

# CHARTER

## OF THE CITY OF ROCKY RIVER, OHIO

EDITOR'S NOTE: The Charter was originally adopted on September 21, 1960. Dates appearing in parenthesis following a Section heading indicate those provisions were subsequently adopted or amended on the date given.

### TABLE OF CONTENTS

#### ARTICLE I. MUNICIPAL POWERS.

#### ARTICLE II. THE MAYOR.

- Sec. 1. Term.
- Sec. 2. Qualifications. (11-4-14)
- Sec. 3. Removal.
- Sec. 4. Vacancy and Absence in Office of Mayor.(11-4-75)
- Sec. 5. Duties and Powers of the Mayor. (11-7-72)

#### ARTICLE III. THE COUNCIL.

- Sec. 1. Powers and Membership. (11-7-72)
- Sec. 2. Term of Office.
- Sec. 3. Qualifications. (11-4-14)
- Sec. 4. Organization.
- Sec. 5. Duties of President of Council.
- Sec. 6. Removal.
- Sec. 7. Vacancies. (11-3-20)
- Sec. 8. Quorum.
- Sec. 9. Meetings. (11-5-96)
- Sec. 10. Special Meetings.
- Sec. 11. Salaries, Compensation and Bonds.
- Sec. 12. Clerk of Council. (11-7-72)
- Sec. 13. Enactment of Zoning Ordinances. (11-4-14)
- Sec. 14. Action on Mapped Streets. (11-7-72)
- Sec. 15. Legislative Procedure. (11-7-78)
- Sec. 16. Effective Date of Ordinances or Resolutions.
- Sec. 17. Emergency Ordinances or Resolutions. (11-8-66)
- Sec. 18. Adoption of Ordinances by Reference.
- Sec. 19. Independent Audit. (11-6-90)
- Sec. 20. Dedicated Parks. (9-16-69)

#### ARTICLE IV. ADMINISTRATIVE DEPARTMENTS.

- Sec. 1. General Provisions. (11-7-72)
- Sec. 2. Department of Law. (11-5-02)
- Sec. 3. Department of Finance. (11-5-02; 7-27-20)
- Sec. 4. Department of Public Safety-Service. (11-5-02)

#### ARTICLE V. CIVIL SERVICE COMMISSION.

- Sec. 1. Membership. (11-5-96)
- Sec. 2. Powers and Duties. (11-5-96; 11-3-20.)
- Sec. 2A. Additional Powers and Duties (11-5-02)
- Sec. 3. Job Classification.

#### ARTICLE VI. BOARDS AND COMMISSIONS.

- Sec. 1. General Provisions. (11-5-02)
- Sec. 2. Board of Zoning and Building Appeals. (11-5-96; 11-5-02; 11-4-14; 11-3-20)
- Sec. 3. Planning Commission. (11-5-02)
- Sec. 4. Park and Recreation Commission. (11-5-02)
- Sec. 5. Design and Construction Board of Review.(11-5-96; 11-4-14)

#### ARTICLE VII. FINANCES.

- Sec. 1. Tax Limitation. (11-2-93; 7-27-20)
- Sec. 2. Payment of Claims.
- Sec. 3. Custody and Deposit of Funds (11-5-02)
- Sec. 4. Public Bidding. (11-5-02)
- Sec. 5. Public Improvements and Services (11-5-96)
- Sec. 6. Annual Appropriation Ordinance. (11-6-90)
- Sec. 7. Board of Control. (11-5-96)

#### ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL.

- Sec. 1. Initiative and Referendum.
- Sec. 2. Recall. (11-7-72)

**ARTICLE IX. NOMINATIONS AND ELECTIONS.**

- Sec. 1. Municipal Elections.
- Sec. 2. Primary Elections. (11-5-02)
- Sec. 3. Declaration of Candidacy. (11-6-12; 7-27-20)
- Sec. 4. Nomination of Party Candidates With and Without Primary Elections. (11-5-96)
- Sec. 5. Independent Candidates. (11-6-12)
- Sec. 6. General Provision.

**ARTICLE X. GENERAL.**

- Sec. 1. Conflict of Interest; Personal Financial Interest. (11-7-72)
- Sec. 2. Effect of Partial Invalidity. (11-7-72)
- Sec. 3. Amendments to Charter. (11-7-72)
- Sec. 4. Charter Review. (11-6-90)
- Sec. 5. Use of Gender. (11-7-78)
- Sec. 6. Open Meetings (11-8-88; 11-3-20)
- Sec. 7. Public Notices. (11-3-20)
- Sec. 8. Deletion of Obsolete Language, Rearrangement of Numbers and Titles, and Correction of Typographical Errors. (11-4-08)

**CHARTER  
OF THE  
CITY OF ROCKY RIVER  
ARTICLE I**

**MUNICIPAL POWERS**

The City of Rocky River shall have all the powers of local self government which may now or hereafter lawfully be granted to a municipal corporation under the Constitution and laws of the State of Ohio.

All such powers shall be exercised in the manner prescribed by this Charter, or to the extent not prescribed hereby, then in such manner as the Council may determine and when not prescribed by Charter or determined by Council, then in such manner as may now or hereby be provided by the General Laws of Ohio.

**ARTICLE II**

**THE MAYOR**

**SECTION 1. TERM.**

The Mayor shall be elected at the regular municipal election in the year 1961, and every second year thereafter, for a term of two (2) years. His term shall commence and he shall assume office on the first day of January following his election and shall serve out his term or until his successor is elected and qualified, whichever occurs last.

**SECTION 2. QUALIFICATIONS.**

The Mayor shall be a qualified elector at the time of his election and he shall have been a resident of this City for at least one (1) year immediately prior to the date of his election, and shall continue to be a qualified elector and a resident therein during his term. He shall not hold any other compensated elected public office or public employment of either the City of Rocky River or of the Board of Education of a school district including within such district a portion of the territory of the City of Rocky River, nor shall he serve as Director of Finance.

(Amended 11-4-14)

**SECTION 3. REMOVAL.**

If, at any time the Mayor shall cease to possess any of the qualifications for such office or shall be convicted of a felony or other crime involving moral turpitude or shall be declared legally incompetent, he shall forthwith forfeit his office.

**SECTION 4. VACANCY AND ABSENCE IN OFFICE OF MAYOR.**

(a) Temporary Absence. When the Mayor is absent or inaccessible or is unable for any cause or reason to perform his duties, the President of Council shall become Acting Mayor with all the powers and duties of the Mayor, but he shall not thereby cease to be President of Council. If the President of Council is unable to assume the duties of Acting Mayor, then the President pro tem of the Council shall become the Acting Mayor with all the powers and duties of the Mayor, but he shall not thereby cease to be a member of Council.

(b) Vacancy. In the event the office of Mayor becomes vacant for any cause or reason, the President of Council shall become Acting Mayor until the Council meets and appoints, by a majority vote of all members, a person to serve as Mayor. Such appointment shall be made within sixty (60) days of such vacancy. Such appointee shall qualify under Section 2 of this Article and shall hold office and serve for the unexpired term and until a successor is duly elected and qualified. During the period until such vacancy is filled, the President of Council shall not cease to be a member of Council, but the President pro tem shall preside at meetings of Council. If the Council fails to fill such vacancy in the office of the Mayor within said sixty (60) day period, the President of Council shall become Mayor and his seat on the Council shall thereupon become vacant to be filled in accordance with the provisions of Article III, Section 7 of this Charter.

(Amended 11-4-75.)

**SECTION 5. DUTIES AND POWERS OF THE MAYOR.**

(a) Executive Powers. The Mayor shall be the chief executive officer of the City. He shall:

- (1) Supervise the administration of the City's affairs;
- (2) Exercise control over all departments and divisions except those reserved by this Charter to Council or its officers and

employees;

- (3) Be the chief conservator of the peace within the City;
- (4) Enforce all laws and ordinances;
- (5) Recommend to the Council such measures as he may deem necessary or expedient;
- (6) See that all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which the City is a party are faithfully kept and performed;
- (7) Prepare and submit to the Council such reports as may be required by that body;
- (8) Act as the official and ceremonial head of the City government;
- (9) Execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party;
- (10) Submit to the Council and place on file in the office of the Clerk of Council for public inspection a complete report on the finances and activities of the City as of the end of each fiscal year;
- (11) Keep the Council full advised as to the financial condition and future of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable;
- (12) Perform such duties as are conferred or required by this Charter, by any ordinance or resolution of the Council or by the laws of the State.

Subject to provisions of the Civil Service regulations and the provisions of this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any officer or employee of the City.

(b) Legislative Powers. The Mayor shall attend Council meetings but shall have no vote therein. He shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council.

Every ordinance passed or resolution adopted shall be signed by the President of Council or other presiding officer and presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, he shall sign and return it to the Clerk of Council within ten (10) days after its passage or adoption by Council, but if he does not approve it, he shall return it to Council within said ten (10) days with his written objections by delivery to the Clerk of Council. The Mayor's objections shall be read at the next Council meeting and be entered in full on the journal of Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If he does not return an ordinance or resolution within the time limited in this Section, it shall take effect in the same manner as if he had signed it. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it to the Council with his objections, Council may, not later than thirty-five (35) days thereafter, reconsider it and, if such ordinance, resolution or item, upon such reconsideration is approved by the vote of at least two-thirds (2/3) of all members of Council it shall take effect at the time of the vote of approval or at such later time as may be specified in such ordinance, resolution or item.

(c) Judicial Powers. The Mayor shall have all the judicial powers granted from time to time by the General Laws of Ohio to Mayors of cities.

(Amended 11-7-72.)

### ARTICLE III

#### THE COUNCIL

##### SECTION 1. POWERS AND MEMBERSHIP.

The legislative powers of the City, except as otherwise provided in this Charter and by the Constitution of the State of Ohio, shall be vested in and exercised by a Council consisting of seven (7) members, one (1) of whom shall be elected from each of four (4) wards in the City and three (3) shall be elected at large. In addition to any powers, duties or obligations, as set forth in this Charter, Council shall have such further powers, duties or obligations as are set forth in the general laws and the constitution of the State of Ohio to the extent not in conflict with this Charter; and in the event that there is such a conflict then those granted, allowed or imposed by this Charter shall prevail.

(Amended 11-7-72.)

##### SECTION 2. TERM OF OFFICE.

Members of Council shall be elected at the regular municipal election in the year 1961 and every second year thereafter. Their terms shall be for a period of two (2) years and shall commence and they shall assume office on the first day of January, following their election, and shall serve out their terms or until their successors are elected and qualified, whichever occurs last. If any members of Council elected at large shall fail to qualify, then an equal number of the councilmen elected at large who were not reelected and whose terms are expiring shall continue to hold office until the expiration of the term of the councilman who failed to qualify or until a vacancy occurs. The councilmen-at-large to hold over shall be selected on the basis of the number of votes cast for each at the election at which they were most recently chosen, selecting first such councilman for whom the largest number of votes was so cast and continuing therefrom in decreasing order of such number of votes. Councilmen-at-large who were appointed to fill vacancies shall be selected in the order in which they were so appointed but shall rank behind Councilmen-at-large who were elected to such position.

##### SECTION 3. QUALIFICATIONS.

All members of Council shall be qualified electors at the time of their election. They shall have been residents of the City for at least one (1) year immediately prior to the election and shall continue to be the same during their term of office, provided further that any member of Council elected from a ward shall have been a resident of the ward from which he was elected for at least one (1) year immediately prior to his election and shall continue to be the same during his term of office. No member of Council shall hold any other compensated elected public office or public employment of the City of Rocky River.

Any member of Council who shall cease to possess, or who violates any of the qualifications herein enumerated shall forfeit his office, but failure to maintain such qualifications shall not render void or ineffective any action of Council in which such member has participated.

(Amended 11-4-14)

##### SECTION 4. ORGANIZATION.

Within three (3) days after taking office, as provided in Section 2 hereof, the Council shall meet for the purpose of organization and shall elect one (1) of its members to serve as its President and another as its President pro-tem, who shall preside at meetings of Council

in the absence of the President.

#### **SECTION 5. DUTIES OF PRESIDENT OF COUNCIL.**

The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council, and in addition, shall preside at all meetings of Council and shall appoint the various committees of Council, co-ordinating the work of the various committees appointed by him.

#### **SECTION 6. REMOVAL.**

The Council shall be the judge of the election and qualifications of its own members. It may remove any member for gross misconduct, or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude, or if declared legally incompetent, or for violation of this Charter, or persistent failure to abide by the rules of the Council; provided that such removal shall not take place without the concurrence of at least two-thirds (2/3) of all remaining members of Council nor until the accused member shall have been notified of the charge against him and given an opportunity to be heard. The accused member shall not vote on the question of his removal.

#### **SECTION 7. VACANCIES.**

Any vacancy in Council shall be filled by appointment by a two-thirds (2/3) vote of all remaining members of the Council. If the vacancy is not filled within sixty (60) days, the Mayor shall fill the vacancy by appointment. Such appointee shall qualify under Section 3 of this Article and shall hold office and serve for the unexpired term and until his successor is elected and qualified. (Amended 11-3-20.)

#### **SECTION 8. QUORUM.**

Four (4) members of the Council shall be a quorum, but a lesser number may adjourn from day to day and compel attendance of the absent members in such manner and under such penalties as may be prescribed by ordinance.

#### **SECTION 9. MEETINGS.**

After the meeting for organization, the Council shall meet at such times as may be prescribed by its rules, regulations, ordinances or bylaws; but it shall hold regular meetings at least twice during each calendar month provided, however, the Council, may by rule provide for a period of not to exceed thirty (30) continuous days during a calendar year in which no regular meeting need be held.

All meetings of the Council shall be open to the public except as provided in Article X, Section 6 of this Charter. (Amended 11-5-96.)

#### **SECTION 10. SPECIAL MEETINGS.**

Special meetings of the Council may be called as provided by its rules, regulations, laws, resolution or ordinances. In the absence of any such provisions, special meetings may be called by a vote of Council taken at any regular or special meeting thereof or shall be called by the Clerk of Council on the written request of the Mayor, or the President of Council, or any three (3) members of Council. Any written request for a special meeting shall state the subject or subjects to be considered at the special meeting and no other subject or subjects shall be considered. Notice in writing of each special meeting called at the request of the Mayor, President of Council or three (3) members of Council shall state the date, time, place and subject or subjects of the special meeting and shall be posted on a bulletin board in the lobby of the City Hall and served on the Mayor and each member of Council either personally or by leaving a copy of such notice at his usual place of residence. Such posting and service shall be accomplished not less than twenty-four (24) hours preceding the time for the special meeting. In the event that a special meeting is called by a vote of Council taken at any regular or special meeting from which the Mayor or any member of Council is absent, written notice of such special meeting shall be posted and given each absentee in the manner hereinbefore described. Service of notice of any special meeting shall be deemed conclusively to have been waived by the Mayor or by any councilman who shall be present thereat.

#### **SECTION 11. SALARIES, COMPENSATION AND BONDS.**

The Council shall have the power to fix the salaries of its members and of all other officers and employees of the City, whether elected, appointed or chosen, and to establish such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties. The premium of any bond required by the Council shall be paid by the City. The salary of an elected officer shall not be increased during his term of office nor decreased during such term except with the consent of the officer involved. If the office is elective the salary shall be set at least forty-five (45) days prior to the last date for filing of nominating petitions. The Council may authorize the payment to any officer or employee for travel for any municipal purpose.

#### **SECTION 12. CLERK OF COUNCIL.**

The Clerk of Council shall be appointed by and may be removed by Council. Council may employ such other employees as it deems necessary for the proper discharge of the duties of Council. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as Council may require.

(Amended 11-7-72.)

#### **SECTION 13. ENACTMENT OF ZONING ORDINANCES.**

The Council shall provide by ordinance for a procedure for the adoption of and amendments to any zoning ordinance and the maps and regulations relating thereto; provided, however, that the procedure established by ordinance must include:

- (1) A provision for public hearing on and prior to any such adoption or amendment.
- (2) A provision for notice of the time and place of such public hearing by publishing notice of such hearing once a week and on the same day of each week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation within the City.
- (3) A provision that if such adoption or amendment intends to rezone or redistrict twenty (20) or less parcels of land as listed on the then current tax list and duplicate, then written notice of the time and place of the hearing shall be mailed by the Clerk of Council by first class regular mail or in accordance with the Ohio Revised Code, at least twenty (20) days prior to the date of the public hearing to the owners of property within, abutting on and directly across the street from the parcel or parcels to be rezoned or redistricted and in addition, to the owners of property which is contiguous to (touches upon) any of the aforesaid property which abuts on or is directly across the street from the parcel or parcels to be rezoned or redistricted, to the addresses of such owners as such addresses appear on the County Auditor's then current tax list or the County Treasurer's mailing list. The failure to substantially comply with the foregoing public hearing and notice requirements, when established by ordinance of Council, shall invalidate any ordinance, map or regulation which may be adopted; provided, however, if no contest by litigation

shall be filed raising the failure to comply with the foregoing public hearing and notice requirements within thirty (30) days following the effective date of such ordinance, map or regulation, then such ordinance, map or regulation shall be valid as if there had been full compliance with the foregoing requirements of public hearing and notice. Until the completion of such thirty (30) day period, the Clerk of Council shall retain for public inspection all certificates of mailing which pertain to such ordinance, map or regulation. Failure of delivery of the mail notice shall not invalidate any ordinance, map or regulation which may be adopted. The passage as an emergency measure of any ordinance effecting a change in zoning or districting is prohibited.

(Amended 11-4-14)

#### **SECTION 14. ACTION ON MAPPED STREETS.**

When an application for a building permit involving an infringement on the mapped streets plan is submitted to Council, Council, within ninety (90) days of the date of submission, must take one of the following actions:

- (1) Approve the issuance of the building permit.
- (2) Acquire the right-of-way involved by purchase.
- (3) Initiate appropriation proceedings for the right-of-way involved.

(Amended 11-7-72.)

#### **SECTION 15. LEGISLATIVE PROCEDURE.**

(a) All legislative action shall be by ordinance, resolution or motion.

(b) Each proposed ordinance or resolution shall be introduced in written or printed form and shall contain only one (1) subject which shall be clearly expressed in its title, provided, however, that general appropriation ordinances may contain the various subjects and accounts for which moneys are appropriated.

(c) The vote on the question of passage of each ordinance and resolution shall be taken by yeas and nays and entered on the journal and no ordinance or resolution shall be passed without the concurrence of a majority of members of Council.

(d) Unless otherwise provided herein, every ordinance or resolution shall be read at Council meetings on three (3) different days, unless three-fourths (3/4) of all the members of Council vote to dispense with this rule; provided, however, any ordinance or resolution effecting a change in zoning shall be read at Council meetings on three (3) different days without exception. The reading of an ordinance or resolution shall be by title only, provided that an ordinance or resolution shall be read in full on its first reading if requested by any member of Council and shall be read in full on its second or third reading if requested by at least two (2) members of Council.

(e) No ordinance or resolution, or any section thereof, shall be revised or amended, unless the new ordinance or resolution contains the entire ordinance, resolution or section as revised or amended and the ordinance, resolution or section so amended shall be repealed.

(f) The Council shall cause a journal of its proceedings to be kept which journal shall be a public record.

(g) Council may adopt rules, regulations and bylaws not inconsistent with this Charter, governing its own proceedings and all other matters pertaining to the exercise of its power and the performance of its duties.

(h) All ordinances, resolutions, statements, orders, proclamations and reports required by law, this Charter or ordinance to be published, shall be published by promptly posting a copy thereof for a period of not less than thirty (30) days on a bulletin board in the lobby of the City Hall. Council may by ordinance provide for additional methods of publication of any of the foregoing.

(Amended 11-7-78.)

#### **SECTION 16. EFFECTIVE DATE OF ORDINANCES OR RESOLUTIONS.**

All ordinances and resolutions not subject to referendum under the provisions of this Charter shall take effect upon either the approval of the Mayor or the expiration of the time within which they may be disapproved or passage by Council over the Mayor's veto, unless a later effective date is set forth in said ordinance or resolution. No other ordinance or resolution shall go into effect until thirty (30) days after its passage by Council and approval by the Mayor or expiration of the time within which it may be disapproved or passed by Council over the Mayor's veto unless a later effective date is set forth in said ordinance or resolution, as the case may be.

#### **SECTION 17. EMERGENCY ORDINANCES OR RESOLUTIONS.**

An emergency measure is an ordinance or resolution to take effect at the time indicated therein, necessary for the immediate preservation of the public peace, health or safety. Ordinances appropriating money may be passed as emergency measures but no measure making a grant, renewal or extension of a franchise or other special privilege, regulating the rate to be charged for its service by any public utility, or changing the boundaries of the City shall ever be so passed. Emergency ordinances and resolutions must receive the affirmative vote of at least two-thirds (2/3) of all members of Council upon the yea or nay vote taken on adoption, and the reasons for the necessity of declaring said ordinance or resolution to be an emergency measure shall be set forth in one section of the ordinance or resolution in clear and specific terms.

(Amended 11-8-66.)

#### **SECTION 18. ADOPTION OF ORDINANCES BY REFERENCE.**

Council may adopt standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating and air conditioning by reference to the date and source of the code without reproducing the same at length in the ordinance. In all such cases, publication of the code at length by the City shall not be required. In any such instance a copy of such codes shall be kept in the office of the Clerk of Council.

(Ord. 47-14. Passed 7-28-14.)

#### **SECTION 19. INDEPENDENT AUDIT.**

The Council shall authorize by ordinance a contract for an independent annual examination of all City accounts and may so provide for such examination more frequently if Council deems necessary. Such a contract shall be entered into with only a certified public accountant or a firm of certified public accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City, or any of its officers. If such an examination is made because such examination is required by the Auditor of State, the Council may accept it as satisfying the requirements of this section. The report of any such examination, including the comprehensive annual financial report, made to the City shall be filed with the Clerk of Council, who shall retain the then current report for public inspection. Within thirty days after the report is filed with the Clerk of Council, the Director of Finance shall submit a copy of the same report to the Rocky River Public Library.

(Amended 11-6-90; Ord. 48-14. Passed 7-28-14.)

## **SECTION 20. DEDICATED PARKS.**

Council may, from time to time, dedicate lands owned by the City as parks to be used for park and recreational purposes (in this Charter, called "dedicated parks"). The dedication of dedicated parks shall not be vacated, nor shall any such dedicated parks be sold, conveyed, leased, rented, or in any manner alienated, nor the exclusive use of any portion thereof be granted, by the Council, nor shall any portion thereof be used or permitted to be used by any person, corporation, governmental body or other entity for other than park and recreational uses, unless and until such matter has been submitted at a general or special election in the manner and subject to the procedures that shall be established by ordinance, and approved by a majority of the electors voting thereon. However, Council may without such approval by the electorate:

(a) Lease, rent or permit the use of any part of such dedicated parks to or by any person, corporation, governmental body or other entity for the operation of any facility, or the performance of any service or function, incidental to and congruous with park and recreational uses, or

(b) Grant and/or convey easements or similar interests over, under and across dedicated parks for the construction, installation and maintenance of sewers and utility lines.

The passage as an emergency measure of any ordinance or resolution under the first paragraph of this section is prohibited except, however, for measures concerning the lease, rental or other permissive use of dedicated parks for periods of time, including periods covered by any options to renew, not to exceed one (1) year, the dedication of lands to be dedicated parks, and matters approved by the electorate as provided for in said paragraph.

(Added 9-16-69.)

## **ARTICLE IV**

### **ADMINISTRATIVE DEPARTMENTS**

#### **SECTION 1. GENERAL PROVISIONS.**

There are hereby created and established a Department of Law, a Department of Finance and a Department of Public Safety-Service. The Council shall by ordinance provide for the organization thereof and may provide by ordinance for the establishment and organization of other departments or divisions thereof and may provide for the abolishment or combination of any department or division not created expressly by this Charter. Each department shall be administered by a director who, with the exception of the Director of Law who shall be elected, shall be appointed by and serve at the pleasure of the Mayor. Except for the Department of Law and the Department of Finance, the same person may be the director of more than one department. Each director shall administer his department in accordance with this Charter and with ordinances enacted by Council and rules and regulations made by the Mayor pursuant thereto, and shall, subject to applicable civil service regulations, appoint and remove heads of divisions, and officers and employees within his department.

(Amended 11-7-72.)

#### **SECTION 2. DEPARTMENT OF LAW.**

The Department of Law shall be administered by a Director of Law. The Director of Law shall be a qualified elector at the time of his election, duly admitted to practice law in the State of Ohio with at least five (5) years of general attorney experience, or at least three (3) years of prior municipal attorney experience either [1] as an assistant law director and/or law director for an Ohio municipality or [2] as an attorney representing an Ohio municipality in civil actions in state or federal court and shall have been a resident of the City for at least one (1) year immediately preceding his election or appointment and shall continue to be a resident of the City during his term of office. Said Director shall be elected at the regular municipal election in each odd-numbered year for a period of two (2) years. His term shall commence and he shall assume office on the first day of January following his election and shall serve out his term or until his successor is elected and qualified, whichever occurs last.

He shall serve the Mayor, the Council, the administrative officers and departments and the commissions and boards of the City as legal counsel, represent the City in all proceedings in Court or before any administrative body, perform all duties now or hereafter imposed on city solicitors by the general law and perform such other duties consistent with his office as the Council or Mayor may impose upon him. He shall appoint and remove all assistant Directors of Law and Prosecutors. He or his appointed assistant shall act as the prosecuting attorney for the City.

If at any time the Director of Law shall cease to possess any of the qualifications for such office or shall be convicted of a felony or other crime involving moral turpitude or shall be declared legally incompetent, he shall forthwith forfeit his office. In the event the office of Director of Law becomes vacant, the Mayor shall appoint a successor who shall have the qualifications set forth in this section and serve for the unexpired term and until a successor is elected and qualified.

(Amended 11-4-08)

#### **SECTION 3. DEPARTMENT OF FINANCE.**

The Department of Finance shall be administered by a Director of Finance. The Director of Finance shall (1) have a Bachelor Degree with a major in Finance or Accounting and shall have no less than five (5) years finance or accounting experience with at least two (2) of such years working in governmental finance or accounting, or (2) be a certified public accountant.

The Director of Finance shall be the fiscal officer of the City. He shall advise the Mayor and the Council concerning the financial condition of the City. He shall examine all payrolls, bills and other claims against the City and shall issue no warrant unless he shall find that the claim is in proper form, correctly computed and duly approved, and that it is due and payable, and that an appropriation has been made therefor. He shall keep and supervise all accounts and have custody of all public money of the City. He shall collect special assessments and control the payment of the public debt of the City. He shall perform all other duties now or thereafter imposed on city auditors or treasurers by the laws of the State of Ohio. He shall perform such other duties as the Mayor or Council may impose upon him consistent with his office.

(Amended 11-5-02) (Ord. 54-20. Passed 7-27-20.)

#### **SECTION 4. DEPARTMENT OF PUBLIC SAFETY-SERVICE.**

The Department of Public Safety-Service shall be administered by a Director of Public Safety-Service. He shall make all necessary rules and regulations for the operation of the Department of Public Safety-Service and the several divisions thereof. The Department shall include but need not be limited to a Division of Police and a Division of Fire. The Director of Public Safety-Service shall, except as otherwise provided herein, be charged under the direction of the Mayor with the duty of enforcing all police, safety, and sanitary

regulations that may be prescribed by ordinances or rules of the City or the general laws of the State of Ohio.

The Director of Public Safety-Service shall have charge of all public works subject to the provisions of this Charter. The Director of Public Safety-Service shall act as the purchasing agent for the City and shall have such powers and duties in connection therewith as prescribed by Council.

(Amended 11-5-02.)

## ARTICLE V

### CIVIL SERVICE COMMISSION

#### SECTION 1. MEMBERSHIP.

There is hereby created and established a Civil Service Commission which shall be composed of three (3) qualified electors of the City not holding other office, appointment or employment in the government of the City of Rocky River and not holding an office or appointment subject to civil service regulations, to be appointed by the Mayor for a term of six (6) years and until their successors are appointed and qualified, except that any such member may be removed by the Mayor for excessive absenteeism, gross misconduct, or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude. Any vacancy occurring during the term of a member of this Commission shall be filled for the unexpired term in the same manner as the original appointment was made.

(Amended 11-5-96.)

#### SECTION 2. POWERS AND DUTIES.

The Civil Service Commission shall adopt rules and regulations in accordance with the powers of home rule authority granted by the Ohio Constitution, and as approved by the City Council, on all matters of examination of merit and fitness for the appointment, promotion, transfer, layoff, reinstatement, suspension and removal of officers and employees of the City. Proposed rules and regulations and revisions thereto shall be presented to the Clerk of City Council who shall place the same on Council's next agenda for action by ordinance of either approval, modification, or rejection by majority vote of Council within forty-five (45) days. Failure of Council to timely act upon said rules or regulations shall constitute an approval of the same.

- (a) That the Civil Service Commission may by rule establish a probationary period of not more than two (2) years for persons appointed to the Classified Service; and
- (b) That the Civil Service Commission shall add additional credit to each passing grade on entrance examinations for applicants who received an honorary discharge from United States military service and may further establish by rule additional credit to be added to each passing grade on entrance examinations for applicants who have job related training and/or education. The percentage of the United States Military service credit shall be at least five percent (5%) as established by rule of the Civil Service Commission. The percentage of any other job related training and/or education credit may be established by rule of the Civil Service Commission. Notwithstanding the percentage of each such credit established by rule of the Civil Service Commission, the total additional credit which may be added to any passing grade on an entrance examination shall not exceed twenty percent (20%).

(Amended 11-5-96; 11-3-20.)

#### SECTION 2A. ADDITIONAL POWERS AND DUTIES.

In addition to the powers and duties set forth in Section 2 above, the Rocky River Civil Service Commission shall certify to the Mayor the highest three (3) candidates in a promotional examination for the position of either Police Chief or Fire Chief.

(Amended 11-6-90.)

The Rocky River Civil Service Commission shall also have the authority to limit the number of individuals who achieve a minimum passing grade on the written entrance examination to the minimum passing grade set by said Commission or up to fifty (50) individuals who achieve the highest scores on said examination, whichever number is smaller.

(Amended 11-5-02.)

#### SECTION 3. JOB CLASSIFICATION.

Regular members of the Division of Fire and the Division of Police shall be within the Classified Service. The Council shall, by ordinance, determine which of the other positions and employment within the government of this City shall be in the Classified Service and which shall be in the Unclassified Service.

## ARTICLE VI

### BOARDS AND COMMISSIONS

#### SECTION 1. GENERAL PROVISIONS.

There are hereby established the boards and commissions provided for in subsequent sections of this Article VI. Council may, subject to this Section 1, create other boards and commissions and assign to them such duties and powers as are not assigned elsewhere in this Charter. Members and alternates of boards and commissions, unless otherwise provided in this Charter, shall be appointed by the Mayor. There shall be no more than two (2) alternates appointed to each board or commission unless otherwise provided for in this Charter, and no alternate shall replace a regular member of a board or commission except upon the absence or request of the regular member. An alternate's qualifications shall be the same as those of a member of the board or commission to which such alternate is appointed. An alternate shall serve the same term as does a member of the board or commission to which such alternate is appointed. Members and alternates shall serve until their successors are appointed and qualified, except that they may be removed by the appointing authority for excessive absenteeism, gross misconduct, or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude. Members shall hold no other office, appointment or employment in the government of the City unless specifically stated otherwise in this Charter. A vacancy occurring during the term of any member or alternate shall be filled for the unexpired term in the manner authorized for any original appointment.

(Amended 11-5-02.)

Boards and commissions shall elect such officers and adopt such rules of procedure as are necessary to carry out their duties; however, the rules of any five (5) member board or commission, whether created by this Charter or by action of Council, shall require that at least four (4) voting members of such board or commission shall constitute a quorum to do business and further that any formal action thereof shall require the concurring vote of at least three (3) voting members of said board or commission.

All meetings of all boards and commissions shall be open to the public, except as provided in Article X, Section 6 of this Charter. Boards and commissions shall keep minutes of their proceedings showing the members present and the vote of each member present upon every question, and shall keep records of all official actions. Every order, requirement, decision or determination of a board or commission shall promptly be filed in such office in the City Hall as shall be designated by Council, where it shall be maintained as a

public record. Council shall appropriate sufficient sums each year to permit boards and commissions to carry out their duties and powers. (Amended 11-5-02.)

Boards and commissions provided for in subsequent sections of this Article VI shall perform and have such additional duties and powers as may be provided by ordinance of Council.

The appropriate departments of the City shall provide to the boards and commissions the necessary technical services and advice available in said departments as any board may request, through its chairman or secretary, in writing.

(Amended 11-8-88.)

## **SECTION 2. BOARD OF ZONING AND BUILDING APPEALS.**

(a) Organization. The Board of Zoning and Building Appeals shall consist of five (5) members, appointed for respective terms of five (5) years, at least three (3) of whom shall be architects or professional engineers duly licensed or registered by the State of Ohio to practice their profession.

(Amended 11-4-14.)

(b) Powers and Duties. The Board of Zoning and Building Appeals shall:

- (1) Hear and decide appeals made for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and order of administrative officials or agencies governing zoning and building in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such procedures as shall be established by Council and subject further to such reasonable standards as shall be prescribed by Council, including, but not limited to, the existence of practical difficulties or unnecessary hardships in the strict interpretation of the aforesaid ordinances, resolutions, regulations, measures or orders, provided that the granting of such exception or variance will be in harmony with the general purpose and intent thereof.
- (2) Hear and decide appeals from, and to review upon motion of any member of the Board, any order, requirements, decision or determination of the Department of Public Safety- Service or of any other administrative official or agency of the City relating to any building or structure or appurtenance connected thereto in the City of Rocky River.

(Amended 11-5-96; 11-5-02; 11-3-20.)

## **SECTION 3. PLANNING COMMISSION.**

(a) Organization. The Planning Commission shall consist of five (5) voting members. One (1) voting member shall be the Mayor or a representative appointed by him for a period not exceeding one (1) year and four (4) voting members shall be appointed by the Mayor to respective terms of four (4) years each.

(b) Powers and Duties. The Planning Commission shall be responsible for the long range planning of the City so as to insure its orderly and harmonious development. The Commission shall act as the platting commissioners of the City, and as such shall provide regulations with respect to the platting of lands within the City so as to secure their harmonious development, provide for the coordination of streets and other public ways with the comprehensive plan and provide for open spaces for traffic, access for fire fighting apparatus, recreation, light and air, and for the avoidance of congestion of population. It shall make such regulations as it deems necessary as to the manner in which streets and other ways shall be graded and improved and the manner in which and the extent to which water, sewer and other utility mains, piping or other facilities shall be installed, and in addition may establish any other condition precedent to the approval of a proposed plat.

The Commission shall make plans and maps of the whole or any portion of the City and of any land outside the City which, in the opinion of the Commission, bears a relation to the planning of the City, and make changes in, additions to, and estimates of such plans or maps when it deems the same advisable. A comprehensive general plan to be known as the master plan shall be prepared by the Mayor or his designee. It shall provide for the overall development of the entire City. This master plan shall be reviewed in May of the tenth year following the previous review, and revised as necessary giving due consideration to those areas requiring redevelopment or urban renewals. Consistent with the master plan it may prepare a mapped streets plan together with necessary maps or plats showing the surveyed lines of all proposed improvements. It shall have such powers as may be conferred upon it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the zoning and rezoning of the City for any lawful purpose, and such other powers as may now or hereafter be conferred upon it by ordinance of the Council or by the general laws of the State of Ohio to the extent not inconsistent with this Charter or such ordinances.

The Commission shall review the comprehensive plan, as prepared by the Mayor or his designee as set forth above, and all revisions made each ten (10) years thereafter, and shall refer to Council with its recommendations any revisions or amendments thereto. No comprehensive plan or portions thereof or amendments thereto, shall be adopted by Council until after a public hearing thereon. The comprehensive plan shall serve as a guide to all future actions of the City concerning land use, development regulations, and official maps. A sufficient sum shall be appropriated by the Council each year to carry out the planning provisions of this Charter. At least every five (5) years the Commission shall review the Development Code and zoning ordinances, texts, maps and recommend such revisions and amendments as in its judgment are desirable.

(Ord. 49-14. Passed 7-28-14.)

The Commission shall recommend to the appropriate public authorities and private agencies such programs it deems desirable for the development and improvement of the City. It shall refer to Council with its recommendations any application for a building permit which involves infringement upon the mapped streets plan. Subject to the approval of Council and the availability of funds therefor, the Commission may recommend entering into agreements with the appropriate governmental or private agencies and the employment of consultants necessary or desirable for carrying forward any of its powers and duties. It may recommend appointment of advisory subcommittees composed of private citizens for a limited tenure to work with the Commission for the support and promotion of public projects or civic objectives. All plans, recommendations and regulations made by the Commission pursuant to this division (b) shall be submitted to Council for adoption before the same shall become effective for any purpose. The Commission shall have such other duties and powers as may from time to time be conferred upon it by ordinance of Council or by the general laws of the State of Ohio to the extent not inconsistent with this Charter or such ordinances.

(c) Mandatory Referral. No public building or structure, street, boulevard, parkway, park, playground, public ground, river front, harbor, dock, wharf, bridge, viaduct, tunnel or other public way, ground, works or utility whether publicly or privately owned or a part thereof, shall be constructed or authorized to be constructed in the City nor shall any public street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referring to zoning or other regulations controlling the use or development of land be passed, unless and until the matter shall have been submitted to the Planning Commission for report and

recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within sixty (60) days from the date of referral unless a longer time be allowed by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. If any provision of such ordinance, resolution or order is disapproved by formal action of the Planning Commission, the adoption of such ordinance, resolution or order shall require a two-thirds (2/3) affirmative vote of all members of the Council.

(Amended 11-5-02.)

#### **SECTION 4. PARKS AND RECREATION COMMISSION.**

(a) Organization. The Parks and Recreation Commission shall consist of five (5) members, to be appointed and herein provided:

- (1) One (1) member shall be a member of the Board of Education of the Rocky River City School District and shall be appointed by such Board of Education for a term of two (2) years.
- (2) One (1) member shall be a member of the City Council and shall be appointed by such Council for a term of two (2) years.
- (3) Three (3) members shall be qualified electors of the City not holding other office, appointment or employment in the government of the City or of the School District. One (1) such member shall be appointed by the Board of Education of Rocky River City School District and one (1) such member shall be appointed by the Mayor. The final such member shall be appointed by the other four (4) members and shall require the concurrence of at least three (3). Appointments of such three (3) members shall be for terms of five (5) years each.
- (4) Each appointing authority shall notify the Clerk of Council in writing, of the name and address of its appointee, and such appointment shall become effective upon delivery of said notice.

(b) Vacancies. A vacancy occurring during the term of any member shall be filled for the unexpired term in the same manner as that member's appointment. If a vacancy is not filled by the appropriate appointing authority within thirty (30) days, then such vacancy shall be filled by the other appointive authority as follows:

- (1) Vacancy in the Board of Education membership or in the membership to be appointed by the Board: next appointing authority shall be the Mayor for a period of thirty (30) days and then the City Council.
- (2) Vacancy in the City Council membership: next appointing authority shall be the Mayor for a period of thirty (30) days and then the Board of Education.
- (3) Vacancy in the membership to be appointed by the Mayor: next appointing authority shall be the City Council for a period of thirty (30) days and then the Board of Education.
- (4) Vacancy in the membership to be appointed by the other Commission members: next appointing authority shall be the City Council for a period of thirty (30) days and then the Mayor.

(c) Powers and Duties.

- (1) The Commission shall plan, organize and establish policies to provide, within the limitations of available funds, a year-round recreation and leisure time program for citizens of all ages. Such policies shall be administered by the Director of Recreation under the direction and supervision of the Commission.
- (2) The Commission shall make recommendations to the Mayor and Council concerning the nature, function, use, utilization, maintenance, beautification, control and regulation of parks and the acquisition of additional parks and the sale or other alienation of all or part of any park. The Commission shall make recommendations to the Board of Education, Mayor and Council concerning the development, maintenance and operation of playgrounds and recreational facilities of the City and the Board of Education.
- (3) Commission shall have the following specific duties and powers: To review and recommend to the Mayor, at least thirty (30) days prior to the commencement of the annual City budget process, a proposed line item budget together with a projected recreation program for the ensuing fiscal year. Such budget shall cover all recreation and leisure time activities and programs, including adult education, but shall not include the operation of the City's civic center, outdoor swimming pool and indoor ice rink facilities unless the Council shall, by ordinance, place such facilities within the operational jurisdiction of the Commission. To establish all fees and charges for participation in the various activities and programs within the Commission's operational jurisdiction. To assist organized groups conducting recreation and leisure time activities and programs and to appoint such citizen committees as the Commission deems necessary. (Amended 11-4-08)
- (4) The Commission shall have such other powers and duties as may be conferred upon it by ordinances.

(d) Director of Recreation. There is hereby created the position of Director of Recreation whose salary shall be fixed by the City Council. The Director of Recreation shall be appointed by and serve at the pleasure of the Mayor.

(Amended 11-5-02.)

(e) Mandatory Referral. No ordinance or resolution concerning the nature, function, use, utilization, maintenance, beautification, control and regulation of dedicated parks, as provided for in Article III, Section 20 hereof, shall be passed, unless and until the matter shall have been submitted to the Parks and Recreation Commission for report and recommendation. Any matter so referred to the Parks and Recreation Commission shall be acted upon by it within sixty (60) days from the date of referral unless a longer time be allowed by Council. If the Parks and Recreation Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. If any provision of such ordinance or resolution is disapproved by formal action of the Parks and Recreation Commission, the adoption of such ordinance or resolution shall require a two-thirds (2/3) affirmative vote of all members of the Council.

(Amended 11-6-84.)

#### **SECTION 5. DESIGN AND CONSTRUCTION BOARD OF REVIEW.**

(a) Organization. The Design and Construction Board of Review shall consist of three (3) regular voting members. Two (2) alternate members shall also be appointed. Terms of regular and alternate members shall be for three (3) years each. Each member shall be an architect or engineer duly licensed or registered by the State of Ohio to practice their profession.

No member of the Design and Construction Board of Review shall participate in the review of any work of which said Board member or a partner or professional associate is the author, or in which said Board member or they have any direct or indirect financial interest. In the event of the temporary absence for any reason of any of the three (3) regular members or disqualification of any regular member to act upon any matter coming before the Board, one or more of the alternate members shall be designated by the chairperson to serve during such temporary absence or disqualification so that at least two (2) members shall be present at any meeting or be able to act on

any matter.

(Amended 11-4-14.)

(b) Powers and Duties. The Design and Construction Board of Review shall have such powers and duties as Council shall provide by ordinance concerning the review and regulation of the design, construction, alteration, moving or razing of buildings in the City for the purpose of maintaining the high character of community development and protecting real estate within the City from the impairment of destruction of value.

(c) Appeals. Appeals from final decisions of the Design and Construction Board of Review shall be made to the Board of Zoning and Building Appeals.

(Amended 11-5-96.)

## ARTICLE VII

### FINANCES

#### SECTION 1. TAX LIMITATION.

In addition to the power of Council to levy taxes within the ten-mill limitation provided by the Constitution and laws of the State of Ohio, the Council may also levy annually, without a vote of the people, outside of the constitutional and statutory ten-mill limitation and outside any limitations provided by this Charter:

(A) Upon all real property listed and assessed for taxation upon the tax lists and duplicates beginning with the year 1994 and each year thereafter a tax not to exceed five (5) mills for the following purposes:

- (1) For the current operating expenses of the City, a tax not to exceed three (3) mills.
- (2) For recreational purposes, a tax not to exceed five-tenths (.5) mill.
- (3) For providing or maintaining senior citizen services or facilities, a tax not to exceed five-tenths (.5) mill. (Amended 11-4-86.)
- (4) For solid waste removal and recycling, a tax not to exceed one (1) mill.

(Amended 11-2-93.)

(B) Upon all real property listed and assessed for taxation upon the tax lists and duplicates beginning with the year 1988 and each year thereafter a tax not to exceed one (1) mill for the purpose of paying costs of capital improvements.

(Ord. 52-20. Passed 7-27-20.)

#### SECTION 2. PAYMENT OF CLAIMS.

No money shall be drawn from the treasury nor shall an obligation for expenditure be incurred except in accordance with the appropriations made by Council. Claims shall be approved in writing by the head or acting head of the department for which the obligation was incurred. The Council may, by ordinance, provide for additional regulations or controls with respect to the payment of claims.

#### SECTION 3. CUSTODY AND DEPOSIT OF FUNDS.

The Council shall, by ordinance, provide for the safekeeping of all funds of the City and for the deposit of funds in a bank or banks. All funds received on behalf of the City by any officer, employee or agent thereof, shall be promptly paid over to the Director of Finance and by him promptly placed in a depository bank, but the Council may authorize such sums as it deems proper to be kept in cash for the daily operation of any department or office. The Director of Finance may invest moneys of the City in any or all of the following: Investments consistent with the general laws of the State of Ohio in accordance with the Ohio Uniform Depository Act and any amendments thereto, bonds or notes of this City, bonds or other obligations of the United States or those for the payment of principal and interest of which the faith of the United States is pledged, bonds or other obligations of this State and bonds or other obligations of any political subdivision or taxing district of this State as to which there is no default of principal or interest, in such manner as is now or hereafter provided by ordinance of Council or by the laws of the State of Ohio, and the State Treasury Asset Reserve (STAR), an investment pool managed by the Ohio Treasurer of the State, as defined in Section 135.45 (F)(2)(a) of the Ohio Revised Code.

(Amended 11-4-08.)

#### SECTION 4. PUBLIC BIDDING.

No expenditure of more than the amount consistent with the general laws of the State of Ohio shall be made except pursuant to contract authorized by Council and made with the lowest and best bidder after public advertising and receipt of bids in the manner provided by ordinance. Provided, however, the Council may authorize expenditure of funds of the City in amounts exceeding the limitations consistent with the general laws of the State of Ohio without public bidding for the acquisition of real estate, for personal services, for the joint use of facilities or exercise of powers with other political subdivisions, for the product or services of public utilities (including those municipally or privately operated), or in the event of an emergency or catastrophe for the necessary repairs, including labor and material and for the purchase and/or lease of supplies, material, equipment or replacement equipment to eliminate and correct damages caused by said emergency or catastrophe.

(Amended 11-4-08.)

#### SECTION 5. PUBLIC IMPROVEMENTS AND SERVICES.

Public improvements of all kinds may be made, and public services of all kinds may be provided, by the appropriate department either by direct employment of the necessary labor and purchase of the necessary supplies and materials, with a separate account as to each improvement so made or service so provided or by contract let as provided in the preceding section either for a closed price or upon a unit basis.

(Amended 11-5-96.)

#### SECTION 6. ANNUAL APPROPRIATION ORDINANCE.

The Mayor shall prepare with the assistance of the Director of Finance, and submit an annual appropriation ordinance to the Clerk of Council not later than the last day of each January, which appropriation ordinance shall be based upon estimates furnished by the head of each department, division, board or commission in such form and detail as the Mayor may require.

Copies of such appropriation ordinance shall be available for distribution to the public and a public hearing shall be held before final action is taken by the Council. Notice of the time and place of such public hearing shall be held before final action is taken by Council. Notice of the time and place of such public hearing shall be given by publication once not less than seven (7) days prior thereto in a newspaper determined by Council to be of general circulation to the City.

The annual appropriation ordinance shall be passed by the Council not later than April 1 of each year. The Council may amend or supplement the appropriation ordinance after its passage. Council may make one (1) or more preliminary appropriations until the annual

appropriation ordinance is in effect.  
(Amended 11-6-90.)

**SECTION 7. BOARD OF CONTROL.**

The Mayor, the Director of Public Safety-Service and the Director of Finance shall constitute the Board of Control of the City. No contract involving an expenditure in excess of Five Hundred Dollars (\$500.00), but less than the amount set forth in Article VII, Section 4 of this Charter shall be entered into without the prior approval of at least two (2) members of the Board of Control. The Board of Control shall keep minutes of its actions, copies of which shall be filed with the Director of Finance and maintained as public records.  
(Amended 11-5-96.)

**ARTICLE VIII**

**INITIATIVE, REFERENDUM AND RECALL**

**SECTION 1. INITIATIVE AND REFERENDUM.**

Ordinances and resolutions may be proposed by initiative petition and adopted by election, and ordinances and resolutions adopted by Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution or the laws of Ohio.

**SECTION 2. RECALL.**

The electors shall have the power to remove from office by a recall election any elected officer of the City in the manner herein provided. If an elected officer shall have served six (6) months of his term, a petition demanding his removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one (1) instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds of the removal. Such petition shall be signed by at least that number of electors which equals twenty-five percent (25%) in number of the electors voting at the last preceding regular municipal election, provided however, the petition for recall of a councilman elected from a ward shall be signed by at least that number of electors of the councilman's ward equal to twenty-five percent (25%) in number of the electors of such ward who voted at the last preceding regular municipal election. Within twenty (20) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of ten (10) days after the date on which such delivery was made in which to make the petition sufficient.

If the Clerk of Council shall find the petition sufficient, he shall promptly so certify to Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery.

If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than thirty (30) days nor more than forty-five (45) days after the date of such delivery, and shall cause notice of such recall election to be published on the same day of each week for two (2) consecutive weeks in a newspaper determined by Council to be of general circulation in the City. An election for the recall of a councilman elected from a ward shall be conducted only in that ward; all other recall elections shall be conducted in the City at large. At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with the provisions on the ballot for voting affirmatively or negatively, and in the event a majority of the vote is negative, such officer shall be considered as removed, his office shall be deemed vacant and such vacancy shall be filled as provided in this Charter. The officer removed at such recall election shall not be eligible for appointment to the vacancy created thereby. If the officer is not removed at such recall election, no further recall petitions shall be filed against him for a period of one (1) year following such election.  
(Amended 11-7-72.)

## **ARTICLE IX**

### **NOMINATIONS AND ELECTIONS**

#### **SECTION 1. MUNICIPAL ELECTIONS.**

A general municipal election for the purpose of the election of offices provided for in this Charter shall be held on the first Tuesday after the first Monday in November in odd numbered years. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by law or provided for in this Charter.

#### **SECTION 2. PRIMARY ELECTIONS.**

Except as hereinafter provided in Section 4 of this Article, primary elections shall be held for the purpose of nominating persons as candidates of political parties for election to offices provided for by this Charter to be voted for at the next succeeding regular municipal election. Such primary elections shall be held on the second (2nd) Tuesday in September prior to each regular municipal election.  
(Amended 11-4-08.)

#### **SECTION 3. DECLARATION OF CANDIDACY.**

Each person desiring to become a candidate for a party nomination to a municipal office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 P.M. of the ninetieth (90th) day before the day of the primary election provided for in Section 2 of this Article, file with the Board of Elections of Cuyahoga County, Ohio, a declaration of candidacy and a nominating petition, which petition shall require signatures of registered electors of the same political party as the candidate, not less than twenty-five (25) for ward councilman; one hundred (100) for councilman-at-large and the City offices at large.  
(Amended 11-6-12.) (Ord. 53-20. Passed 7-27-20.)

#### **SECTION 4. NOMINATIONS OF PARTY CANDIDATES WITH AND WITHOUT PRIMARY ELECTIONS.**

(a) Candidates for party nominations to municipal offices shall have their names printed on the official primary ballot by filing a declaration of candidacy and nominating petition with the Board of Elections of Cuyahoga County, Ohio, and paying the required filing fee.

(b) Candidates for party nominations to each respective office receiving the highest number of votes cast for candidates for nomination to such office by the electors of their political party at the party primary election shall, subject to the exceptions hereinafter provided in (1) and (2) of this subsection (b), be declared nominated and their names as candidates for such office, together with their party designation, shall be printed on the official ballots at the next succeeding regular municipal election.

(1) A party primary election shall be held only in the event that more than two (2) persons file as candidates for nomination of the same political party, and either at least one (1) candidate from any other political party or at least one (1) independent candidate files for nomination to the office of Mayor, or Director of Law, or ward councilman. The two (2) candidates receiving the highest number of votes cast for candidates for nomination to such office in the party primary election shall be declared nominated and their names, together with their party designation, shall be printed on the official ballots as herein above provided.

(2) A party primary election shall be held only in the event that more than four (4) persons file as candidates for nomination of the same political party, and either at least one (1) candidate from any other political party or at least one (1) independent candidate files for nomination to the offices of councilman-at-large. The four (4) candidates receiving the highest number of votes cast for candidates for nomination to such offices in the party primary election shall be declared nominated and their names, together with their party designation, shall be printed on the official ballots as herein above provided.

(Amended 11-3-09.)

#### **SECTION 5. INDEPENDENT CANDIDATES.**

Any person desiring to become an independent candidate for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 P.M. of the ninetieth (90th) day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominees. The petition for offices of councilmen-at-large and all other City offices at-large shall require signatures of not less than two hundred (200) electors. The petition for office of ward councilman shall require signatures of not less than fifty (50) electors. Names of independent candidates will not appear on the primary ballot but will appear on the ballot of the next regular municipal election.

(Amended 11-6-12.)

#### **SECTION 6. GENERAL PROVISION.**

Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the General Laws of Ohio and by the election authorities therein provided for.

## **ARTICLE X**

### **GENERAL**

#### **SECTION 1. CONFLICT OF INTEREST; PERSONAL FINANCIAL INTEREST.**

Any City officer or employee who has a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City, shall

make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or performance of any contract. Any City officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City, shall render the contract or sale voidable by the Council.

(Amended 11-7-72.)

## **SECTION 2. EFFECT OF PARTIAL INVALIDITY.**

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

(Amended 11-7-72.)

## **SECTION 3. AMENDMENTS TO CHARTER.**

The Charter may be amended as provided by Article XVIII, Section 9, of the Constitution of Ohio, by the submission of the proposed amendment or amendments to the electors of the City.

(Amended 11-7-72.)

## **SECTION 4. CHARTER REVIEW.**

In January, 1984, and each six (6) years thereafter, the Council shall appoint as members of a Charter Review Commission, nine (9) electors of the City, holding no other office, appointment or employment in the government of the City of Rocky River, except on advisory bodies of the City. Such Commission shall review the Municipal Charter, and within five (5) calendar months after such appointment, submit to Council such alterations, revisions, and amendments, if any, to this Charter, as in its judgment are desirable.

The Council shall be obligated to submit to the electors not later than the next succeeding general election all such proposed alterations, revisions or amendments as submitted by the Commission. The members appointed to said Commission shall serve without compensation. Council shall appropriate sufficient sums to enable such Commission to perform its duties and to pay all reasonable expenses thereof. Meetings of the Charter Review Commission shall be open to the public. A vacancy occurring during the term of any member of the Charter Review Commission may be filled for the unexpired term in the manner authorized herein for any original appointment.

(Amended 11-6-90).

## **SECTION 5. USE OF GENDER.**

Whenever the male gender is used in this Charter, it shall include the female gender.

(Added 11-7-78.)

## **SECTION 6. OPEN MEETINGS.**

Notwithstanding any other provision of this Charter, all meetings, both regular and special, of all municipal public bodies, including Council, its committees, and all boards and commissions, shall be open to the public, except closed meetings may be held after a majority of a quorum determines, by a roll call vote, to hold an executive session for the sole purpose of considering any of the following matters:

- (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law no public body shall hold an executive session for the discipline of an elected official for the conduct related to the performance of his official duties or for his removal from office.

If a public body holds an executive session pursuant to this subsection, the motion to vote to hold that executive session shall state which one or more of the approved purposes listed in this subsection are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

- (2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

- (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;
- (4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- (5) Matters required to be kept confidential by federal law or rules or state statutes;
- (6) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- (7) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance when the information is directly related to a request for economic development assistance that is available under the general laws of Ohio, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project, and when it is determined by the public body that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

If a public body holds an executive session to consider any of the matters listed in subsections (2) through (7), the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those subsections are to be considered at the executive sessions.

A resolution, rule or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in a subsection of this section and conducted at an executive session held in compliance with this section.

(Amended 11-8-88; 11-3-20.)

**SECTION 7. PUBLIC NOTICES.**

Council shall provide by ordinance, a process for posting by electronic means or other compatible method of posting, all notices or reports for agendas, meetings, hearings and all actions taken for or by City Council and all Boards and Commissions for which this Charter Requires notification to the public. (Enacted 11-3-20.)

**SECTION 8. DELETION OF OBSOLETE LANGUAGE, REARRANGEMENT OF NUMBERS AND TITLES, AND CORRECTION OF TYPOGRAPHICAL ERRORS.**

City Council in consultation with the Director of Law, may by Ordinance do any of the following:

- (1) delete any Charter language that has become obsolete as a result of either the passage of time, an amendment to the Charter, or the preemption of State or Federal law;
- (2) prior to reprinting the Charter upon any adoption by the electorate of any amendment hereto, make such changes to the numbers, titles and arrangement of articles and sections as may be necessary to maintain the logical and consistent ordering of the Charter; and
- (3) correct typographical errors appearing in the Charter.

No such deletion of obsolete language, or rearrangement and correction of typographical errors may be made which affects the substance or meaning of this Charter or any part thereof or amendment thereto.