

THE CHARTER
OF THE
CITY OF MEDINA, OHIO

EDITOR'S NOTE: The Charter for Medina, Ohio, was adopted at an election on May 6, 1952. A date appearing in parentheses following a section indicates that the provisions of that section were subsequently amended or enacted on the date given.

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THE CHARTER
OF THE
CITY OF MEDINA, OHIO

PREAMBLE

We, the people of the City of Medina, in the County of Medina, State of Ohio, in order to secure the benefits of municipal home rule and local self-government under the Constitution and Laws of the State of Ohio, do hereby adopt this Charter.

ARTICLE I
NAME AND BOUNDARIES

The City now existing in the County of Medina, State of Ohio and known as Medina, shall continue to be a body politic and corporate under the name of the City of Medina, with the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the laws of Ohio.

ARTICLE II
POWERS

The City of Medina shall have all the powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or exercised by municipalities under the Constitution and laws of Ohio. All such powers may be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as the Council may determine, or, unless a contrary intent appears in this Charter, or in the enactments of the Council, in such manner as may now or hereafter be provided by the laws of Ohio.

ARTICLE III
THE COUNCIL

Section 1. Composition and Term. The legislative powers of the City, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, one of whom shall be elected by the people as the President of Council.

The President of Council and two (2) members of the Council shall be elected at large. The other four (4) members of Council shall be designated as Ward Councilmen, and they shall be elected by the voters in their respective wards. One Ward Councilman shall be elected from each of the four (4) wards in the City of Medina, as those wards now exist or as they may, from time to time, be altered by the Council.

At the first regular Municipal election following adoption of this amendment, the President of Council, two (2) Councilmen at large and the Ward Councilmen from Ward No. 2 and Ward No. 4 shall be elected, and they shall assume office on the first day of January following their election, for terms of four years or until their successors are elected, except that one of such at large Councilmen shall be elected for a term of two years only; that same at large Council seat shall then become the at large Council position to be filled at the next regular Municipal election.

At the second regular Municipal election following adoption of this amendment, one (1) Councilman at large and the Ward Councilmen from Ward No. 1 and Ward No. 3 shall be elected, and they shall each assume office on the first day of January following their elections, for terms of four years or until their respective successors are elected.

All candidates seeking election shall in their petitions for nomination designate the office sought and the term thereof. (Approved by voters November 8, 1966.)

Section 2. Qualifications. Each member of Council shall have been for at least two (2) years immediately prior to his election, and during his term of office shall continue to be, a resident of the City and a qualified elector thereof. He shall not hold any other public office except as otherwise provided in this Charter or ordinance, and that of Notary Public or of membership in the State Militia, or the Reserve Corps of the United States.

Each Ward Councilman shall have been at the time of the filing of his declaration of candidacy, and during his term of office shall continue to be, a resident of the Ward which he represents. (Approved by voters November 3, 1970.)

Section 3. Removal. The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct, or malfeasance or nonfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or for a violation of his oath of office, or persistent failure to abide by the rules of the Council, or the absence without justifiable excuse from three consecutive regular meetings of the Council; provided, however, that such expulsion shall not take place without the concurrence of two-thirds (2/3) of the members of Council nor until the accused member shall have been notified in writing of the charge against him at least ten (10) days in advance of any hearing upon such charge, and he or his counsel has been given an opportunity to be heard, present evidence or examine any witness appearing in support of such charge.

Section 4. Vacancies in Council. Whenever the office of a Councilman shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council and if the vacancy shall not be so filled within forty-five days, the Mayor shall fill it by appointment. Each Councilman so elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until the beginning of the term of a successor elected for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term at the next Municipal election if:

- (a) Such election shall occur more than two years prior to the expiration of the unexpired term, and
- (b) The vacancy shall have occurred more than seventy-five (75) days prior to such election.

Section 5. President of Council - Duties. The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council, and, in addition thereto, he shall preside at all meetings of Council, and when the Mayor is absent from the Municipality or unable for any cause to perform his duties, the President of Council shall become the acting Mayor and during such periods, shall have the same powers and perform the same duties as the Mayor.

Section 6. Successor to the Mayor.

(a) In the case of the death, disqualification, removal, or resignation of the Mayor after such Mayor has assumed office and before the filing deadline for the next regular municipal election, the duties of the Mayor shall be discharged by the Acting Mayor to assume the office within forty-five (45) days in the following order of succession: Council President; if the Council President is unable to or declines to serve as Acting Mayor, then the Council Members at-Large in descending order of longevity in service in the office of Council Member At-Large; if all the Council Members At-Large are unable to or decline to serve as Acting Mayor, the Ward Council Members in descending order of longevity in service in the office of Ward Council. In the event that more than one Council Member At-Large has the same longevity in service in the office of Council Member At-Large, he that received the largest number of votes in the most recent general election may serve as Acting Mayor. In the event that more than one Ward Council Member has the same longevity in service in the office of Ward Council Member, he that received the largest number of votes in the most recent general election may serve as Acting Mayor. The Acting Mayor shall serve until January 1st of the year following the next regular election. Under such circumstances, the office of Mayor shall be elected at the next regular municipal election for a two (2) year term commencing January 1st of the year following such election.

(b) In the case of the death, disqualification, removal, or resignation of the Mayor after such Mayor has assumed office and after the filing deadline for the next regular municipal election, the Acting Mayor as outlined in Art. III, Section 6, Paragraph (a), shall serve as Acting Mayor for the remaining unexpired term of Mayor.

(c) In the case of the death, disqualification, removal or resignation of the Mayor at any time after the filing deadline for the next regular Mayoral election and before the newly elected Mayor assumes the office, the Acting Mayor shall serve until January 1st of the year succeeding the Mayoral election. At that time, the newly elected Mayor shall assume the office and the Acting Mayor shall resume his previous office. Should there be no candidate elected to fill the office of Mayor, the Acting Mayor shall continue to hold the office under the conditions set forth in Section 6, Paragraph (a), above.

(d) Prior to January 1st of the period set forth in Section 6, Paragraph (c), above, if the office of President of Council is temporarily vacated because the President of Council has become the Acting Mayor, the President of Council Pro Tem shall serve in the office of President of Council and a temporary vacancy on Council shall be permitted to exist. In the event the Acting Mayor will be required to continue serving as Mayor after January 1st, Council shall fill the vacancy in the office of President of Council and any subsequent vacancies in the manner prescribed in Article III of this Charter. (Amended 11-6-07.)

Section 7. Vacancy of Office of President of Council. Any vacancy in the office of President of Council, whether occurring by death, disqualification, removal or resignation, or by succession to the office of Mayor, shall be filled by the remaining members of Council, which appointee shall hold office for the balance of the unexpired term or until his successor is elected and qualified. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment. Council shall select or the Mayor appoint one of the members of Council to become President.

Section 8. Organization. On or before the 8th day of January 1954, and on or before the 8th day in January of each year thereafter, the Council shall meet in the Council Chamber and organize.

Section 9. Council Meetings. The Council shall hold at least one regular meeting in each calendar month. A majority of the members of the Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action taken, by the affirmative votes of four members of the Council unless a larger number be required by the provisions of this Charter or by the laws of Ohio. The Clerk of the Council shall keep a record of its proceedings in a Journal in which the yea or nay vote of each Councilman voting on an ordinance or resolution shall be entered. All meetings of the Council shall be open to the public and its Journal shall be available for public inspection at all reasonable times.

Section 10. General Ordinances. The Council shall by ordinance make provision for:

- (a) The time and place of regular meetings of the Council;
- (b) The method of calling special meetings of the Council;
- (c) The form and method of enactment of its ordinances and adoption of its resolutions;
- (d) The method of giving public notice of the enactment of its ordinances and adoption of its resolutions, and of any other of its acts or proceedings which it deems proper to publish;
- (e) The procedure for making public improvements and for levying assessments, including the procedure for combining two or more public improvements, and the levying of assessments therefore in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;
- (f) The advertising and awarding of contracts;
- (g) Such other general regulations as the Council may deem necessary.

Section 11. Effective Date of Ordinances and Resolutions. Each ordinance providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative votes of at least 2/3 of the members of the Council for its enactment. No action of the Council in authorizing any change in the boundaries of the City, or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the City or its inhabitants of the product or service of any utility, whether Municipally owned or not, shall be taken as an emergency measure.

Section 12. Salaries and Bonds. The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the City. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties; and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of the Mayor, Director of Finance and of each member of the Council shall not be changed except it be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each officer, employee and member of a board or commission of the City shall be fixed by the Council, and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion.
(Approved by voters November 5, 1986)

Section 13. Meetings. All meetings of Council, all meetings of Commissions and all other groups acting on a City matter shall be regulated in accordance with the Ohio Open Meeting Law as defined in Sec. 121.22 of the Ohio Revised Code as it now exists or as it may be amended from time to time.
(Approved by voters November 4, 1980)

ARTICLE IV
THE MAYOR

Section 1. Term. The Mayor shall be elected for a term of four (4) years, assume office on the first day of January following his election, and serve until his successor is elected and qualified.

Section 2. Qualifications. The Mayor for at least three (3) years immediately prior to his election and during his term in office shall have been and continue to be a resident of the City and a qualified elector thereof. He shall not hold any other public office or public employment except as otherwise provided in this Charter or ordinance, and that of Notary Public or membership in the State Militia, or Reserve Corps of the United States.
(Approved by voters November 3, 1970.)

Section 3. Judicial Powers of the Mayor. The Mayor shall have all the judicial powers granted generally by the laws of Ohio to mayors of cities unless, until and to the extent that other lawful provisions shall be made for the exercise of all or any such powers.

Section 4. Compensation of the Mayor. The Mayor or the Acting Mayor as outlined in Art. III, Section 6, shall be paid a salary as prescribed by the Council and this shall be the only compensation he shall receive as Mayor. (Amended 11-6-07.)

Section 5. Veto Powers of the Mayor. Every ordinance or resolution passed by the Council shall be attested by the Clerk of Council and promptly presented to the Mayor. If the Mayor approves such legislation, he shall sign it within ten (10) days after its passage or adoption by the Council; but if he does not approve it, he shall return it to the Clerk within said ten-day period together with a written statement of his objections, which objections shall be entered in full by the Clerk in the Journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor shall not sign or veto an ordinance or resolution within the period above specified, it shall take effect in the same manner as if he had signed it on the last day of said ten-day period. Following the disapproval by the Mayor of an ordinance or resolution, or item, or items, thereof as herein provided, the Council may, but not later than at its next regular meeting, reconsider the legislation vetoed by the Mayor and if such legislation shall be then approved by the affirmative votes of at least five members of the Council, it shall become effective notwithstanding the veto of the Mayor.

Section 6. Executive Powers of the Mayor. The Mayor shall be the chief executive officer of the City. He shall be the chief conservator of the peace and shall see that all laws and ordinances are enforced therein. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed. The Mayor shall execute, on behalf of the City, all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party. He shall have the custody of the seal of the Municipality and shall affix it to all of the abovementioned documents, but the absence of the seal shall not affect the validity of any such document.

ARTICLE V ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

Section 1. General Provisions. Initially the City shall have a Law Department, a Finance Department, a Service Department, and a Safety Department; and the Council shall provide by ordinance for the organization and duties thereof. The City shall also have a City Planning Commission and a Board of Appeals. The Council may by ordinance establish additional departments and commissions, or divisions thereof, and provide for such boards, officers and employees as it may deem necessary. With the exception of those herein set forth, the Council may combine or abolish any department, division, board, commission, nonelective office, or job classification; and may authorize one person to serve in any capacity in two or more departments, divisions, boards or commissions. With the exception of the head of the Finance Department the heads of all departments shall be appointed by the Mayor, subject to confirmation of Council.

Section 2. Director of Law. The Director of Law shall be the head of the Law Department and shall be appointed by the Mayor for a term expiring on the date of the organization meeting of the Council in the next even-numbered year. He shall serve the Mayor, the Council, the Administrative Departments and the officers, boards, and commissions of the City as legal counsel in connection with Municipal affairs, and, subject to the direction of the Mayor, shall represent the City in all proceedings in court or before any administrative board. He shall perform all other duties now or hereafter imposed upon city solicitors under the laws of Ohio unless otherwise provided by ordinance of the Council, and he shall perform such other duties consistent with his office as the Mayor or the Council may request. No person shall act as Director of Law unless duly admitted to practice law in the State of Ohio. The Council may from time to time authorize the employment of special counsel for particular matters.

Section 3. Director of Finance.

(a) Term. The Director of Finance shall be elected for a term of four (4) years, assume his office on the first day of January following his election, and serve until his successor is elected and qualified.

(b) Qualifications. The Director of Finance shall, on the date of his election and during his term in office, be and continue to be a resident of the City and a qualified elector thereof. He shall have a four year degree in accounting and finance or a related field and be a licensed certified public accountant with two years of experience in those fields; or have two years of experience in governmental related accounting and/or auditing, and shall have been actively engaged in this work within the previous five years prior to taking office. He shall not hold any other public office or public employment except as otherwise provided in this Charter or by ordinance, and that of Notary Public or of membership in the State Militia or Reserve Corps of the United States.

(c) Duties. The Director of Finance shall be the head of the Finance Department and the fiscal officer of the City. He shall serve the Mayor and the Council as financial advisor in connection with Municipal affairs. The Director of Finance 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; and he shall perform such other duties consistent with his office as Mayor or the Council may request. Council may cause the records of the Director of Finance to be audited independently in any year.

(d) Vacancy in the Office of Director of Finance. In case of the death, disqualification, removal or resignation of the Director of Finance, his successor shall be appointed by a majority of the members elected to Council. Council shall immediately appoint an interim Director of Finance who shall have all of the duties, rights and powers of the Director of Finance until an appointment is made. If the vacancy of the position of Director of Finance is not filled within ninety (90) days, the Mayor shall fill it by appointment within thirty (30) days thereafter. Such appointee shall hold office until the next regular municipal election occurring more than seventy-five (75) days after such vacancy occurs unless the term of such office expires at the end of the year in which such vacancy occurs. At such next regular municipal election there shall be elected in the manner provided in this Charter, a person to fill the unexpired term caused by such vacancy. The person chosen at such election shall immediately, upon his qualification, succeed such appointee and shall serve during the remainder of the unexpired term or until his successor is elected and qualified.

(Amended 11-2-04.)

Section 4. Director of Public Service. The Director of Public Service shall be head of the Service Department and shall have all the powers and duties now or hereafter given to the Director of Public Service in cities by law and shall include having charge of construction, operation and maintenance of all public works, properties and improvements.

Section 5. Director of Public Safety. The Mayor shall be the Director of Public Safety and shall be the head of the Safety Department. He shall have all the powers and duties now or hereafter given the Director of Public Safety in cities by law and shall have supervision over and be responsible for the efficient operation of the Police and Fire Departments and such other divisions or departments prescribed by ordinance not inconsistent with this Charter or general law.

Section 6. City Planning and Zoning.

(a) City Planning Commission; Organization; Terms of Office; Vacancies. There shall be a City Planning Commission which shall consist of five (5) Regular Members all of whom shall be electors of the City, four of whom shall be appointed by the Mayor, with the concurrence of a majority of the members of Council, and none of whom shall hold any other public office or public position in the City. The fifth member shall be elected by the Council from its membership for his term as Councilman. In addition, there shall also be a First Alternate Member and a Second Alternate Member who shall be electors of the City, who shall not hold any other public office or position in the City, and shall be appointed by the Mayor, with the concurrence of a majority of the members of Council. The Commission shall elect its chairman from among the appointed Regular Members.

The affirmative vote of three (3) Members shall be necessary for any official action. If any Regular Member is absent, the First Alternate Member may vote in the Regular Member's place. If the First Alternate Member is absent or if more than one (1) Regular Member is absent, the Second Alternate Member may vote in the Regular Member's place.

The term of the appointed members shall be four (4) years, except that of the four members first appointed, one shall be appointed for a term of one year, one for two years, one for three years, and one for four years. Any appointed member of the Commission may be removed for cause by the Mayor after a public hearing. Any vacancy during the unexpired term of an appointed member shall be filled by a new appointment for the remainder of the term.
(Amended 11-6-07.)

(b) City Planning Commission: Powers and Duties. The Commission shall have the powers conferred upon it by general law and by ordinance of the Council and it shall adopt and recommend to the Council a comprehensive general plan for the physical development of the City, or the redevelopment of any area or district therein, which shall include the location of public ways, property, bridges, schools, utilities, buildings, parks, playgrounds, and recreation areas, and the reservation and acquisition of lands therefor. It shall prepare and recommend to Council ordinances creating areas, zones and districts of permitted and excluded uses, including rules, regulations, restrictions and limitations governing the plan, design, height, floor area, number of stories, size of structures, area and size of lots, percentage of land occupancy, size of yards, courts, open spaces, locations, use and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residence, park, playground, agriculture, and all other uses or purposes, both public and private, pertaining to each, as will promote the general welfare of the City and its inhabitants. It shall have control over the platting and subdivision of lands and the improvement or development thereof. It shall annually make recommendations to the Mayor of the necessary or desirable capital improvements.

(c) General Plan and Zoning Ordinances. The Council shall by ordinance adopt a comprehensive general plan for the orderly development of the City and plans for the redevelopment of the areas or districts therein, provided, however, that a part or parts thereof may be adopted or amended from time to time by creating areas, zones, and districts of permitted and excluded uses of such numbers or classifications, and rules, regulations, limitations and restrictions pertaining to each as will promote the general welfare of the City and its inhabitants. It shall have full legislative authority to accomplish those matters over which the Planning Commission is given power of recommendation, provided, however, any such matter shall be first submitted to the Planning Commission. No ordinance, measure or regulation which is in accordance with the recommendations, plans or reports submitted by the Planning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to Council. No ordinance, measure or regulation which violates, differs from, or departs from the recommendations, plans or reports submitted by the Planning Commission shall take effect unless passed or approved by not less than three-fourths of the members elected to Council. Failure of the Commission to act, within 45 days, on any matter before it shall have the same effect as approval by said Commission.
(Amended 11-6-01.)

(d) Construction. This article and all ordinances, rules, and regulations shall be liberally construed to give effect to the beneficial distribution of population, and the orderly development, improvement and general welfare of the City.

(e) Appropriations. Council shall appropriate annually adequate sums to give effect to the purpose of this article.

Section 7. Board of Zoning Appeals. There shall be a Board of Zoning Appeals composed of five (5) Regular Members, all of whom shall be electors of the City, and none of whom shall hold any other public office or position in the City. In addition, there shall also be a First Alternate Member and a Second Alternate Member who shall be electors of the City and who shall not hold any other public office or position in the City. All Regular and Alternate Members shall be appointed by the Mayor, with the concurrence of a majority of the members of the Council, for a term of four years.

The Mayor may remove any Member for cause after a public hearing, and any vacancy shall be filled in the same manner as an original appointment for the unexpired term.

It shall be the duty of the Board of Zoning Appeals to hear and determine appeals made for exceptions to and variations in the application of the provisions of zoning ordinances in harmony with the intent and purpose thereof, and from any ordinance, regulation, rule, restriction or limitation, or order of any administrative official or agency in connection therewith.

The affirmative vote of three (3) Members appointed to the Board of Zoning Appeals shall be required to grant any exception or variance to any zoning ordinance or regulation. If any Regular Member is absent, the First Alternate Member may vote in the Regular Member's place. If the First Alternate Member is absent or if more than one (1) Regular Member is absent, the Second Alternate Member may vote in the Regular Member's place.
(Amended 11-6-07.)

Section 8. Civil Service Commission. The Mayor shall appoint three persons, one for a term of two years, one for a term of four years, and one for a term of six years who shall constitute the Civil Service Commission of the City of Medina. Each alternate year thereafter, the Mayor shall appoint one person, as successor of the member whose term expires, to serve six years. The Civil Service Commission shall be governed, operated and administered and shall exercise such powers and duties with relation to itself and its area of jurisdiction as set forth in the general laws of Ohio, except as herein otherwise specifically provided or as otherwise authorized by Ordinance of Council.

Promotion appointments in the Police Department and/or Fire Department shall be made in accordance with the provisions of the Ohio R. C. 124.44 and 124.45 with the following exceptions.

The Civil Service Commission shall certify to the appointing authority the names of the three persons having the highest rating. The appointing authority shall fill such position by appointment of one of the three persons certified and shall forthwith report to the Commission the name of the appointee, the title of the position, the duties and responsibilities of same, the salary or compensation thereof, and such other information as the Commission may require in order to keep its roster.

In the case of a vacancy in the position of Chief of the Police Department or Chief of the Fire Department, the appointing authority may admit two additional candidates to the examination provided those candidates possess the job related qualifications specified by the Civil Service Commission.

(Approved by voters November 7, 1978.)

ARTICLE VI
NOMINATIONS AND ELECTIONS

Section 1. Procedures. Nominations for elective offices in wards of the City shall be made only by petition, signed by qualified electors of the wards not less in number than 25 voters or 1% of the number voting at the last preceding general election, whichever is greater. Other nominations for elective offices of the City shall be made only by petition signed by qualified electors of the City not less in number than 25 voters or 1% of the number voting at the last preceding Governor's election, whichever is greater. The nomination of each candidate shall be made by a separate petition. No primary election shall be held for the selection of any candidate for any elective office of this City; and no nomination for any such office shall be of any effect unless made as required by this section. The ballot used in the election of officers of the City shall be without party mark or designation. The names of all candidates for any City office shall be placed upon the same ballot and arranged on the ballot in the manner provided by the laws of Ohio. Except as otherwise provided in this Charter, the laws of Ohio shall govern the nomination and election of the elective officers of this City.

(Approved by voters November 3, 1970.)

Section 2. Vacancies in Elective Offices. The office of an elected officer of the City shall become vacant upon his death, resignation, or recall pursuant to Section 2 of Article VII hereof, and may be declared vacant by resolution of the Council if:

- (a) He shall not be a qualified elector of the City;
- (b) He shall not reside in the City, or shall not have resided in the City continuously for the period required by this Charter preceding his election;
- (c) He shall have any material financial interest in any contract to which the City is a party; or
- (d) He shall have been judicially declared incompetent.

(Approved by voters November 3, 1970.)

Section 3. Run-Off Election for Mayor, Council or Finance Director.
(Repealed by voters November 8, 1989.)

ARTICLE VII
INITIATIVE, REFERENDUM AND RECALL

Section 1. Initiative and Referendum. Ordinances and other measures may be proposed by initiative petition and adopted by election and ordinances and other measures adopted by the Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution, the laws of Ohio, or this Charter.

Any initiative petition that proposes zoning regulation or zoning district changes must first be submitted to the Planning Commission and then City Council in the following manner before being certified to the election authorities for placement on the ballot for consideration by the electorate. A petition that proposes zoning regulation or district changes shall be filed with the Director of Finance. If the Director of Finance and the election authorities determine that the petition is sufficient, the Director shall within 10 days certify the sufficiency and validity of the initiative petition and transmit the certification and a certified copy of the proposed ordinance to the Council. At the next regular meeting of Council, the Council shall at once read and refer the same to the Planning Commission. The Planning Commission shall submit its report of the proposed ordinance and its recommendations thereon to Council within 45 days of the Council's referral. Upon receiving the report and recommendation of the Planning Commission, the Council shall hold a public hearing on the proposed ordinance and shall take final action thereon within 45 days from the date of the Planning Commission's report. If Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be placed on the ballot for consideration by the electorate in its original form by certifying that fact to the Director of Finance within 10 days after the final action on such proposed ordinance by Council. The Director shall forthwith certify the proposed ordinance to the election authorities, and the election authorities shall place the proposed ordinance on the ballot for the approval or rejection of the electorate at the next general election occurring subsequent to 75 days from the date of that certification. (Amended 3-2-04.)

Section 2. Recall. The electors shall have the power to remove from office by a recall election any elected officer of the City. If an elected officer shall have served for six months of his term, a petition demanding his removal may be filed with the Clerk of the Council who shall note thereon the name and address of the person filing the petition and the date of such filing. Such 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 and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals 25% of the electors voting at the last preceding general election for that office. Within ten 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 with him, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, he shall promptly so certify to the 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 days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than seventy-five days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, 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 by such recall election shall not be eligible for appointment to the vacancy created thereby. (Approved by voters November 3, 1970.)

ARTICLE VIII
TAXATION AND FINANCES

The laws of Ohio relating generally to taxes, budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of the Municipality shall be applicable to this City except as modified by, or necessarily inconsistent with, the provisions of this Charter.

There is levied one and one-half (1.5) mills for the purpose of capital improvements and operational expenses of parks and recreational facilities for a period of five years, said years being 1968-1972 inclusive. Said levy shall be placed upon the tax lists of the current duplicate year of the election.

No ordinance or resolution shall be passed by the Council of the City of Medina, Ohio, providing for the taxation of the City of Medina, Ohio, of the income of any natural person, corporation or other taxable entity. No existing or future ordinance or resolution shall be enforced by any officer of the City of Medina, Ohio, imposing, collecting or otherwise levying any tax on, or measuring any tax by, income of natural persons, corporations or other taxable entities or increasing the rates thereof unless such tax or increase is approved by at least a majority of the electors of the City of Medina, Ohio, voting on such proposition at a regular primary or regular general election.

(Approved by voters November 4, 1980.)

ARTICLE IX
FRANCHISES

The Council may by ordinance grant a nonexclusive franchise to any person, firm or corporation to construct or operate a public utility on, across, over or above any public street or public real estate within the City for a period of not in excess of twenty-five years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established herein for original grants. No consent of the owner of property abutting on any public street or public real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public grounds as shall, in the opinion of the Council, be necessary in the public interest.

ARTICLE X
AMENDMENTS TO CHARTER

The Council may, by the affirmative vote of at least two-thirds of its members, submit any proposed amendment to the Charter to the elector; or, upon receipt of a petition signed by not less than 15% of the electors of the City voting at the last preceding general election setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter and become effective as provided in such amendment except that, if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

ARTICLE XI
MISCELLANEOUS

Section 1. Effective Date of the Charter. For the purpose of nominating and electing officers of the City and fixing the compensation of those to be elected in 1953, this Charter shall be in effect from and after the date of its approval by the electors of the City; and for all other purposes the Charter shall be in effect on and after the first day of January, 1954.

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 hereof, except to the extent that such other part is dependent for its operation upon the part declared invalid.

Section 3. Effect of Existing Laws and Rights. This Charter shall not affect any vested rights or accrued liabilities of the Municipality of Medina, nor any right or liability in any pending suit or prosecution either on behalf of or against the Municipality, nor any contract heretofore entered into by the Municipality, nor any franchise heretofore granted by the Municipality, nor any prior or pending proceeding for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the Municipality shall continue in effect until lawfully amended or repealed.

Section 4. Interpretation of the Charter. The article and section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

Masculine pronouns used in this Charter shall be construed to include the feminine; and the singular number shall be construed to include the plural, whenever the context shall so require.

(Approved by voters November 5, 1985.)