

# CHARTER

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**PREAMBLE**

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we the people of Lincoln Heights, Ohio, in order to form a more unified community, establish a system of Home Rule to be responsive to our people, to insure wider citizen participation in local government, to promote clear and understandable guidelines for locally elected officials, to encourage continued improvement in public services through intergovernmental cooperation, and to provide the best possible protection for our community health, safety, and welfare, do ordain and establish this Charter for Lincoln Heights, Hamilton County, Ohio. The provisions of this Charter shall apply whether Lincoln Heights is a Village or a City.

**ARTICLE I. INCORPORATION AND POWERS**

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**Section 1.01 INCORPORATION.**

The municipal corporation now existing in the County of Hamilton, State of Ohio, and known as the "Village of Lincoln Heights," and herein after referred to in this Charter as the "Municipality," shall continue to be a municipal corporation with all the privileges and powers pertaining thereto. The Municipality shall have the boundaries that now exist and shall have the authority to change its boundaries by annexation, detachment, and other proceedings authorized by the general laws of the State of Ohio. Territory added to the Municipality shall immediately become subject to the provisions of this Charter.

(Adopted by electorate, May 4, 1993)

**Section 1.02 POWERS.**

The Municipality shall have all powers of local self-government and home rule now or hereafter granted by the Constitution and general laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such lawful manner as the Council shall determine by ordinance or resolution. The general laws of the State of Ohio not inconsistent with the Charter, except those declared inoperable by ordinance of Council, shall have the force and effect of ordinance 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 of Lincoln Heights is now or hereafter entitled under the

Constitution of the State of Ohio.

(Adopted by electorate, May 4, 1993)

### **Section 1.03 FORM OF GOVERNMENT.**

The municipal government provided by this Charter shall be known as the "Council-Manager Government." All legislative powers of the Municipality, except those limitations imposed by the Constitution of the State of Ohio, shall be vested in an elected Council, which shall enact local legislation, adopt budgets, determine general policies and appoint a Manager. The Manager shall see that policies and legislation adopted by the Council are enforced and shall administer the government of the Municipality.

(Adopted by electorate, May 4, 1993)

### **Section 1.04 INTERGOVERNMENTAL RELATIONS.**

The Municipality may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly, or in cooperation by contract or otherwise, with any one or more state or political subdivisions thereof, or the Government of the United States or any agency thereof.

(Adopted by electorate, May 4, 1993)

## **ARTICLE II. THE COUNCIL**

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### **Section 2.01 COMPOSITION.**

There shall be a Council composed of seven members, all of whom shall be elected at large. All elections of council members shall be on a nonpartisan ballot. All council members shall be elected by procedures enumerated in Article V of this Charter.

(Adopted by electorate, May 4, 1993)

### **Section 2.02 QUALIFICATIONS.**

Any qualified resident elector who has been a resident of the Municipality for a continuous period of time not less than one year preceding the election shall be eligible to serve as a member of Council. An Elector, who is not current on all tax filings with the Village, who is delinquent on taxes due the Village or who has been convicted of a felony, treason, or who has been imprisoned for a felony shall not be qualified to serve as a member of Council, or eligible to run for the office of Council member. In addition, an Elector who has been recalled by the voters of Lincoln Heights pursuant to Section 6.01 of the Charter shall not be qualified to serve as a member of Council until a period of five calendar years has passed since the date of the election by which the Elector was recalled. Council members shall not hold any other public office, or any other employment with the Municipality of Lincoln Heights except that of a Notary Public, or a member of the National Guard or a Reserve in the Armed Forces. All members of Council must be willing to accept and receive on going training in laws or other regulations pertaining to Local, County, State, National or Federal affairs.

(Adopted by electorate, November 2, 2010; Amended by electorate November 6, 2018/Legislation 2018-O-7, July 9, 2018)

### **Section 2.03 TERMS OF OFFICE.**

Members of Council shall be elected for four-year overlapping terms. At the first municipal election after the adoption of this Charter, November 2, 1993, each of the four candidates receiving the largest number of votes shall be elected to four-year terms of office, and each of the three candidates receiving the next highest number of votes shall be elected for a two-year term of office. Thereafter, beginning November, 1995, all members of Council shall be elected to a four-year term of office. All Council terms shall begin on the first day of January after the municipal election and Council shall meet on the same date for the purpose of organizing.

(Adopted by electorate, November 4, 1997 / Legislation 97-O-37, July 30, 1997 / 99-O-84, Dec. 27, 1999)

### **Section 2.04 ORGANIZATION OF COUNCIL.**

On the first day of January after the municipal election Council shall meet for purpose of organizing. At this meeting, the elected member shall subscribe to the oath of office set forth in Article IX of this Charter, and shall proceed by majority vote to elect one of its members to serve as Mayor and another as Vice Mayor. Each shall serve a term of two years. This Council shall appoint a Clerk who shall perform duties as prescribed in this Charter or by general law or in ordinance. The Clerk shall serve at the pleasure of Council and as Secretary to the Mayor.

(Adopted by electorate, November 4, 1997 / Legislation: 97-O-37, July 30, 1997 / 99-O-85, Dec. 27, 1999)

### **Section 2.05 GENERAL POWERS AND DUTIES.**

All powers of the Municipality shall be vested in Council, except as otherwise provided by law or this Charter, and the

Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Municipality by law. Among other powers, Council shall have the authority to:

1. Appoint and remove the Manager, and establish and modify his/her salary by ordinance.
2. Establish administrative departments or commissions and define their duties.
3. Adopt a personnel pay plan.
4. Adopt the annual tax budget and manual appropriation ordinance.
5. Adopt and modify the master plan and official map of the Municipality.
6. Inquire into the conduct of any officer or employee in the performance of his/her public duties.
7. Authorize the levying of taxes and issuance of bonds.
8. Employ a CPA to make an audit of the financial affairs of the Municipality whenever such is deemed necessary.
9. Establish zoning regulations.
10. Adopt a subdivision platting ordinance.
11. Enact a comprehensive building code.
12. Provide for the employment of professional services on a consulting basis when deemed necessary.
13. Adopt ordinances and resolutions on any subject within the scope of its powers and to provide penalties for the violation thereof.

(Adopted by electorate, May 4, 1993)

#### **Section 2.06 THE MAYOR.**

As provided in Section 2.04, Council shall elect one of its members to serve as Mayor and another as Vice Mayor.

The Mayor shall preside at Council meetings and shall have no power of veto. He/she is obligated to sign all legislation passed by Council. He/she shall be the ceremonial and representative head of the Municipality, but shall exercise no administrative power except as otherwise provided in the Charter. He/she shall be recognized as the official head of the Municipality for military purposes and by the Courts for the purposes of serving civil process, and Mayor's Court.

He/she shall have judicial authority and other related powers and privileges under the Constitution and General Laws of Ohio.

The Mayor shall perform all other duties prescribed for him/her by ordinance or resolution of Council, not inconsistent with the provisions of this Charter.

The Vice Mayor shall perform the Mayor's duties when the Mayor is absent or incapacitated.

(Adopted by electorate, May 4, 1993)

#### **Section 2.07 THE VICE MAYOR.**

The Vice-Mayor shall exercise all the powers and perform all the duties of the Mayor in case of temporary absence or disability of the Mayor and shall succeed to his/her office in case of its vacancy.

(Adopted by electorate, May 4, 1993)

#### **Section 2.08 STIPEND / EXPENSES.**

The stipend of members of Council shall be per annum, payable monthly regardless of the number of Council meetings held during each month. Council by ordinance shall establish the stipend for the Mayor, Vice Mayor, and members of Council.

The stipend of members of Council, including the Mayor and Vice-Mayor, shall not exceed the following amounts without the approval of the voters:

Mayor	\$5,500.00
Vice-Mayor	\$4,500.00
Councilmember	\$3,500.00

Attendance at regularly scheduled Council Meetings, unless excused in accordance with the Rules of Council, is mandatory for payment of the monthly stipend. Minutes of Council will verify attendance.

Upon prior approval of Council, members shall be reimbursed for expenses incurred in accordance with the Rules of Council, while on Municipal business.

(Adopted by electorate, May 4, 1993 // Revised 9-1-98, 98-O-66)

## **Section 2.09 FORFEITURE OF OFFICE.**

If, at any time, a Council Member lacks any qualification for the office described in this Charter; or if he/she consistently fails to abide by the Rules of Council, he/she shall forfeit his/her office and his/her seat shall be declared vacant by resolution of Council, five members concurring.

(Adopted by electorate, May 4, 1993)

## **Section 2.10 REMOVALS AND VACANCIES.**

The Council shall without delay declare vacant the seat of any member who shall cease to be a resident of the Municipality. Council may also declare vacant the seat of any member who persistently fails to abide by the Rules of Council or who is otherwise guilty of misconduct affecting the performance of his/her duties as a member of Council, but such action shall be taken only upon the concurrence of five members of Council at a regular meeting of the Council after service of notice upon such member of such proposed action at least seventy-two hours in advance of such meeting, at which he/she may present a defense.

Council vacancies shall be filled within sixty days by a vote of a majority of the remaining Council members. If Council fails to fill such vacancy within sixty days, the Mayor shall fill it by appointment. Such person so chosen by Council or the Mayor shall serve it until January 1st, following the next regular municipal Council election.

(Adopted by electorate, May 4, 1993)

## **Section 2.11 COUNCIL PROCEDURES.**

(a) *Meetings.* Council shall meet regularly at least twice in every month except the month of August. Standing Committees of Council shall meet regularly at least once in every month except the month of August. Special meetings may be called by the Mayor or a majority of council members. Whenever practicable, every member shall be given at least 12 hours notice of the Special Meeting. All meetings shall be public, except that Council may recess to a closed session for the purpose of discussing any matter which would tend to defame or prejudice the reputation of any person provided that the subject to be discussed is expressed in the motion calling for such session, and the final action on the subject shall not be taken by Council until the matter is placed on the regular agenda.

(Adopted by electorate, November 4, 1997 / Legislation: 97-O-49 July 30, 1997 / Revised 9-1-98, 98-0-63)

(b) *Quorum.* Five (5) members of Council shall constitute a quorum.

(c) *Public Journal.* Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. The journal shall be a public record kept by the Clerk of Council.

(d) *Ordinances.* Action of Council shall be by ordinance, resolution or motion. Every action of a general and permanent nature or granting a franchise, or levying a tax, or appropriating money, or contracting a debt, or for the purchase, lease, or transfer of public property, or establishing an offense and fixing a penalty therefor shall be taken by ordinance or resolution. All other action may be by motion. Any member of Council may at a regular or special meeting introduce any ordinance, resolution or motion.

Except on procedural motions, voting shall be by roll call and the ayes and nays shall be recorded in the journal. The affirmative votes of at least a majority of the membership shall be required for every action.

Every ordinance shall be fully and distinctly read on three different days, unless each member has previously been furnished a copy thereof, in which case it can be read by title only. By a vote of five (5) members, Council can suspend the rule requiring the reading of an ordinance on three different days.

Except as otherwise provided in the Charter, each ordinance approved by the Council will be effective at the end of thirty days following passage, or such longer period as is determined by the Council. If the Council determines that an ordinance should be passed on an emergency basis, the reasons for declaring such ordinances to be an emergency measure shall be set forth in one section of the ordinance which section shall be passed only upon an aye and nay vote upon a separate roll call with at least five (5) of the members voting affirmatively. No ordinance prescribing rates and charges by a public utility, or granting a franchise, or levying a tax, shall be passed as an emergency measure. An emergency ordinance shall become effective immediately upon passage, or at such later time as it may specify. It shall not automatically stand repealed as of the 90th day following the date of its adoption but this shall not prevent reenactment of the ordinance in the manner prescribed for regular ordinances.

(Adopted by electorate, November 4, 1997)

Every proposed ordinance shall be introduced in writing. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The opening clause of the ordinance shall be: "Be it ordained by the Council of Lincoln Heights, Ohio . . ." Any ordinance, which repeals or amends an existing ordinance or part of the Municipal Administrative Code, shall set out in full the ordinance, sections or subsections to be repealed or amended.

(Adopted by electorate, May 4, 1993)

## **Section 2.12 PUBLICATION.**

The Clerk shall record in a properly indexed book all ordinances and resolutions adopted by Council. Printed copies of all ordinances and resolutions and charter amendments shall be available for public inspection in the office of the Clerk of Council. All legislation must be posted for at least 14 days after adoption in five conspicuous places in the municipality, in accordance with the Rules of Council.

(Adopted by electorate, May 4, 1993)

### **Section 2.13 CODES OF TECHNICAL REGULATIONS.**

The Council may adopt any standard code prepared and published by private or public agencies by reference to the date and source of the code without reproducing the same in full in the ordinance. Copies of such codes shall be kept in the office of the Clerk of Council. Additional copies shall be available for sale, at cost, by the Clerk.

(Adopted by electorate, May 4, 1993)

### **Section 2.14 INVESTIGATION.**

Council may make investigations into municipal affairs and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails to obey a lawful order issued in the exercise of this power shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00 or by imprisonment for not more than 30 days or both. If such person is an employee of the administrative service of the Municipality, such refusal shall be grounds for dismissal.

(Adopted by electorate, May 4, 1993)

### **Section 2.15 TERM LIMITS.**

Commencing January 1, 2015, no person shall hold the office of member of council for a period longer than three consecutive four-year terms. Consecutive terms of service on the council to which members were elected prior to December 1, 2014 shall be counted in determining eligibility for the office of member of council under this Section. In determining the eligibility of an individual to hold the office of member of council in accordance with this article:

- (a) Termed-Limited individuals may not be appointed to complete an unexpired term of a person leaving that same office.
- (b) A person who is elected to the office of member of council in a regular scheduled general election and resigns prior to the completion of the term for which he or she was elected, shall be considered to have served the full term in that office.
- (c) A person who has been appointed to fulfill an unexpired term to which another person was first elected shall be considered to have served the full term in that office.

Should time in office become an issue in determining one's Termed-Limited status, that status may be confirmed by using archived, village, county or any other public records.

Each provision of this section shall be deemed severable from the others, and a finding that a provision is invalid shall not affect the other provisions.

(Adopted by electorate, Nov. 4, 2014)

## **ARTICLE III. ADMINISTRATIVE SERVICE**

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### **Section 3.01 APPOINTMENT OF MANAGER.**

The Council shall appoint, with five (5) members concurring, a Manager for an indefinite term. The Manager shall have the powers and perform the duties set forth in this Charter or by ordinance.

The first Council elected under this Charter shall select a Manager within 90 days of their taking office. In the 90-day interim period, the duties of the Manager described herein shall be exercised by the council member selected as Mayor.

(Adopted by electorate, May 4, 1993)

### **Section 3.02 QUALIFICATIONS.**

The Manager shall be appointed solely on the basis of his/her executive, administrative, urban planning, fiscal and public executive administrative management experience. There will be special preference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth. He/she need not be a resident of the Municipality or State at the time of his/her appointment. He/she may reside outside of the Municipality while in office only with the authorization of the Council.

(Adopted by electorate, May 4, 1993)

### **Section 3.03 POWERS AND DUTIES OF THE MANAGER.**

The Manager shall be the Chief Administrative Officer of the Municipality. He/she shall be responsible to the Council for

the administration of all Municipal affairs placed in his/her charge by or under this Charter. He/she shall have the following powers and duties:

1. Shall appoint and, when deemed it necessary for the good of the service, suspend or remove any municipal employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided in this Charter, or personnel rules adopted pursuant to this Charter. He/she may authorize an administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
2. Shall direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter or law.
3. Shall attend all Council meetings and shall have the right to participate in discussions but may not vote.
4. Shall see that all laws, provisions of this Charter and acts of the Council subject to enforcement by him/her, or by officers subject to his/her direction and supervision are faithfully executed.
5. Shall prepare and submit the annual budget and capital program to the Council.
6. Shall submit to Council and make available to the public a complete report on the finances and administrative activities of the Municipality at the end of each fiscal year, within not more than 45 days after the closing of such fiscal year.
7. Shall make monthly financial reports and such other reports, as Council shall require concerning the operation of municipal departments, offices, and agencies subject to his/her direction and supervision.
8. Shall keep Council fully advised as to the financial condition and future needs of the Municipality, and shall make such recommendations to the Council concerning the affairs of the Municipality as he/she deems desirable.
9. Shall perform such other duties as are specified in this Charter or may be required by Council.
10. The Manager may be required to attend meetings of Municipal Boards and Commissions and may attend all other such meetings, as he/she deems necessary.

(Adopted by electorate, May 4, 1993)

#### **Section 3.04 PROHIBITIONS.**

The Manager, in exercising his/her appointment powers, is prohibited from appointing his/her family relation to the position of Department Head. For the purpose of this Section, "family relation" is defined as wife, husband, son, daughter, niece, nephew, first cousin, mother, father, sister, brother, aunt, uncle, and in-laws."

The Manager is prohibited from participating in any personal gain activities with the Municipality through individual or partnership for a period of five (5) years from date of separation.

(Adopted by electorate, May 4, 1993)

#### **Section 3.05 REMOVAL.**

The Council may remove the Manager from office in accordance with the following procedures:

1. If necessary or convenient, Council may suspend the Manager with pay pending any investigation Council might determine to be necessary.
2. The Council may, by majority vote of its members, regardless of whether there has been an investigation, adopt a resolution of intent which shall state the reasons for removal and may suspend the Manager from duty with or without pay for a period not to exceed thirty (30) days. A copy of the resolution shall be delivered to the Manager by the Law Director and/or Clerk of Council.
3. Within five (5) days after a copy of the resolution is delivered to the Manager, the Manager may file with the Clerk of Council a written request for a public hearing. This hearing shall be held at a regular or special Council meeting not earlier than ten (10) days nor later than twenty (20) days after the request is filed. The date of the public hearing shall be set by the Mayor. The only notice required shall be that notice required for a Special Council Meeting. The Manager may file with the Clerk of Council a written reply to the resolution of intent, not later than five (5) days before the hearing.
4. The Council may adopt a final resolution of removal, which may be made effective immediately, by a vote of a majority of its members at any time after five (5) days from the date when a copy of the resolution of intent was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing if the Manager has requested one.
5. The decision of the Council to suspend or remove the Manager shall be in the sole discretion of the Council.
6. If the Manager is suspended from duty, the Council shall appoint, by vote of a majority of its members, an acting Manager until the Manager is restored to duty or until Council shall appoint a person to the position of Manager as provided for under this Charter. The Acting Manager so appointed shall exercise all powers, duties, and functions of the Manager under this Charter.

(Adopted by electorate, May 4, 1993)

### **Section 3.06 ABSENCE OR DISABILITY.**

By letter filed with the Municipal Clerk, the Manager shall designate, subject to the approval of a majority of the Council, a qualified Municipal administrative officer to exercise the powers and perform the duties of Manager during his/her temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer to serve until the Manager shall return or his/her disability shall cease.

(Adopted by electorate, May 4, 1993)

### **Section 3.07 ADMINISTRATIVE DEPARTMENTS.**

Council shall have the power to create after consultation with the Manager any departments as may become necessary. Each department shall be headed by a person appointed by the Manager. The Manager may appoint the same person as head of more than one department. The Manager may serve as Director of one or more departments, except that of Legal Services, if approved by Council.

(Adopted by electorate, May 4, 1993)

### **Section 3.08 INTERFERENCE BY COUNCIL.**

Neither Council, its committees or members, nor the Mayor, shall direct or request the Manager to make the appointment of any person to, or suspension or removal from, office or employment by the Manager, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the service of the Municipality. Council, its committees and members shall deal with that portion of the service of the Municipality for which the Manager is responsible solely through the Manager, and neither Council nor its committees or members, shall give any orders to any subordinate in office. Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of the affairs of the Municipality, and may, in the exercise of such power, compel or authorize one of its committees to compel the attendance and testimony of witnesses and the production of books, records, papers, and other evidence under penalty of law.

(Adopted by electorate, May 4, 1993)

### **Section 3.09 ADMINISTRATIVE CODE.**

Subject to the provisions of this Charter and after consultation with the Manager, the Council shall adopt an Administrative Code, which shall provide in detail the organization of the government, define the powers and duties of each municipal agency, and determine the administrative procedures to be followed. Amendments to and revisions of the Administrative Code shall be made by the Council only after consultation with the Manager. Provisions of the Administrative Code shall supersede those of the State law in case of conflict.

(Adopted by electorate, May 4, 1993)

### **Section 3.10 DIRECTOR OF LEGAL SERVICES.**

The Director of Legal Services shall be an attorney licensed to practice law in the State of Ohio. He/she shall perform such duties as may be assigned to the office of Municipal Solicitor by general law as well as those imposed by the Administrative Code and this Charter. The Director shall be appointed by the Manager with the approval of Council.

(Adopted by electorate, May 4, 1993)

### **Section 3.11 CHIEF OF POLICE**

The Chief of Police shall be appointed by the Manager with the approval of Council. The Chief of Police shall be a member of the Administrative Service under the supervision and control of the Village Manager pursuant to Section 3.03 of the Charter.

(Adopted by electorate, May 4, 1993 / Revised 2-9-98, 98-O-6)

## **ARTICLE IV. FINANCIAL PROCEDURES**

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### **Section 4.01 FISCAL YEAR.**

The fiscal year of the Municipality shall begin on the first day of January and shall end on the last day of December.

(Adopted by electorate, May 4, 1993)

### **Section 4.02 ANNUAL TAX BUDGET.**

On or before the first day of June of each year, the Manager shall submit to the Council a budget for the ensuing fiscal year, and an accompanying message. For that purpose, at such time as he shall determine, he shall obtain from the head of each department or agency of the Village, plans for the work to be undertaken by such department during the next fiscal

year, together with estimates for the cost of performing such work. The Director of Finance or chief fiscal officer, shall supply the Manager with estimates of available revenue. From this data, the Manager shall prepare the consolidated estimates for the annual tax budget.

(Adopted by electorate, May 4, 1993)

#### **Section 4.03 BUDGET MESSAGE.**

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies for the ensuing year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the Municipality's debt position and include such materials as the Manager deems desirable.

(Adopted by electorate, May 4, 1993)

#### **Section 4.04 GENERAL PROVISIONS: BUDGET.**

The budget shall provide a complete financial plan for all municipal funds and activities for the ensuing fiscal year, and except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditures classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year or years. It shall indicate in separate sections.

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure; and

(3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Municipality and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached appendices to the budget. The total proposed expenditures shall not exceed the total estimated income.

(Adopted by electorate, May 4, 1993)

#### **Section 4.05 COUNCIL ACTION ON BUDGET.**

(a) *Notice of Hearings.* The Council shall publish in one of general circulation, the general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public; and
2. The time and place, not less than two weeks after such publication for a public hearing on the budget.

(b) *Amendment Before Adoption.* After the public hearing, the Council may adopt the budget with or without amendments. In amending the budget, it may add or increase programs or amounts and except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

(c) *Adoption.* The Council shall adopt the budget on or before the 15th day of July of the fiscal year currently ending, as provided in R.C. § 5705.28. The Director of Finance shall transmit the budget so adopted to the, County Budget Commission in the form required by law, on or before the 20th day of July, or at such later time as is prescribed by the Board of Tax Appeals.

(Adopted by electorate, May 4, 1993)

#### **Section 4.06 CAPITAL IMPROVEMENTS PROGRAMS.**

(a) *Submission to Council.* The Manager shall prepare and submit to the Council a five-year capital improvements program at least three months prior to the final date for submission of the budget.

(b) *Contents.* The capital program shall include:

1. A clear summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in

process of construction or acquisition.

(Adopted by electorate, May 4, 1993)

#### **Section 4.07 COUNCIL ACTION ON CAPITAL PROGRAM.**

(a) *Notice of Hearing.* The Council shall publish in one or more newspapers, the general summary of the capital program and notice stating:

1. The times and places where copies of the capital program are available for inspection by the public; and
2. The time and place, not less than two weeks after such publication, for public hearing on the capital program.

(b) *Adoption.* The Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the 1st day of March of the current fiscal year.

(Adopted by electorate, May 4, 1993)

#### **Section 4.08 PUBLIC RECORDS.**

Copies of the budget and the capital improvements program as adopted shall be public records and shall be made available to the public at suitable places in the Municipality.

(Adopted by electorate, May 4, 1993)

#### **Section 4.09 APPROPRIATION ORDINANCE.**

On or before the 15th day of November of the fiscal year, the Manager shall prepare and submit to Council an appropriation ordinance containing a financial plan for conducting the affairs of the Municipality during the ensuing fiscal or calendar year. Council shall specify the form of and the information to be contained in the Appropriation ordinance, as required by the Bureau of Inspection and Supervision of Public Offices. The appropriation ordinance shall be based on the Annual Tax Budget as certified and/or revised by the County Budget Commission.

(a) *Adoption.* Council shall adopt a temporary appropriation ordinance on or before the 31st of December of the fiscal year currently ending. The ordinance shall be passed with five members concurring, at a single reading, and shall become effective upon its adoption.

(b) *Permanent Appropriation Ordinance.* If Council fails to adopt a temporary appropriation ordinance by December 31 of the current year, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly. But no later than the first day of April of the current year, a permanent appropriation ordinance shall be adopted. Council shall provide for a public hearing upon such permanent appropriation ordinance, and may amend such ordinance at any time. Adoption of an appropriation ordinance shall constitute appropriations of the amount specified therein as expenditures from the funds indicated.

(Adopted by electorate, November 4, 1997 / Legislation 97-0-40, July 30, 1997)

#### **Section 4.10 AMENDMENTS AFTER ADOPTION.**

(a) *Supplemental Appropriations.* If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) *Emergency Appropriations.* To meet a public emergency affecting life, safety, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance 'in accordance with the provisions of Article B. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) *Reduction in Appropriations.* If at any time during the fiscal year it appears probable to the Manager that the revenue available will be insufficient to meet the amount appropriated, he/she shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her and his/her recommendations as to any other steps that may be/should be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) *Transfer of Appropriations.* At any time during the fiscal year, the Manager may transfer part of or all of any unencumbered appropriation balance among programs within a department, office or agency. He may request Council to transfer by ordinance part or all of any unencumbered appropriation balance from one department, office or agency to another. The request for transfer of appropriations from one department, office or agency to another shall be submitted in writing to Council for action prior to such transfer.

(e) *Limitations: Effective Date.* No appropriation for debt service may be reduced by transfer, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this article may be made effective immediately upon adoption.

(Adopted by electorate, May 4, 1993)

#### **Section 4.11 LAPSE OF APPROPRIATIONS.**

Every appropriation except an appropriation for capital expenditure shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

(Adopted by electorate, May 4, 1993)

#### **Section 4.12 ADMINISTRATION OF THE BUDGET.**

(a) *Work Programs and Allotments.* At such time as the Manager shall specify, each department, officer or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He/she may revise such allotments during the year if he/she deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 4.10.

(b) *Payments and Obligations Prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.

Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made, illegal; such action shall be cause for removal of any officer who knowingly authorized or makes such payment or incurred such obligation, and he/she shall also be liable to the Municipality for any amount so paid.

However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(Adopted by electorate, May 4, 1993)

#### **Section 4.13 BONDED INDEBTEDNESS.**

Council may borrow for any purpose valid under the Constitution of the State of Ohio, and in accordance with the applicable statutory provisions.

(Adopted by electorate, May 4, 1993)

#### **Section 4.14 TAX LEVY.**

Council shall not have authority or power to levy any tax on real or personal property without a vote of the people except as may be provided by the provisions of this Charter, the Constitution, and general laws of the State of Ohio.

(Adopted by electorate, May 4, 1993)

#### **Section 4.15 EARNING TAX.**

No tax upon the earnings or income of any person, business, or corporation within majority of electors the Municipality shall be levied without the approval of a voting thereon. Taxpayers residing in Lincoln Heights who are 65 years of age or older during the taxable year shall receive a tax credit of \$50.00, or such amount as shall be allowed in the computation of Ohio State Income Tax Liability.

(Adopted by electorate, May 4, 1993)

#### **Section 4.16 FEES.**

All fees received by any officer or employee of the Municipality in connection with his/her employment with the Municipality shall be accounted for and paid into the municipal treasury.

(Adopted by electorate, May 4, 1993)

#### **Section 4.17 INVESTMENT OF FUNDS.**

The Manager, with authorization of the Investment Board, may direct investments of any surplus, reserve, or inactive funds into such investments as are permitted by the general laws of Ohio. Such investments shall be supervised by the Investment Board consisting of the Manager, Director of Finance, and three (3) members of Council. Each council member's term or said Board shall expire on the date of expiration of his/her term as council member.

(Adopted by electorate, May 4, 1993)

## **ARTICLE V. NOMINATIONS AND ELECTIONS**

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### **Section 5.01 MUNICIPAL ELECTIONS.**

The regular municipal election for council members shall be held in odd-numbered years on the first Tuesday after the first Monday of November.

(Adopted by electorate, May 4, 1993)

### **Section 5.02 QUALIFIED VOTERS.**

All citizens qualified by the Constitution and laws of the State of Ohio to vote in the Municipality and who satisfy the requirements for registration prescribed by law shall be qualified voters of the Municipality within the meaning of this Charter.

(Adopted by electorate, May 4, 1993)

### **Section 5.03 NOMINATIONS.**

There shall be no primary election for Municipal offices. Nominations for the office of Council Member shall be made by petition only in the standard forms for the nomination of non-partisan candidates for such offices filed with the Hamilton County Board of Elections at least 90 days before the day of the election. Candidates for Council shall file petitions containing the signatures of no less than 25 voters.

(Adopted by electorate, May 4, 1993; Amended by electorate November 6, 2018/Legislation 2018-O-6, July 9, 2018)

### **Section 5.04 SPONSOR'S ACCEPTANCE.**

Each candidate may have a sponsoring committee of five (5)-qualified voters, (The Committee) whose names and addresses shall appear on each copy of the candidate's petition. Each candidate shall file a separate petition. The signature of the candidate indicating his/her acceptance of the nomination and willingness to accept office 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 of that particular petition. All parts shall be assembled by the sponsoring Committee prior to submission to the Board of Elections.

(Adopted by electorate, May 4, 1993)

### **Section 5.05 BALLOTS.**

Candidate's names shall be printed on the official ballot without party designation. If two candidates with the same surname or with names similar enough to cause confusion are nominated, their residence addresses shall be printed below their names.

(Adopted by electorate, May 4, 1993)

### **Section 5.06 WATCHERS AND CHALLENGERS.**

At each municipal election, each regularly nominated candidate shall be entitled on written application to the Board of Elections at least eleven days prior to the election, to appoint one person and one alternate to represent him/her as a watcher and challenger at each polling place during the casting and counting of ballots, and one person and one alternate to represent him/her as watcher and challenger during the canvas[s] of votes at the Board of Elections

(Adopted by electorate, May 4, 1993)

### **Section 5.07 PLURALITY FOR ELECTION.**

A simple plurality of valid votes cast shall be sufficient to elect.

(Adopted by electorate, May 4, 1993)

### **Section 5.08 STATEMENT OF CAMPAIGN EXPENSES.**

Each successful and unsuccessful candidate shall file a statement of receipts and expenditures on behalf of his/her campaign required by law with the Board of Elections of Hamilton County, and with the Clerk of the Municipality in accordance with the requirements of the Hamilton County Board of Elections. Such statement shall be filed under oath, and shall be a public record. Failure to file such statement with the Clerk shall disqualify a successful candidate from receiving the oath of office.

(Adopted by electorate, May 4, 1993)

## **ARTICLE VI. RECALL**

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### **Section 6.01 RECALL.**

The voters of Lincoln Heights shall have the power to recall and remove from office any member of Council before the expiration of his/her office. A recall may be started by the filing with the Clerk of Council a petition signed by qualified voters equal in number to 25 percent of those who cast ballots in the preceding municipal election, requesting that a Council member, named in the petition, be removed from office. Such petition shall contain a specific statement of not less than twenty-five words and not more than two hundred words of the particular grounds upon which the removal of such person is sought. Provided, however, that the question of the removal of any Council member from office shall not be submitted to the voters until such Council member has served for at least one year of the term during which he/she is sought to be recalled.

If the Clerk, finds the petition sufficient, he/she shall certify it to the Board of Elections of Hamilton County, to be placed on the ballot at the next succeeding, municipal, or general election occurring not less than ninety days thereafter, the Question: "Shall (name of Councilperson) be recalled from office in the Municipality of Lincoln Heights? Yes\_\_\_ No\_\_\_."

If, at the election, a majority of the votes cast on the question shall be in favor of recall, the official shall forthwith retire from office, and the resulting vacancy filled in a manner prescribed in this Charter; provided however, no member of Council who has been recalled pursuant to Article VI of this Charter shall be eligible for reappointment to any seat in Council during the same term of the Council member office from which he has been recalled.

(Adopted by electorate, November 4, 1997 / Legislation 97-0-41, July 30, 1997; Amended by electorate, November 4, 2008/Legislation 2008-O-24, July 7, 2008)

### **Section 6.02 FORM OF PETITIONS.**

All petition papers circulated for the purpose of recall shall be uniform in size and style. To each petition paper there shall be attached an affidavit of the circulator that he/she personally circulated the petition, that it bears a stated number of signatures, that each signature was affixed in his/her presence, and that he/she believes them to be the genuine signatures of the persons whose names they purport to be. Each signature shall be in ink or indelible pencil. Each signer shall insert after his/her name his/her place of residence and date of signing. There shall appear on each copy of the petition the names and addresses of five voters who, as a Committee of the Petitioners shall be regarded as responsible to the Municipality for the circulation and filing of the petition. This committee shall file a copy of the petition with the Clerk before any signatures are obtained.

(Adopted by electorate, May 4, 1993)

### **Section 6.03 FILING AND EXAMINATION OF PETITIONS.**

All separate papers comprising a recall petition shall be assembled and filed with the Clerk as a single instrument. Within twenty (20) days thereafter, the Clerk shall examine the petitions and determine their validity and sufficiency, and report to Council.

(Adopted by electorate, May 4, 1993)

### **Section 6.04 AMENDMENT OF PETITIONS.**

In case any petition is found to be insufficient, the Clerk shall notify the committee of the petitioners and the petition may be amended within ten (10) days after the date of such notice. The Clerk shall, within five (5) days after such an amendment has been filed, reexamine the petition, and if it is still insufficient, the petition shall be rejected and no further action taken thereon.

(Adopted by electorate, May 4, 1993)

## **ARTICLE VII. INITIATIVE AND REFERENDUM**

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### **Section 7.01 INITIATIVE.**

The initiative powers are reserved by this Charter to the people of the Municipality of Lincoln Heights. Such powers shall be exercised in the manner provided by the Constitution and laws of the State of Ohio, except that all documents, which according to the laws of the State are to be filed with the Auditor, shall be filed with the Clerk of the Municipality.

(Adopted by electorate, May 4, 1993)

### **Section 7.02 REFERENDUM.**

The powers of referendum are hereby reserved to the people on all questions which the Council is authorized to control by legislative action with the exception of the following.

1. Ordinances making or transferring the annual appropriation, or amendments thereto.
2. Measures providing for the discharge of any obligation legally due from the Municipal.
3. Measures directing the performance of any official duty.
4. Repealing measures passed by Council pursuant to a referendum petition.

5. Measures relating to any public improvements subsequent to the ordinances determining to proceed.

The powers of referendum shall be exercised in a manner provided by the Constitution and laws of the State of Ohio, except that all documents, which according to the laws of the State are to be filed with the Auditor, shall be filed with the Clerk of the Municipality.

(Adopted by electorate, May 4, 1993)

## **ARTICLE VIII. PERSONNEL MERIT SYSTEM**

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### **Section 8.01 MERIT PRINCIPLE.**

Appointments and promotions in municipal service shall be made according to merit, to be determined, as far as practicable, by competitive examination.

(Adopted by electorate, May 4, 1993)

### **Section 8.02 EXEMPT POSITIONS.**

All positions in the municipal service shall be filled as stated in Section 8.01, except the following:

- (a) Members of the Council
- (b) Members of Boards and Commissions
- (c) Manager
- (d) Department Heads
- (e) Clerk of Council
- (f) Secretary to the Manager
- (g) Chief of Police
- (h) Fire Chief
- (i) Temporary Employees of exceptional professional or scientific qualifications engaged as consultants for limited periods of times. Seasonal and part-time employees.

(Adopted by electorate, May 4, 1993)

### **Section 8.03 PERSONNEL.**

The Manager shall be responsible for the performance of the following duties, whether by him/herself or designee:

- 1. Supervise the recruitment of qualified persons for positions;
- 2. Conduct examinations or cooperate with other merit system agencies with regard to any phase of examination;
- 3. Create lists of eligible persons from examination results;
- 4. Certify eligible persons to appointing authorities for appointment or promotion;
- 5. Establish a job classification plan;
- 6. Develop conduct, provide/and or make available information and actual training programs for all employees including Council.
- 7. Act as secretary to the Personnel Advisory and Appeal Board;
- 8. Ensure that all employees (exempt and non-exempt) are evaluated not less than 120 days after appointment of the Manager. Thereafter, evaluations will be conducted pursuant to the Personnel Policies and Procedures.
- 9. Perform other such personnel related duties may be designated in the Administrative Code or Personnel Policies Procedures.

(Adopted by electorate, May 4, 1993)

### **Section 8.04 CLASSIFICATION OF PERSONNEL.**

All persons appointed by Council or the Manager, who direct the functions of government shall be classified as Officials. Other members of the paid work force shall be classified as Employees.

An employee holding a municipal position at the time the merit system takes effect, who was serving in the same or a comparable position at the time, shall not be subject to competitive tests as a condition of continuing employment in the

same position, but in all other respects shall be subject to the merit system provided for in this section.

(Adopted by electorate, May 4, 1993)

#### **Section 8.05 PERSONNEL ADVISORY AND APPEALS BOARD.**

There shall be a Personnel Appeals Board consisting of three (3) members appointed by Council for overlapping terms of three (3) years, except that the members first selected shall be appointed for such terms that the term of one (1) member shall expire annually thereafter. Each member of the Board shall be and remain a qualified elector of the Municipality and shall neither hold nor be a candidate for any public office or be a Municipal officer. Its members shall serve without compensation. The Manager shall provide clerical assistance to the Board.

(Adopted by electorate, May 4, 1993)

#### **Section 8.06 DUTIES OF THE PERSONNEL ADVISORY AND APPEALS BOARD.**

The Personnel Appeals Board shall hear appeals upon request of any employee in the non- exempt or exempt service, except for those identified in Sections 8.02(a), (b), (c), (e), (f) and (i), who feels aggrieved by an action of the Manager or his/her designated personnel officer, or by any department director. Actions subject to appeal include but are not limited to: (1) suspension without pay for more than three (3) work days, (2) demotion in job classification, or (3) dismissal. The Board shall also have authority to subpoena witnesses, and to require the production of records. For that purpose, Council, by ordinance, shall prescribe the process of citing witnesses, administering oaths and producing evidence, and its enforcement through the Department of Law. The judgment of the Personnel Appeals Board shall, for the purposes of the Municipality, be final.

(Adopted by electorate, May 4, 1993; Amended by electorate, November 3, 2015/Legislation 2015-O-8, July 30, 2015)

#### **Section 8.07 PERSONNEL ADVISORY AND APPEAL PROCEDURE.**

Any employee identified in Section 8.06 of the Charter, who has passed his/her probationary period may appeal to the Board under the rules set forth by the Board. Actions subject to appeal include but are not limited to: 1) suspension without pay for more than three (3) work days, 2) demotion in job classification, or 3) dismissal. Such employee shall have 10 calendar days from the effective date of the disciplinary action to file an appeal with the Personnel Advisory and Appeals Board. The Board shall hear the appeal within 30 calendar days of the date on which the appeal is filed and shall render a judgment either to affirm, reverse or modify the disciplinary action within 90 calendar days of said hearing. Such judgment shall be final. In the appeal process, the Board shall have the power to subpoena witnesses and require production of records.

(Adopted by electorate, May 4, 1993; Amended by electorate, November 3, 2015/Legislation 2015-O-9, July 30, 2015)

#### **Section 8.08 RULES OF THE MANAGER.**

The Manager shall prepare a Personnel Policy outlining rules and regulations necessary to carry out a system of merit employment. Upon approval by Council, the rules shall be incorporated into the Administrative Code and shall have the force and affect of law. Amendments may be made by the same procedure as they are deemed necessary.

(Adopted by electorate, May 4, 1993)

#### **Section 8.09 TRANSITION.**

Until such time as the Personnel Policy is adopted under this Charter, the present Civil Service laws, and the Municipality's existing personnel policy will remain in effect.

(Adopted by electorate, May 4, 1993)

## **ARTICLE IX. GENERAL PROVISIONS**

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#### **Section 9.01 OATH OF OFFICE.**

Every officer and employee of the Municipality shall, before entering his/her duties, take and subscribe to the following oath to be filed with the Clerk:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof, and that I will, in all respects, observe the provisions of the Charter and ordinances of the Municipality of Lincoln Heights and will faithfully discharge the duties of upon which I am about to enter."

(Adopted by electorate, May 4, 1993)

#### **Section 9.02 OFFICIAL BONDS.**

All officers and employees of the Municipality whose duties require them to handle or be concerned with the management of its money or other property shall furnish to the Clerk a corporate surety bond issued by a company authorized to do

business in Ohio, to protect the Municipality against loss due to their acts. The amount of such bond shall, in each case, be determined by the Council. The premiums of such bonds shall be paid from the funds of the Municipality. All such bonds shall be filed with the Clerk of Council.

(Adopted by electorate, May 4, 1993)

### **Section 9.03 AMENDMENTS TO CHARTER.**

It is the desire of the people of Lincoln Heights that this Charter be flexible and be able to meet changing conditions as the Municipality grows and develops. Amendments to this Charter may be made in the manner outlined in Article XVIII, Section 9 of the Ohio Constitution; that is a proposed amendment may be placed on the ballot by a two-thirds vote of Council or by a petition signed by 10% of the qualified voters at the last preceding municipal election.

(Adopted by electorate, May 4, 1993)

### **Section 9.04 CHARTER REVISION COMMITTEE.**

There shall be a Charter Revision Committee which shall consist of three members who are electors of the Municipality, appointed by the Mayor with the concurrence of Council for staggered five-year terms. At the time of the first appointment under this Charter, two members shall be appointed for five-year terms and one member shall be appointed for a three-year term. Thereafter, all appointments shall be for five years. Members shall serve without compensation. The Committee shall adopt such rules, as it deems necessary for the performance of its function. The Committee shall periodically review the Charter and make written reports to Council recommending amendments to the Charter to be submitted to the voters.

(Adopted by electorate, May 4, 1993 / revised 9-1-98, 98-O-64)

### **Section 9.05 SEVERABILITY.**

If any provisions of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter.

(Adopted by electorate, May 4, 1993)

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## **ARTICLE X. TRANSITION PROVISION**

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### **Section 10.01 WHEN CHARTER TAKES EFFECT.**

This Charter shall be presented to the electors and voted upon at a primary election to be held on May 4, 1993. If approved by the voters, it shall go into effect immediately upon certification of its adoption by the Board of Elections of Hamilton County for purposes of authorizing the election of a Council under this Charter at the general election in November 4, 1993. For all other purposes, this Charter shall go into effect on January 1, 1994.

(Adopted by electorate, May 4, 1993)

### **Section 10.02 EFFECT OF PRESENT ORDINANCES.**

All ordinances of the Municipality of Lincoln Heights in effect at the time of the adoption of this Charter shall remain in effect except as superseded by the provisions of this Charter, until amended or repealed.

(Adopted by electorate, May 4, 1993)

### **Section 10.03 EFFECT ON PRESENT OFFICIALS.**

The existing elective offices of Mayor, Vice Mayor, Village Clerk, Treasurer and all other offices held under the statutory form of government are hereby abolished by this Charter effective December 31, 1993. The term of council members and other elected municipal officials elected prior to the election to be held on November 2, 1993, shall cease and terminate on December 31, 1993, at which time the first Council elected under this Charter shall take office and this Charter shall go into effect for all municipal purposes.

(Adopted by electorate, May 4, 1993)

### **Section 10.04 EFFECT ON PRESENT BOARDS AND COMMISSIONS.**

All positions on boards and commissions in existence in the Municipality prior to the adoption of this Charter shall be vacated on December 31, 1993.

(Adopted by electorate, May 4, 1993)

### **Section 10.05 EFFECT ON MUNICIPAL EMPLOYEES.**

All persons, except those designated in Section 10.03, holding employment at the time this Charter takes effect shall continue in the performance of their duties until provisions shall have been made, in conformance with this Charter for the

performance of such duties by a successor, or the employment is abolished.

(Adopted by electorate, May 4, 1993)

#### **Section 10.06 PROVISION FOR TRANSITIONAL ELECTION.**

For the purpose of bringing about a timely transition to the form of government prescribed in this Charter, the first council members shall be elected on November 2, 1993. Their terms shall be staggered with the four persons receiving the highest number of votes serving a term of four years and the three receiving the next highest number of votes serving a term of two years.

(Adopted by electorate, May 4, 1993)

#### **Section 10.07 TRANSFER OF RECORDS AND PROPERTY.**

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

(Adopted by electorate, May 4, 1993)

#### **Section 10.08 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.**

All contracts entered into by the Municipality 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.

(Adopted by electorate, May 4, 1993)

#### **Section 10.09 PENDING ACTIONS AND PROCEEDINGS.**

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

(Adopted by electorate, May 4, 1993)

## **ARTICLE XI. BOARDS AND COMMISSIONS**

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#### **Section 11.01 ADVISORY BOARDS/COMMISSIONS.**

The Council shall appoint the following advisory boards/commissions and such others as deemed desirable. However, no such advisory boards/commissions shall have the power of appointment of municipal employees. Members of all boards/commissions shall serve without compensation. These Boards/Commissions shall serve in an advisory capacity to the Council and will serve in accordance with ordinances thereof. The health, welfare, education and safety of the citizens of the Village of Lincoln Heights shall be of the highest priority to the members of the Boards/Commissions and all citizens of the Municipality shall be afforded access to these Boards/Commissions.

(Adopted by electorate, May 4, 1993)

#### **Section 11.02 PLANNING COMMISSION.**

There shall be a Planning Commission of five members appointed by the Mayor with the approval of Council. They shall be electors of the Municipality. They shall serve for four year staggered terms. At the time of the first appointment under this Charter, three members will be appointed for 4-year terms and two will be appointed for 2-year terms. Members shall serve without compensation. The Planning Commission shall be an advisory body to the Manager/Council in the areas of planning, zoning and urban development. The Planning Commission shall perform such duties as prescribed by this Charter, the Administrative Code, ordinances of the Municipality or State law. Administrative staff assistance is to be provided for the Commission under the direction of the Manager.

(Adopted by electorate, May 4, 1993)

#### **Section 11.03 RECREATION COMMISSION.**

There shall be a Recreation Commission of five members appointed by the Council. They shall be electors of the Municipality and shall serve for four year staggered terms. At the time of the first appointment under this Charter, three members shall be appointed for four year terms. The Recreation Commission shall act as an advisory body to the Manager/Council in the areas of maintenance and operation of playgrounds and recreational facilities and programs for the Municipality. They shall also perform such duties as outlined in the Administrative Code or other municipal ordinances. Administrative staff assistance is to be provided, when needed, through the Manager.

(Adopted by electorate, May 4, 1993)

#### **Section 11.04 ZONING BOARD OF APPEALS.**

There is hereby established by Council a Zoning Board of Appeals consisting of three members. The Council shall appoint members of said Board. Each member shall have knowledge of zoning laws and building structures. All rules, regulations, procedures, requirements necessary for the operations of said Board shall be established by ordinance. The Zoning Board of Appeals shall hear appeals of persons or companies affected by the decision of the building inspector and/or zoning regulations.

(Adopted by electorate, May 4, 1993 / Revised 9-1-98, 98-O-65)

#### **Section 11.05 HOUSING BOARD OF APPEALS.**

Council shall establish a Housing Board of Appeals. Members of said Board shall be appointed by the Mayor with approval of Council. All rules, regulations and requirements necessary for the operations of said Board shall be established by ordinance. Housing Board of Appeals shall hear appeals of persons or companies affected by the decision of the building inspector.

(Adopted by electorate, May 4, 1993)

#### **Section 11.06 TAX BOARD OF REVIEW.**

The Council shall create and establish a Tax Board of Review and the membership of the Board shall be appointed by the Mayor with approval of Council. All rules, regulations, procedures, and requirements necessary for the operations of said Board shall be established by ordinance.

(Adopted by electorate, May 4, 1993)

#### **Section 11.07 PUBLIC IMPROVEMENTS COMMISSION.**

Section 11.07 is hereby repealed and the Public Improvements Commission abolished.

(Adopted by electorate, May 4, 1993 / Revised 9-1-98, 98-O-62)

#### **Section 11.08 EDUCATION COMMISSION.**

There shall be an Education Commission consisting of five (5) Lincoln Heights citizens, appointed by the Council. At the time of the first appointment under this Charter, three (3) members will be appointed for four (4) year terms, and two (2) will be appointed for two-year terms. Thereafter all appointments will be for four (4) years. Membership shall consist of two high school-aged students and three adults. All rules, regulations, procedures, requirements necessary for the operation of said Commission shall be prescribed by ordinance.

(Adopted by electorate, May 4, 1993)

#### **Section 11.09 VACANCIES ON ADVISORY BOARDS AND COMMISSIONS.**

Council shall fill any vacancies which occur on the foregoing Advisory Boards and Commissions within 30 calendar days of receiving notice of said vacancy. Provided, however, if notice of said vacancy is received between July 15 and August 31, Council shall fill said vacancy within 60 calendar days.

(Adopted by electorate, November 3, 2015/Legislation 2015-O-10, July 30, 2015)