other measure enacted by council, except for emergency ordinances enacted by council.

### **~~Transition Between City and Village Status Continuity~~**

**Section 9.01 Intent of the Electors:** ~~It is the intent of the electors of the Municipality in adopting this Charter to maintain as near as possible the form and structure of government existing at the time of the initial adoption of the Charter. The provisions of this Charter are designed to replicate the form, structure, powers, and duties of municipal government accorded to statutory cities in the State of Ohio. Except as expressly provided herein, where the Ohio Revised Code prescribes a different form or structure or different powers and duties for statutory cities and statutory villages, it is the intent of the electors of the Municipality, as expressed in this Charter, to follow the prescriptions for statutory cities, whether the Municipality is a city or a village.~~

**Section 9.012 Continuity of Municipal Structure:** ~~In the event of a change in the Municipality's status as a city or a village, all offices, departments, boards, and commissions, which exist at the discretion of Council, the Mayor, or other officers of the Municipality, shall continue to exist, with all powers and duties previously accorded to them, until the appropriate authority~~

~~expressly determines otherwise.~~ **Except as otherwise herein provided, all offices, departments, boards, and commissions in existence at the time this Charter is adopted shall continue to exist, with all powers and duties previously accorded to them. In the event that any such existing powers and duties are inconsistent with those granted by this Charter, the provisions of the Charter shall prevail and control.**

~~**Section 9.03 Continuity of Power and Duties:** Whether the Municipality is a city or a village, the Municipality and its executive and administrative officers, Council, council members, departments, boards, and commissions shall retain all powers and duties set forth in this Charter, except those specifically and expressly addressed herein and those that are inconsistent with the Constitution and general laws of the State of Ohio now or hereafter in effect.~~

~~**Section 9.02 Continuity of Administration:** Following a transition between city and village status, all individuals serving as elected or appointed officials shall continue in office, subject to the terms of this Charter, until the expiration of their terms of office.~~ **All individuals serving as elected or appointed officials at the time this Charter is adopted shall continue in office, subject to the terms of this Charter, until the expiration of their terms of office.**

~~**Section 9.05 Continuity of Wards:** Following a transition between city and village status, the existing division of the Municipality into ward s shall continue in force until Council undertakes redistricting pursuant to Ohio Revised Code § 731.06 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.~~

**Section 9.03 Continuity of Laws:** ~~Following a transition between city and village status, all or Ordinances and resolutions in effect at the time shall continue in force until amended or repealed by Council. All ordinances and resolutions in effect at the time this Charter is adopted shall continue in force until amended or repealed by Council.~~

**Section 9.07 Board of Health:** ~~If the Municipality becomes a village, the Municipality shall, pursuant to Ohio Revised Code § 3709.01, thereafter participate in a general health district. The Municipality's Board of Health shall continue to exist, but shall subsequently be known as the Health Service Commission. The Municipality's Health Service Commission shall continue to have all powers and duties accorded by this Charter to the Board of Health and accorded by the Constitution and general laws of the State of Ohio now or hereafter in effect to a city board of health, except those powers and duties granted exclusively to the Board of Health operating in the general health district in which the Municipality shall thereafter participate.~~

**Section 9.048 Civil Service Commission:** ~~If the Municipality becomes a village, t~~The Municipality shall ~~continue to~~ have a Civil Service Commission, which shall retain all powers and duties granted by Section 5.034 of this Charter.

**Section 9.059 Miscellaneous Provisions:** Whether the Municipality is a city or a village, the conduct of elections, the power to recall elective officers and the rights to initiative and referendum shall be governed by this Charter and shall remain the same.

**~~Transition upon Adoption of Charter~~**

~~**Section 10.01 Continuity of Municipal Structure:** All offices, departments, boards, and commissions in existence at the time this Charter is adopted shall continue to exist, with all powers and duties previously accorded to them. In the event that any such existing powers and duties are inconsistent with those granted by this Charter, the provisions of the Charter shall prevail and control. **Section 10.02 Continuity of Administration:** All individuals serving as elected or appointed officials at the time this Charter is adopted shall continue in office, subject to the terms of this Charter, until the expiration of their terms of office. **Section 10.03 Continuity of Laws:** All ordinances and resolutions in effect at the time this Charter is adopted shall continue in force until amended or repealed by Council.~~

## **General Provisions**

**Section 10.01 Severability:** If any provision, article or section of this Charter is held unconstitutional or otherwise invalid by a court, this shall not affect the validity, force or effect of any other provision.

**Section 10.02 Amendments to the Charter:** It is the desired of the people of the Municipality that this Charter be flexible and be able to meet the changing conditions and needs of the Municipality, as it grows and develops. Amendments to this Charter may be made in accordance with the procedures set forth in Article XVIII, Section 9 of the Ohio Constitution.