

CHARTER
OF
SUNBURY, OHIO



TABLE OF CONTENTS

	<u>Page No.</u>
PREAMBLE.....	1
ARTICLE I - NAME, BOUNDARIES, AND FORM OF GOVERNMENT.....	1
1.01 Name.....	1
1.02 Boundaries.....	1
1.03 Form of Government.....	1
ARTICLE II – POWERS.....	2
2.01 General Powers Granted.....	2
2.02 Exercise of Powers.....	2
2.03 Construction of Powers.....	2
2.04 Cooperative Authority.....	2
ARTICLE III - COUNCIL.....	3
3.01 Powers of Council.....	3
3.02 Composition, Term and Qualifications.....	4
3.03 President of Council.....	4
3.04 President Pro Tempore of Council.....	4
3.05 Clerk of Council.....	5
3.06 Council Meetings.....	5
3.07 Council Organization and Rules.....	6
3.08 Salaries of Elected Officials.....	6
3.09 Council Vacancies.....	6
3.10 Forfeiture of Office.....	6
ARTICLE IV – LEGISLATIVE PROCEDURE.....	8
4.01 Form of Action by Council.....	8
4.02 Introduction of Ordinances and Resolutions.....	8
4.03 Form of Ordinances and Resolutions.....	8
4.04 Reading Ordinances and Resolutions.....	8
4.05 Procedure for Consideration of Legislation.....	8
4.06 Vote Required for Passage.....	9
4.07 Effective Date of Legislation.....	9
4.08 Emergency Ordinances.....	9
4.09 Authentication of Legislation.....	9
4.10 Recording and Certification of Legislation.....	10
4.11 Amendment of Legislation.....	10
4.12 Zoning Ordinances.....	10
4.13 Adoption of Technical Codes.....	10
4.14 Codification.....	11
4.15 Publication of Legislation.....	11

ARTICLE V – MAYOR.....	12
5.01 General Powers and Duties.....	12
5.02 Term and Qualifications.....	12
5.03 Acting Mayor.....	13
5.04 Mayoral Vacancy.....	13
ARTICLE VI – ADMINISTRATOR.....	14
6.01 General Powers and Duties.....	14
6.02 Appointment, Qualifications, and Compensation.....	15
6.03 Administration of Employees.....	15
6.04 Acting Administrator.....	15
6.05 Procedure for Removal of the Administrator.....	15
ARTICLE VII – ADMINISTRATIVE DEPARTMENTS AND PERSONNEL SYSTEMS.....	17
7.01 Departments.....	17
7.02 Powers, Duties, and Functions.....	17
7.03 Department Directors.....	17
7.04 Director of Law.....	17
7.05 Director of Finance.....	18
7.06 Acting Department and Division Heads.....	18
7.07 Contract Services.....	18
7.08 Administrative Code.....	18
7.09 Personnel Systems.....	19
ARTICLE VIII – BOARDS AND COMMISSIONS.....	20
8.01 Creation of Boards and Commissions.....	20
8.02 General Rules for Boards and Commissions.....	20
8.03 Planning and Zoning Commission.....	20
8.04 Board of Zoning Appeals.....	21
8.05 Personnel Board of Appeals.....	21
ARTICLE IX – FINANCE, TAXATION, AND CONTRACTING.....	23
9.01 General.....	23
9.02 Contracting Powers and Procedures.....	23
ARTICLE X – ELECTIONS, RECALL, INITIATIVE, AND REFERENDUM.....	25
10.01 Elections.....	25
10.02 Recall.....	25
10.03 Initiative and Referendum.....	27

ARTICLE XI – GENERAL PROVISIONS.....	28
11.01 Conflicts of Interest, Ethics, and Campaign Financing.....	28
11.02 Effect of Partial Invalidity.....	28
11.03 Initiative and Referendum.....	28
11.04 Definitions.....	28
ARTICLE XII – CHARTER REVIEW COMMISSION.....	29
12.01 Composition and Term.....	29
12.02 Duties.....	29
ARTICLE XIII – TRANSITIONAL PROVISIONS.....	30
13.01 Effective Date of Charter.....	30
13.02 Succession.....	30
13.03 Continuation of Ordinances, Resolutions, Codes, Rules, and Regulations.....	30
13.04 Continuation of Employees.....	30

Charter
of
Sunbury, Ohio

PREAMBLE

We, the people of the Village of Sunbury, Ohio, for the purpose of continuing the established plan for fair, efficient, and effective municipal government, preparing for city status, securing the benefits of home rule, and exercising the powers of local self-government conferred by the Constitution and laws of the State of Ohio, adopted this Charter, which became effective on January 1, 2020.

ARTICLE I
NAME, BOUNDARIES, AND FORM OF GOVERNMENT

1.01 Name

The municipal corporation existing as the Village of Sunbury under the general statutes of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter. When the Village of Sunbury becomes a city in the manner provided by the Constitution and laws of the State of Ohio, it shall be known as the “City of Sunbury.” As used in this Charter, “Municipality” shall mean either the Village or City of Sunbury, as appropriate.

1.02 Boundaries

The Municipality shall have the same boundaries that exist on the adoption date of the current Charter, with power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio. Territory annexed to the Municipality shall immediately be subject to the provisions of this Charter.

1.03 Form of Government

The form of government provided for by this Charter shall be known as “Mayor-Council-Administrator Plan.”

[End of Article I]

ARTICLE II **POWERS**

2.01 General Powers Granted

The Municipality shall have all powers possible for a municipal corporation to have under the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in this Charter.

2.02 Exercise of Powers

All powers of local self-government now or hereafter granted under the Constitution and laws of the State of Ohio to municipal corporations shall be exercised in the manner prescribed in this Charter, or to the extent not prescribed thereby, then in such manner as the Council may determine; and, when not prescribed by this Charter or determined by the Council, then in such manner as may now or hereafter be provided by the general laws of Ohio.

2.03 Construction of Powers

The powers of the Municipality under this Charter shall be construed liberally in favor of the Municipality, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers granted in this Charter.

2.04 Cooperative Authority

The Municipality may exercise any of its powers, perform any of its functions, and provide related financing, jointly or in cooperation, by contract or otherwise, with any one or more states, including, without limitation, the State of Ohio and any of its political subdivisions, special districts, instrumentalities, divisions, or agencies; the United States or any of its divisions or agencies; or any individual, partnership, corporation, or other type of entity, whether for profit or not-for-profit, unless prohibited by the Constitution of the State of Ohio.

[End of Article II]

ARTICLE III
COUNCIL

3.01 Powers of Council

(A) All legislative power of the Municipality shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of such foregoing powers, the Council shall have and possess the following powers to:

(1) levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter and the Constitution and laws of the State of Ohio;

(2) provide for the exercise of all powers of local self-government and utility powers granted to the Municipality by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio;

(3) adopt and to provide for the enforcement of local police, sanitary, and other similar regulations as are not in conflict with the general laws of the State of Ohio;

(4) create, combine, change, and abolish departments, divisions, offices, bureaus, boards, commissions, and committees of the Municipality not specifically created by this Charter;

(5) establish or authorize the number of positions in the various departments, divisions, offices, bureaus, boards, commissions, and committees of the Municipality, to adopt a wage, salary, and benefit structure for all positions within the classified and unclassified service, and to provide for such other conditions of employment as deemed proper by the Council;

(6) require such insurance or surety bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Municipality, and the premium for any such insurance or surety bonds shall be paid by the Municipality;

(7) establish the rates or charges made of consumers of all municipal utilities and services;

(8) acquire, sell, or otherwise convey interests in real property, and the power to lease, as lessor or lessee, or otherwise grant or receive interests in real property;

(9) provide for an independent audit of the accounts and records of the Municipality, which may be in addition to audits by State offices and agencies as may be required under the general laws of the State of Ohio;

(10) conduct inquiries and investigations regarding the affairs of the Municipality and the conduct of any department, division, office, bureau, board, commission, or committee of the Municipality, and for this purpose subpoena witnesses, administer oaths, take testimony, and require the production of evidence; and

(11) exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

3.02 Composition, Term and Qualifications

(A) The Council shall be composed of seven members, including the Mayor. The members of the Council under the general statutory plan of government for the Village of Sunbury at the time this Charter becomes effective (including the two members of Council elected in November 2019 for terms beginning on January 1, 2020) are hereby designated as the initial members of the Council under this Charter. At the general municipal election to be held in November of 2021, and each four years thereafter, four persons shall be elected from the Municipality at large to serve terms of four years each. At the general municipal election to be held in November of 2023, and each four years thereafter, two persons shall be elected from the Municipality at large to serve terms of four years each. The terms of Council members shall commence as of January 1 of the year immediately following their election.

(B) Candidates for the Council shall have been electors of the Municipality or any area annexed to the Municipality for at least one year immediately prior to the time they file for or are appointed to office, and members of Council shall remain so qualified during their term of office. Members of the Council shall not hold any other public office during a term, except they may (i) hold office in a political party or be a delegate to a political party convention, (ii) serve as a notary public, (iii) serve as a member or officer in the military reserve or national guard, (iv) serve in any office, position or capacity to represent the Municipality or to further intergovernmental cooperation, and (v) hold any office permitted by this Charter or the laws of the State of Ohio.

3.03 President of Council

The Mayor shall serve as President of the Council and shall preside over all Council meetings.

3.04 President Pro Tempore of Council

(A) In each even-numbered year during its organizational meeting held pursuant to Section 3.07, the Council shall elect one of its members as the President Pro Tempore of the Council, to serve at the pleasure of the Council. The President Pro Tempore may be removed, without cause, from the office of President Pro Tempore at any time by a vote of a majority of the other members of the Council voting on the issue. Any vacancy in the office of President Pro Tempore shall be filled for the remainder of the term by a majority vote of the Council.

(B) The President Pro Tempore shall become the Acting Mayor and shall perform the legislative, judicial, and administrative duties of the Mayor in the event of the absence or disability of the Mayor and during the period of any unfilled vacancy in the office of Mayor. The President Pro Tempore, when serving as the Acting Mayor, shall continue to hold the office of member of Council but shall have only one vote on any matter before the Council, unless otherwise provided in this Charter.

3.05 Clerk of Council

The Council shall appoint a person to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of the Council and may be suspended or removed without cause by the Council. The Clerk of Council may hold other office or position of employment in the Municipality. The Clerk of Council shall have those powers, duties, and functions as are provided in this Charter, by the Rules of Council, or by ordinance or resolution of the Council. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members, the Mayor, and to the public as may be provided by this Charter, the Rules of Council, or by ordinance or resolution. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision of the Administrator. The Council, by ordinance or resolution, may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided for under this Charter.

3.06 Council Meetings

(A) The Council shall determine, by a majority vote of its members, the frequency, dates, and times of regular meetings in order to properly conduct its business.

(B) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four hours' notice to the Mayor and each member of Council, which notice may be served personally, left at the usual place of residence, or provided by electronic notification. In the event the Mayor or any three members of the Council determine an emergency exists, the requirement to provide twenty-four hours' notice shall not apply.

Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. Attendance at a special meeting constitutes a waiver of receipt of notice of such special meeting. Special meetings may be cancelled beforehand by whoever initially called for such special meeting.

(C) Any regular or special meeting of the Council may be adjourned or recessed to another time, date, or place without giving the notice required in subsection (B) of this Section.

(D) All meetings of the Council and of other boards and commissions of the Municipality shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

3.07 Council Organization and Rules

The Council shall be a continuing body and shall meet for the purpose of organization at its first meeting in January of each year.

The Council shall adopt, by a majority vote of its members, its own rules (the “Rules”) which shall not conflict with this Charter and which shall remain in effect until amended or repealed by a majority vote of the members of Council. The Rules of Council shall go into immediate effect unless a later date is specified, and the Rules shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition, and manner of appointment of committees of the Council and such other matters as the Council shall determine to be necessary for the proper functioning and governance of the Council.

3.08 Salaries of Elected Officials

Once in any calendar year and only as a non-emergency ordinance, the Council may determine the annual compensation and benefits of all elected officials of the Municipality to commence not earlier than January 1st of the following calendar year. In the event that the Council shall fail to establish salaries and benefits as required in this Section, the current salaries and benefits shall remain in effect until changed in accordance with this Section. The initial salary and benefits of elected officials under this Charter shall be the salary and benefits established for each office and in effect on the effective date of this Charter.

3.09 Council Vacancies

(A) A vacancy in the membership of the Council (other than a vacancy in the office of the Mayor that shall be filled pursuant to Section 5.04) shall be filled by a majority vote of the members of the Council (including the Mayor) within 30 days after the vacancy occurs; provided, however, that Council may, by a majority vote of the members of the Council (including the Mayor), extend this period by an additional 30 days. After the applicable 30-day or 60-day period, the power of the Council to fill the vacancy shall lapse, and the Mayor shall fill the vacancy by appointment.

(B) If the vacancy occurs on or after July 1 of the second year of a Council member’s term, the person selected by the Council or appointed by the Mayor to fill such vacancy shall serve for the remainder of that term. If the vacancy occurs on or before June 30 of the second year of a Council member’s term, the person selected by the Council or appointed by the Mayor shall serve until a successor is elected at the next November election. The person so elected in November shall take office on January 1 following such election and shall serve the remainder of the original Council term.

3.10 Forfeiture of Office

(A) The office of a Council member, including the Mayor, shall be forfeited upon a determination that the Council member or the Mayor:

(1) has pled to (including a no-contest plea) or has been convicted of a felony while in office;

(2) has pled to (including a no-contest plea) or has been convicted of any crime involving dereliction of duties while in office;

(3) lacks, or is found to have lacked, at any time prescribed by this Charter, any eligibility requirement of Section 3.02(B);

(4) has violated any prohibition of Section 3.02(B); or

(5) has failed to attend three consecutive regular meetings of Council without being excused by Council.

(B) The Council shall be the sole judge of the grounds constituting forfeiture of office. The Council shall initiate the process to establish grounds for forfeiture of office by motion and shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

(C) Upon finding that grounds exist which subject a Council member or the Mayor to forfeiture of office, the Council shall instruct the Clerk of Council to notify the Council member or the Mayor. The Clerk of Council shall notify the Council member or the Mayor by any method which includes written evidence of receipt. A Council member or the Mayor so notified shall receive a public hearing before the Council to be held no earlier than 10 days nor later than 30 days after the written evidence of receipt.

(D) The Council shall make a final determination by a majority vote of the members of the Council to regard the office of the Council member or the Mayor as forfeited. The Council member or the Mayor subject to forfeiture of office shall also be entitled to vote on such determination. Upon passage of the motion, the office shall be deemed vacant, and the Council shall fill the vacancy of a Council member as provided in Section 3.09 and the vacancy of the Mayor as provided in Section 5.04.

[End of Article III]

ARTICLE IV
LEGISLATIVE PROCEDURE

4.01 Form of Action by Council

Action by the Council shall be by ordinance, resolution, or motion. Non-legislative action of the Council shall be by motion, including for conducting the business of the Council, for procedural matters, for elections conducted among and appointments made by Council members, and as otherwise provided in this Charter, and all approved motions shall take immediate effect unless otherwise specified by the Council. All other action shall be taken by ordinance or resolution. No action of the Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section.

4.02 Introduction of Ordinances and Resolutions

Any Council member or the Administrator may introduce any ordinance or resolution at a regular or special meeting of the Council. Whenever possible, copies of proposed ordinances and resolutions should be provided to members of the Council in advance of the meeting at which the measure is to be introduced. No action of Council shall be invalidated merely because the prior availability of an ordinance or resolution fails to comply with the provisions of this Section.

4.03 Form of Ordinances and Resolutions

(A) The form and style of ordinances and resolutions shall be determined by the Rules of Council.

(B) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title; provided that appropriation ordinances may contain the various subjects, accounts, and amounts for which monies are appropriated, and that ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject.

4.04 Reading Ordinances and Resolutions

Each ordinance and resolution shall be read on three separate days, unless this requirement is dispensed with by an affirmative vote of at least five Council members. Readings shall be by title only, unless the Council requires a reading to be in full by an affirmative vote of at least four Council members. Copies of each ordinance and resolution shall be available for public inspection at the meetings of the Council at which the ordinance or resolution is considered.

4.05 Procedure for Consideration of Legislation

The procedures for Council meetings and public hearings on legislative action taken by the Council shall be determined by the Rules of Council. The vote on legislation shall be entered in the minutes or other record of Council proceedings.

4.06 Vote Required for Passage

Unless otherwise provided in this Charter, all action taken by the Council shall be by an affirmative vote of at least four Council members; provided, however, that if there are one or more vacancies on the Council, all references in Article III to a “majority vote” of the members of the Council shall mean a majority of the remaining members of the Council.

4.07 Effective Date of Legislation

(A) All resolutions and the following types of ordinances shall take immediate effect upon adoption, unless a later time is specified by the Council:

- (1) appropriations of money;
- (2) annual tax levies for current expenses;
- (3) improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefited and to be assessed;
- (4) ordinances directing an election or submitting a question to the electorate, including any election proceedings relating thereto;
- (5) approvals of a revision, codification, recodification, rearrangement, or publication of ordinances; and
- (6) emergency ordinances.

(B) Unless otherwise provided in this Charter, all other ordinances shall become effective 30 days after their adoption or at any later date specified by the Council.

4.08 Emergency Ordinances

(A) An emergency ordinance shall be in the form and manner prescribed for legislation generally, except that each emergency ordinance shall declare that it is necessary for the immediate preservation of the public peace, health, safety, or welfare in Sunbury, and shall specify the nature of the emergency.

(B) An ordinance may be adopted as an emergency ordinance by an affirmative vote of at least five Council members on the emergency provision. If an emergency ordinance fails to receive an affirmative vote of at least five Council members on the emergency provision but receives a majority vote for passage, the ordinance shall become effective as a non-emergency ordinance.

4.09 Authentication of Legislation

Each ordinance and resolution shall be authenticated by the signature of the presiding officer of the Council and the Clerk of Council. Any failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

4.10 Recording and Certification of Legislation

Each ordinance and resolution shall be recorded in a book or other record prescribed by the Council. The Clerk of Council or a designee shall, upon request of any person and upon the payment of a fee if established by the Council, certify true copies of any ordinance or resolution, which certified copies shall be admissible as evidence in any court.

4.11 Amendment of Legislation

(A) A pending ordinance or resolution may be amended at any time prior to its passage by the Council, and such amendment shall not require additional readings of the ordinance or resolution.

(B) Any enacted ordinance or resolution, including the codified ordinances or resolutions of the Municipality, may be amended by the passage of subsequent ordinances or resolutions that revise existing sections or parts thereof, enact new or supplemental sections or parts thereto, or repeal existing sections or parts thereof. This subsection does not prevent, prohibit, or preclude repeals by implication.

4.12 Zoning Ordinances

(A) Ordinances establishing, amending, revising, changing, or repealing zoning classifications, districts, uses, or regulations may be introduced by any member of Council, a majority vote of the Planning and Zoning Commission, or as otherwise provided by ordinance. The Council shall determine, by ordinance, all procedures to be followed by the Council and the Planning and Zoning Commission with respect to zoning within the Municipality and other land use regulations and matters, including, without limitation, public hearings, notices to owners of land, and notices to the general public.

(B) An affirmative vote of at least five Council members shall be necessary to pass any zoning ordinance which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall a zoning ordinance be considered as having passed unless it receives an affirmative vote of at least four Council members.

4.13 Adoption of Technical Codes

(A) The Council may, by ordinance, adopt technical codes for the purpose of drawing on the latest scientific and technological advances, including, without limitation, construction standards and such other matters as the Council may determine to be appropriate for adoption by reference, so long as such technical codes do not conflict with the general laws of the State of Ohio.

(B) An ordinance adopting any technical code shall make reference to the date and source of the technical code without reproducing it at length in the ordinance, and such ordinance may provide for the automatic adoption of future amendments to such technical code without subsequent legislative action by the Council. In such cases, publication of the technical code shall not be required. A copy of each technical code and a copy of the adopting ordinance shall be authenticated and recorded by the Clerk of Council as provided in Sections 4.09 and 4.10. If

the technical code is amended after its adoption by reference and Council did not provide for the automatic adoption of such amendments, the Council may adopt the amendment by incorporation by reference under the same procedure established for the adoption of the original technical code.

4.14 Codification

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of the Municipality to be revised, codified, recodified, rearranged, or published, and such action shall become effective immediately upon approval thereof and may contain new legislation therein. Any such codification shall be maintained, updated, and supplemented every year in the manner prescribed by the Council, and copies thereof shall be available from the Clerk of Council for public use.

4.15 Publication of Legislation

Unless otherwise provided by this Charter, ordinances and resolutions shall be published after adoption by the Council. As used in this Section, the term “publish” shall mean posting the ordinance or resolution or a summary thereof on the Municipality’s website and taking such other actions to provide public notice as may be required by the Council. Failure to publish an ordinance or resolution as required by this Section shall not invalidate such legislation, and in such event, the Clerk of Council may authorize the ordinance or resolution to be published at a later date. The Clerk of Council shall make all legislation approved by the Council available for public inspection at the office of the Clerk of Council.

[End of Article IV]

ARTICLE V
MAYOR

5.01 General Powers and Duties

(A) The Mayor is a member of the Council and shall have all the powers, rights, and duties of a Council member, as described in this Charter.

(B) In addition to such powers, rights, and duties as a Council member, the Mayor shall:

- (1) serve as the President of Council and preside over all Council meetings;
- (2) act as a Council member and have the right to vote on all matters before the Council, but the Mayor shall have no veto power;
- (3) direct and supervise the Police Department, subject to the provisions of Sections 7.09 and Section 8.05 pertaining to personnel systems and appeals;
- (4) perform all ceremonial duties and functions as necessary for non-administrative purposes;
- (5) exercise all judicial powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio and applicable court rules;
- (6) have authority and discretion to appoint a magistrate, with approval of the Council, to hear and determine prosecutions of traffic and criminal cases subject to the laws of the State of Ohio;
- (7) act as the chief spokesperson for the Municipality in dealing with other governments;
- (8) exercise military powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio or the United States; and
- (9) perform or exercise such other powers, duties, and functions as provided by this Charter and the Rules of the Council, to the extent such Rules are consistent with this Charter.

5.02 Term and Qualifications

(A) The Mayor shall be elected by separate ballot. The Mayor under the general statutory plan of government for the Village of Sunbury elected in November of 2019 for a term beginning on January 1, 2020 is hereby designated as the initial Mayor of the Municipality under this Charter. At the general municipal election to be held in November of 2023, and each four years thereafter, one person shall be elected from the Municipality at large to serve a term of four years as the Mayor, which term shall commence as of January 1 of the year immediately following each election.

(B) Candidates for Mayor shall have been electors of the Municipality or any area annexed to the Municipality for at least one year immediately prior to the time they file for or are appointed to office, and during a term of office the Mayor shall remain so qualified. The Mayor shall not hold any other public office during a term, except that the Mayor may (i) hold office in a political party or be a delegate to a political party convention, (ii) serve as a notary public, (iii) serve as a member or officer in the military reserve or national guard, (iv) serve in any office, position or capacity to represent the Municipality or to further intergovernmental cooperation, and (v) hold any office permitted by this Charter or the laws of the State of Ohio. The Mayor need not be a full-time official of the Municipality and may hold other employment as permitted by the laws of the State of Ohio, including all ethics laws.

5.03 Acting Mayor

In the event of the temporary absence of both the Mayor and President Pro Tempore, the senior Council member, based on length of continuous elected service with the Municipality, shall serve as the Acting Mayor to exercise the powers and perform the duties of the Mayor. If two or more Council members have held the same length of continuous elected service with the Municipality, then an Acting Mayor shall be chosen from among those two or more Council members by a majority vote of the remaining Council members. Other than the absent Mayor and President Pro Tempore, all remaining members of the Council present at the Council meeting for the vote on selecting the Acting Mayor must vote, and no candidate for Acting Mayor may abstain from such a vote.

5.04 Mayoral Vacancy

Any vacancy in the office of Mayor shall be filled by the President Pro Tempore. If the person holding the office of President Pro Tempore rejects succession to the office of Mayor, such person shall resign from the office of President Pro Tempore, and the Council shall select a new Council member to serve as President Pro Tempore and fill the office of Mayor. If the vacancy occurs on or after July 1 of the second year of the Mayor's term, the President Pro Tempore shall serve for the remainder of the Mayor's unexpired term. If the vacancy occurs on or before June 30 of the second year of the Mayor's term, the President Pro Tempore shall serve until a successor is elected at the next November election, and the person so elected shall take office on January 1 following such election and shall serve for the remainder of the Mayor's term and the President Pro Tempore shall return to serving his or her original term as a member of Council and, if applicable, continuing to serve as President Pro Tempore; provided, however, that if the President Pro Tempore is elected to fill the Mayor's unexpired term, the Council shall fill the resulting vacancy on the Council as provided in Section 3.09.

In the event of a vacancy in the office of Mayor that requires the President Pro Tempore to serve as the Mayor, the Council shall fill the vacancy on the Council as provided in Section 3.09. However, nothing herein shall prevent the President Pro Tempore from completing his or her original full term as a Council member. The person chosen to fill the President Pro Tempore's vacancy on Council shall serve a term as Council member equal to the term that the President Pro Tempore serves as Mayor. In the event that the President Pro Tempore's original term expires while filling the Mayor's unexpired term, the new President Pro Tempore shall assume the remainder of the Mayor's unexpired term.

[End of Article V]

ARTICLE VI
ADMINISTRATOR

6.01 General Powers and Duties

(A) The Administrator shall be the chief administrative officer of the Municipality. The Administrator shall be responsible to the Council for the administration of all affairs of the Municipality placed in the Administrator's charge by or under this Charter, the legislation of the Municipality, and the laws of the State of Ohio.

(B) Without limitation of the powers and duties stated in Section 6.01(A), the Administrator or designee shall:

(1) appoint, promote, suspend, remove, or otherwise discipline any employee of the Municipality, except those within the Police Department and as otherwise provided by or under this Charter or by law, and subject to the provisions of Sections 7.09 and Section 8.05 pertaining to personnel systems and appeals;

(2) direct and supervise the administration of all departments, offices, and agencies of the Municipality, except the Police Department and as otherwise provided by this Charter or by law;

(3) attend all regular and special Council meetings with the right to participate in discussions and introduce ordinances and resolutions, but not to vote;

(4) assist as needed to enforce within the Municipality all laws, provisions of this Charter, and legislation of the Municipality; provided, however, that the Administrator shall not supervise the Police Department as provided herein;

(5) prepare and submit budgets and capital programs to the Council, and implement the final budget approved by the Council;

(6) keep the Council fully advised as to the financial condition and future operating and capital needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as the Administrator deems desirable;

(7) submit to Council and make available to the public complete records of the financial and administrative activities of the Municipality;

(8) make such other reports as the Council may require concerning the operation of departments, divisions, offices, boards, commissions, bureaus, and agencies of the Municipality;

(9) provide staff support services for the Council, the Mayor, and the Municipality's boards, commissions, and committees;

(10) execute on behalf of the Municipality all contracts, leases, deeds, easements, conveyances, and agreements;

(11) delegate to subordinate employees of the Municipality any duties conferred upon the Administrator by this Charter or by Council action, and hold them responsible for the faithful discharge of such duties; and

(12) perform such other powers, duties, and functions as are conferred or required by this Charter, the Council, or by the laws of the State of Ohio.

6.02 Appointment, Qualifications, and Compensation

(A) The Council shall appoint the Administrator.

(B) The Administrator shall be appointed on the basis of executive and administrative qualifications. The Administrator need not be a resident of the Municipality. The Administrator shall not hold any elective public office or other public or private employment unless the other public or private employment is approved by a majority vote of the Council.

(C) The Council shall determine the compensation of the Administrator.

6.03 Administration of Employees

Except for the purpose of inquiries and investigations under Section 3.01(A)(10), elected officials of the Municipality shall deal with Municipality employees who are subject to the direction and supervision of the Administrator solely through the Administrator. No elected official of the Municipality shall in any manner direct or demand the hiring or termination of any Municipality employee whom the Administrator is empowered to hire, but the Council may express its views and fully and freely discuss with the Administrator anything pertaining to the hiring and termination of such employees.

6.04 Acting Administrator

The Administrator shall designate by letter, filed with the Clerk of Council, an employee of the Municipality to exercise the powers and perform the duties of the Administrator during a temporary absence or disability of the Administrator. If such designation has not been made and the Administrator is unable to perform his or her duties or to make such a designation, the Council may appoint an employee of the Municipality to serve as the Acting Administrator until the Administrator resumes his or her duties. The Council may revoke any designation of Acting Administrator, whether such designation was previously made by the Council or by the Administrator, at any time and appoint another employee of the Municipality to serve as the Acting Administrator.

6.05 Procedure for Removal of the Administrator

The Council may propose the suspension or removal of the Administrator by a resolution of the Council that shall set forth the reasons for the proposed suspension or removal. A copy of such resolution shall be served immediately upon the Administrator. The Administrator shall have five days from the date of receipt of service in which to reply in writing and request a public hearing. Upon request, the Administrator shall be afforded a public hearing, which shall occur not earlier than 10 days nor later than 30 days after the public hearing is requested. After

the public hearing, if requested, and after full consideration, the Council may adopt a final resolution of suspension or removal. The decision of Council to suspend or remove the Administrator shall be in the sole discretion of the Council. If the Administrator is suspended from duty as provided under this Section, the Council shall appoint an Acting Administrator.

[End of Article VI]

ARTICLE VII
ADMINISTRATIVE DEPARTMENTS AND PERSONNEL SYSTEMS

7.01 Departments

The Municipality shall have a Department of Law, a Department of Finance, a Police Department, and such other departments as the Council may create. Except for the Department of Law and the Department of Finance, the Council may abolish, combine, merge, change, or alter any department of the Municipality.

7.02 Powers, Duties, and Functions

Departments of the Municipality shall have those powers, duties, and functions as provided in this Charter and by the Council.

7.03 Department Directors

(A) Departments of the Municipality shall be under the supervision of each department's respective director.

(B) The Chief of Police shall be appointed and removed by the Mayor, subject to the consent and approval of the Council, and the Chief of Police shall serve at the pleasure of the Mayor and the Council subject to Section 7.03(C). The Director of Law and the Director of Finance shall be appointed and removed by the Administrator, subject to the consent and approval of the Council, and the Director of Law and the Director of Finance shall serve at the pleasure of the Administrator and the Council. All other directors shall be appointed by the Administrator and shall serve at the pleasure of the Administrator. With the consent of the Council, the Administrator may serve as the director of one or more departments or may appoint one person as the director of two or more departments.

(C) Notwithstanding the Mayor's authority to appoint and remove the Chief of Police pursuant to Section 7.03(B), the Council may propose the suspension or removal of the Chief of Police by a resolution of the Council that shall set forth the reasons for the proposed suspension or removal, which resolution must receive an affirmative vote of at least five Council members. A copy of such resolution shall be served immediately upon the Chief of Police. The Chief of Police shall have five days from the date of receipt of service in which to reply in writing and request a public hearing. Upon request, the Chief of Police shall be afforded a public hearing, which shall occur not earlier than 10 days nor later than 30 days after the public hearing is requested. After the public hearing, if requested, and after full consideration, the Council may adopt a final resolution of suspension or removal, which resolution must also receive an affirmative vote of at least five Council members. If the Chief of Police is suspended or removed from duty as provided under this Section, the Mayor may appoint an Acting Chief of Police pursuant to Section 7.06.

7.04 Director of Law

(A) The Director of Law shall be an attorney-at-law duly authorized and licensed to practice law in the State of Ohio.

(B) The Director of Law shall be legal counsel for the Municipality and shall represent the Municipality in any proceedings before any court or before any administrative board or body, including serving as Prosecutor of the Mayor's Court. Subject to the approval of the Council, the Director of Law, where appropriate, may alternatively facilitate representation of the Municipality by the hiring of assistant(s) or engaging outside counsel. The Director of Law shall perform other duties as required by this Charter, by legislation of the Council, and by the Administrator. The Director of Law shall not be required to represent any school district or any other unit of government other than the Municipality.

7.05 Director of Finance

The Director of Finance shall be the chief financial officer of the Municipality; shall exercise the powers, duties, and functions as required by the laws of the State of Ohio, this Charter, legislation of the Council, and by the Administrator; and shall provide full and complete information concerning the financial affairs and financial status of the Municipality as required by the Administrator and the Council.

7.06 Acting Department and Division Heads

In the event of a vacancy or the temporary absence or disability of the head of any administrative department or division authorized by or created pursuant to this Charter, (A) the Mayor may appoint an acting Chief of Police for the Police Department until the vacancy is filled or the temporary absence or disability is removed, and (B) the Administrator, for every other department besides the Police Department, may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

7.07 Contract Services

Professional services not otherwise provided for in this Charter may be provided by way of contract engagements authorized by the Council. The Council may substitute or supplement services to be provided by municipal personnel through contracts with other political subdivisions or other government agencies or by contracts with private persons, firms, corporations, or other entities.

7.08 Administrative Code

Subject to the provisions of this Charter, Council shall adopt and may amend an administrative code (the "Administrative Code") which shall provide, in detail, the organization of the Municipality's government, define the powers and duties of each organizational unit, and set forth administrative procedures. Amendments to and revisions of the Administrative Code shall be made by the Council. Where the Administrative Code is silent as to a matter or function, the officers and employees of the Municipality shall have and may exercise all the powers and duties provided for similar officers and employees under the laws of the State of Ohio. However, provisions of the Administrative Code shall supersede those of the general laws of the State of Ohio in case of conflict to the fullest extent permitted by law.

7.09 Personnel Systems

(A) Section 7.09 shall be effective once Sunbury is declared to be and classified as a city under the laws of the State of Ohio.

(B) All appointments and promotions of employees of the Municipality shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by the Council.

(C) The Council shall establish a classified and unclassified service for employees of the Municipality. The Council shall include as a part of the Administrative Code, adopted pursuant to Section 7.08, a section or sections to define and govern the classified and unclassified service of the Municipality. All original appointments and promotions to full-time positions within the Police Department below the level of Chief of Police shall be within a classified service.

(D) Appointments to and removal from all elected and appointed offices, including the Municipality's boards, commissions, and committees, shall be made in accordance with the specific applicable provisions of this Charter or the specific applicable legislation of the Council, and shall not be subject to Sections 7.09(B) and (C).

(E) The laws of the State of Ohio governing the retirement of employees of municipalities shall be applicable to Municipality employees under this Charter.

[End of Article VII]

ARTICLE VIII
BOARDS AND COMMISSIONS

8.01 Creation of Boards and Commissions

The Municipality shall have a Planning and Zoning Commission, a Board of Zoning Appeals, and a Personnel Board of Appeals as set forth herein and such other boards and commissions as may be created by the Council.

8.02 General Rules for Boards and Commissions

The following general rules shall govern boards and commissions:

(A) each board or commission created by the Council shall consist of at least three members;

(B) compensation, terms, appointments, and removals shall be determined by the Council unless otherwise provided in this Charter;

(C) each member of a board or commission shall be and shall remain an elector of the Municipality during the term of appointment unless otherwise provided by the Council;

(D) a vacancy occurring during the term of any member of a board or commission shall be filled for the unexpired term in the same manner as the original appointment;

(E) each vacancy shall be filled within 60 days or as soon as practicable if no acceptable candidates can be found within such time;

(F) each board and commission shall establish its own rules of order to be approved by the Council;

(G) members of boards and commissions shall serve without compensation unless otherwise provided by the Council; and

(H) all meetings of boards and commissions shall be open to the public, except as allowed by the laws of the State of Ohio.

8.03 Planning and Zoning Commission

(A) The Planning and Zoning Commission shall consist of six voting members who are electors of the Municipality. The Mayor shall be an automatic and permanent member of the Planning and Zoning Commission. In addition to the Mayor, the Council shall appoint one of its members to be a member of the Planning and Zoning Commission who shall serve at the pleasure of Council and shall be subject to such term on the Planning and Zoning Commission as specified by the Council but not exceeding the remainder of that Council member's term on the Council. The Council shall appoint the other four members of the Planning and Zoning Commission to serve overlapping three-year terms, provided that these citizen members shall not hold any other office or employment with the Municipality. Upon adoption of this Charter, the

Council shall initially appoint some members to shorter terms in order to accomplish the intended staggered terms or it may carry over existing members and terms of the Planning and Zoning Commission for such purpose.

(B) Any school district with territory that overlaps the territory of the Municipality may appoint a representative of such school district to the Planning and Zoning Commission who shall be permitted to participate in the meetings of such Commission without having a vote on any matter before such Commission.

(C) The Planning and Zoning Commission shall have the power and duty to hear applications for land use, zoning classifications, or districts and, as merited, to submit written recommendations for legislative action or to render final determinations for administrative action; to initiate, review, and recommend legislation, rules, and regulations on all matters of municipal planning, land use, and zoning classification; and to exercise such other powers, duties, and functions as provided by the Council.

(D) The Planning and Zoning Commission shall select its own officers annually. All action taken by the Planning and Zoning Commission shall be by an affirmative vote of at least four members thereof.

8.04 Board of Zoning Appeals

(A) The Board of Zoning Appeals shall consist of six voting members who are electors of the Municipality, provided that these citizen members shall not hold any other office or employment with the Municipality. The Council shall appoint the Board of Zoning Appeals to serve overlapping three-year terms with two members' terms ending on December 31 of each year. Upon adoption of this Charter, the Council shall initially appoint members with shorter terms in order to accomplish the intended staggered terms.

(B) The Board of Zoning Appeals shall have the power and duty to hear and decide appeals for exceptions to and variances in the application of resolutions, ordinances, regulations, other legislative measures, and administrative determinations governing zoning in the Municipality, as may be required to afford justice and avoid unreasonable hardship. The Board of Zoning Appeals may make advisory recommendations to the Council and the Planning and Zoning Commission concerning zoning matters, and the Board of Zoning Appeals shall exercise such other powers, duties, and functions as provided by the Council.

(C) The Board of Zoning Appeals shall select its own officers annually. All action taken by the Board of Zoning Appeals shall be by an affirmative vote of at least four members thereof.

8.05 Personnel Board of Appeals

(A) Section 8.05 shall be effective once Sunbury is declared to be and classified as a city under the laws of the State of Ohio.

(B) The Personnel Board of Appeals shall consist of three members who shall serve overlapping three-year terms with one member's term ending on December 31 of each year. After the effective date of this Section, the Council shall initially appoint members with shorter terms in order to accomplish the intended staggered terms.

(C) The Personnel Board of Appeals shall have the power and duty to hear appeals from administrative determinations made pursuant to the Administrative Code, and such other powers, duties, and functions as provided by the Council.

[End of Article VIII]

ARTICLE IX
FINANCE, TAXATION, AND CONTRACTING

9.01 General

The laws of the State of Ohio relating to budgets, appropriations, taxation, debts and borrowing, assessments, deposits and investment of funds, and other fiscal matters of the Municipality shall be applicable to the Municipality, except as otherwise provided by this Charter or by the Council.

9.02 Contracting Powers and Procedures

This Section sets forth procedures for the procurement of contracts for designing and constructing public improvements including, without limitation, roads, bridges, traffic signalization and signage, sidewalks, buildings, treatment works, storm sewers and other storm water management improvements, flood control improvements, sanitary sewers, waterlines, other utilities, parks, monuments, and trails and other recreational facilities.

This Section also sets forth procedures for the procurement of contracts for the purchase of equipment, supplies, materials, or services for the operation and maintenance of public improvements and otherwise promoting the functions and operations of the Municipality, which contracts may or may not be associated with the construction of a public improvement.

(A) Consistent with Section 6.01(B)(10) and except as otherwise provided in this Section, the Administrator or an authorized designee shall award and execute all contracts on behalf of the Municipality.

(B) The Council shall establish procedures for competitive bidding of contracts, including a threshold amount for requiring competitive bidding, notice provisions, and such other procedures as it deems appropriate. At the Council's discretion, such procedures may contain a prohibition against awarding a contract in excess of a specified percentage of an engineer's or other design professional's estimate of cost or opinion of probable cost. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the competitive bidding threshold established by the Council, the contract shall be competitively bid unless exempted under Section 9.02(C). The Council shall award a contract to the lowest and best bidder, provided that Council may reject any and all bids in whole or by items.

(C) By an affirmative vote of at least five of its members, the Council may waive the competitive bidding requirement of Section 9.02(B) if the Council determines that an emergency threatens public safety or property, or an item or service is only available from a single source or provider, or when funding could be lost due to time constraints, or if the item or service is available under the cooperative purchasing program administered by the Ohio Department of Administrative Services pursuant to Ohio Revised Code Section 125.04, as amended, or if the Council determines that a waiver of the competitive bidding requirement is in the best interest of the Municipality.

(D) The Administrator shall select the construction project delivery method that in the Administrator's sole discretion is in the best interest of the Municipality, which project delivery method may include, without limitation, construction manager at risk, design-build, design-bid-build, single prime contracts, or any other method of project delivery pursuant to procedures established or approved by Council that must promote competitive pricing to the extent practicable. However, the Council shall have the authority to direct the Administrator to select a particular construction project delivery method.

(E) Notwithstanding any provision of the laws of the State of Ohio, contractors and vendors shall not be entitled to receive interest on funds temporarily retained on a contract pending final acceptance of work performed or goods supplied, nor shall the Municipality be required to maintain a separate escrow account to hold such retained funds.

(F) Contracts or other agreements for professional services, including, without limitation, information technology/computer, architectural, engineering, surveying, testing, inspection, and legal services, shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by the Council if the current operating budget provides sufficient funding for the services to be provided or if the Council has otherwise appropriated moneys for such services. Contracts for professional design services as defined in Ohio Revised Code Section 153.65 (as amended or revised) shall not be subject to the requirements of Ohio Revised Code Sections 153.65 through 153.73 (as amended or revised), but instead will be procured through procedures established by the Council.

(G) The Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding. Such procedures may include a requirement that the Council approve cumulative contract modifications that exceed a specified percentage of the original contract value.

[End of Article IX]

ARTICLE X
ELECTIONS, RECALL, INITIATIVE, AND REFERENDUM

10.01 Elections

(A) Regular municipal elections shall be held on the dates and times fixed by the election laws of the State of Ohio.

(B) The Council may, at any time, order a special election by legislation which shall set forth the date and purpose of the election, including, without limitation, the referral of pending legislation to the electors for their approval or rejection. Special elections may be held on any date.

(C) All regular and special elections shall be conducted by the election officials of Delaware County, Ohio and the State of Ohio. Elections shall be held in conformity with the provisions of this Charter or as otherwise provided by the Council. Where not addressed by this Charter or by the Council, the provisions of the election laws of the State of Ohio shall be followed.

(D) The Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with tax, bond, and other non-partisan public issues, but not in connection with the election of any candidate for public office.

(E) There shall be no primary election for any elected office of the Municipality.

(F) Nominations for the elected offices of the Municipality shall be made by petition signed by not less than 25 nor more than 75 electors of the Municipality. Petitions shall be in the form determined by the election officials of the State of Ohio for the nomination of non-partisan candidates. Group petitions shall not be permitted. Petitions shall be filed with the election officials of the State of Ohio as provided by the law of the State of Ohio.

10.02 Recall

(A) The electors of the Municipality shall have the power to remove from office by a recall election any elected official of the Municipality in the manner provided in this Section.

(B) As to any elected official who has served at least six months of a term of office, an elector or electors of the Municipality may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of the elected official. Petitions for the recall of the elected official may not be circulated until the written notice of intent is served upon the Clerk of Council.

(C) The petition shall contain a statement of not more than 100 words setting forth specific grounds upon which the removal of the elected official is sought. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name of the elected official whose removal is sought. Separate petitions are necessary for each elected official whose removal is sought. The petition

shall be signed by at least that number of electors equal to twenty-five percent (25%) of the electors voting at the last preceding November general municipal election.

(D) No later than 30 days after service of the notice of intent on the Clerk of Council, the petition demanding the removal of an elected official shall be filed with the Clerk of Council. The Clerk of Council shall note upon each petition the name and address of the person filing the petition and the date of such filing, deliver to such person a receipt for the filing of the petition, and attach a copy of the receipt to the petition. Within 20 days after the day on which the petition is filed, the Clerk of Council shall determine, subject to assistance received from the Board of Elections of Delaware County, Ohio to verify that petition signatories are registered to vote and live within the Municipality, whether or not such petition meets the requirements of this Section. If the Clerk of Council finds the petition insufficient, the Clerk of Council shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition, and make a record of delivery. The person who filed the petition shall be allowed a period of 10 days after the day on which delivery of the certificate of insufficiency was made in which to make the petition sufficient and refile the petition with the Clerk of Council. The Clerk of Council shall have five business days from the date of refile to obtain assistance from the Board of Elections of Delaware County, Ohio to determine the sufficiency of the amended petition. If the Clerk of Council finds the amended petition sufficient, the Clerk shall promptly certify the petition to the Council and shall deliver, within five business days from the date of such certification to the Council, a copy of the certificate to the person whose removal is sought and make a record of the delivery. If the Clerk of Councils finds that the amended petition is still insufficient, the Clerk of Council shall reject the petition and promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition, make a record of delivery, and take no further action thereon.

(E) Unless the elected official whose removal is sought resigns within five business days after receiving delivery of the Clerk of Council's certificate pursuant to Section 10.02(D), the Council shall, by ordinance or resolution, fix a day for holding a recall election occurring not less than 90 days nor more than 120 days after the date of the Clerk of Council's certification of sufficiency to the Council, and shall cause notice of the recall election to be published (i) on the Municipality's website, (ii) on the same day of each week for two consecutive weeks in a newspaper of general circulation in the Municipality if such a newspaper exists, and (iii) by such other procedures as the Council may use to provide notice of legislation pursuant to Section 4.15. At the recall election, this question shall be placed upon the ballot: "Shall (name of elected official whose removal is sought) be allowed to continue as (elected official's position)?", with provisions on the ballot for voting affirmatively or negatively. If a majority of the vote is negative, the elected official shall be immediately removed, the office shall be vacant, and the vacancy shall be filled as provided in this Charter. If the elected official is not removed at such recall election, no further recall petitions shall be filed against the elected official for a period of one year following the recall election.

10.03 Initiative and Referendum

Legislation, issues, and other measures may be proposed by initiative petition and adopted by election as provided by the Constitution and laws of the State of Ohio. Legislation adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of the State of Ohio, except that legislation by the Council calling for an election shall not be subject to referendum and the Rules of Council shall not be subject to initiative or referendum as provided in Section 3.07.

[End of Article X]

ARTICLE XI
GENERAL PROVISIONS

11.01 Conflicts of Interest, Ethics, and Campaign Financing

Unless otherwise provided in this Charter, the laws of the State of Ohio pertaining to conflict of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

11.02 Effect of Partial Invalidity

A determination that any provision of this Charter is invalid shall not invalidate or impair the force and effect of any other provision, except to the extent that the other provision is wholly dependent for its operation upon the provision declared invalid.

11.03 Initiative and Referendum

This Charter may be amended or revised by the electors as provided by this Charter or the Constitution and laws of the State of Ohio.

11.04 Definitions

All references to “days” in this Charter shall mean calendar days unless otherwise stated. References to “business days” shall mean Monday through Friday except for federal or state holidays.

[End of Article XI]

ARTICLE XII
CHARTER REVIEW COMMISSION

12.01 Composition and Term

In 2025 and as often as necessary thereafter, but no less frequently than every 10 years, the Council shall appoint seven electors of the Municipality, holding no other elected office or employment with the Municipality, as members of a Charter Review Commission to serve until their duties as provided herein are completed. The members shall serve without compensation. The appointment of a Charter Review Commission within the prescribed periods shall not preclude the Council from submitting recommended Charter amendments to the voters from time to time as permitted by the Constitution and laws of the State of Ohio.

12.02 Duties

The Charter Review Commission shall study and review the provisions of this Charter and the operations of the Municipality and, by a majority vote of its members, shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of July following the appointment of the Charter Review Commission, unless a later date is specified by the Council. The Council shall submit any amendments or revisions to the Charter recommended by the Charter Review Commission to the voters in the manner provided by the Constitution and laws of Ohio; provided, however, that the Council may, by an affirmative vote of at least five Council members, (a) submit such amendments or revisions to the voters in a form different than recommended by the Charter Review Commission, or (b) decline to submit to the voters all or a portion of the amendments or revisions to the Charter recommended by the Charter Review Commission. The Council shall appropriate funds to the Commission as determined to be necessary to carry out its powers, duties, and functions, including amounts required to pay any consultants or special legal counsel to the Commission.

[End of Article XII]

ARTICLE XIII
TRANSITIONAL PROVISIONS

13.01 Effective Date of Charter

Upon approval by a majority of the electors of the Municipality voting thereon at the election held on November 5, 2019, this Charter shall take effect on January 1, 2020. If approved by a majority of the electors voting thereon, any subsequent amendments shall take effect from the date the final result of such election is certified by the relevant election authorities unless such amendments specify a later effective date; provided, however, that such certification date shall be the effective date for the purpose of designating, nominating, and electing officers of the Municipality and conducting municipal elections.

13.02 Succession

The municipal corporation existing as the Village of Sunbury under the laws of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter or until such time as it becomes a city in the manner provided by the Constitution and laws of the State of Ohio. At such time, it shall then be known as the “City of Sunbury” unless otherwise provided by the Council, and, upon advancing to city status, the provisions of this Charter shall apply to the City of Sunbury.

The Municipality under this Charter is hereby declared to be the legal successor of the Village of Sunbury under the laws of Ohio, and shall have title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The Municipality shall be liable for all outstanding orders, contracts, and debts of its predecessor as well as any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

13.03 Continuation of Ordinances, Resolutions, Codes, Rules, and Regulations

All ordinances, resolutions, codes, rules, and regulations of the Village of Sunbury in effect at the time of the adoption of this Charter or any amendment thereto shall remain in effect until amended or repealed, except as superseded by the provisions of this Charter.

13.04 Continuation of Employees

Every employee of the Municipality on the effective date of this Charter and any subsequent amendments shall continue in such employment, subject in all respects to the provisions of this Charter and ordinances, resolutions, rules, or regulations existing on such effective date or subsequently enacted or promulgated under this Charter.

[End of Article XIII]