

CITY OF LORAIN, OH

PROPOSED CHARTER

To the Electors of Lorain, Ohio:

The Lorain City Charter Commission has performed the duties incumbent upon them and created the proposed Lorain City Charter document. With a Charter, Lorain's citizens can control the type of government it has by fully exercising its constitutional right of Home Rule. The current statutory form of government makes Lorain subject to the laws of the Ohio Legislature. Most cities of a similar size in the State of Ohio have switched to a Charter form of government.

We believe the proposed Charter will improve the operations and efficiencies of Lorain City government without making drastic changes. In fact, many of you will find comfort in the fact that much will remain the same. The current Mayor-Council Plan of government will remain the same, we will maintain the current elective offices of City Auditor, Treasurer, Law Director, and retain the current structure for the composition of City Council with eight (8) wards, three (3) at-large and one (1) Council President.

To further improve efficiencies and streamline operations, additional changes were incorporated into the proposed charter document. Several examples are listed below:

- a.) Staggered four (4) year terms for the members of council and the council president (pages 1, 2).
- b.) Increased transparency/flexibility of publication requirements for legislation by posting of documents on the city's webpage and other locations further avoiding expensive newspaper publications (pages 2, 3).
- c.) Allow for outside recruitment for the Police/Fire Chief (page 8).
- d.) Include a Charter Review process to allow for review and changes to the Charter every two (2) years to better serve the residents of the City of Lorain, Ohio (pages 14-15). *(The Charter may also be amended yearly by an initiative petition after it is adopted.)*
- e.) Creation of various new boards and commissions to better serve the residents of the City of Lorain, Ohio (pages 8 -16).
- f.) Modernized bid requirements are included to allow projects to be done more cost effectively in-house (page 17).

In addition to the mailing of this document to electors of the City of Lorain as required by law, the document will also be posted on the city's webpage (www.cityoflorain.org) and hard copies will be available in the City Hall lobby and at the Main Branch of the Lorain Public Library at 351 W. 6th Street, Lorain, Ohio.

We urge you to read this very important document in its entirety. This issue will appear on the November 2, 2021, General Election ballot for voter approval and/or rejection. Any requests for clarification on the proposed Charter may be submitted to the Lorain City Charter Commissioners at CharterCommission@cityoflorain.org.

Respectfully submitted,

Members of the Lorain City Charter Commission

Lorain City Charter

LORAIN CITY CHARTER

PREAMBLE

- ARTICLE I - Name, Succession and Boundaries
- ARTICLE II - Form of Government
- ARTICLE III - Powers
- ARTICLE IV - The Council
- ARTICLE V - Mayor
- ARTICLE VI - Administrative Departments
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PREAMBLE

We, the people of the City of Lorain, Ohio, in order to obtain and secure the benefits of home rule powers under the Constitution of the State of Ohio, do hereby adopt this Charter for the government of the City of Lorain.

ARTICLE I - NAME, SUCCESSION AND BOUNDARIES

§1.01 Name, succession and boundaries.

The City shall be known as the "City of Lorain" and shall continue under this Charter to be a body politic and corporate, and as such shall have perpetual succession. The City shall have the same boundaries existing at the time of adoption of this Charter, with the power and authority to change its boundaries and annex territory thereto in the manner authorized by the laws of the State of Ohio.

ARTICLE II - FORM OF GOVERNMENT

§2.01. Form of government.

The government provided by this Charter shall be known as the Mayor/Council form.

ARTICLE III - POWERS

- §3.01. Powers.
- §3.02. Construction.
- §3.03. Intergovernmental relations.

§3.01 Powers.

The City shall have all powers to which a city is entitled under the Constitution and laws of the State of Ohio, either expressly or by implication, as fully and completely though specifically enumerated in this Charter. The enumeration of specific powers in this Charter or the reference in this Charter to specific powers granted by the Constitution or laws of the State of Ohio shall not be construed to be exclusive, and the City may determine to exercise any power in the manner provided under this Charter or in the manner provided under the Constitution or laws of the State of Ohio. Unless otherwise specified by ordinance or resolution, powers shall be exercised in the manner provided under this Charter. It is the intention of the people by the adoption of this Charter that a substantial compliance with the Charter's provisions shall be sufficient to sustain any action taken under this Charter.

§3.02 Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City. As applied in this Charter, unless the context otherwise requires, the singular includes the plural; the plural includes the singular; words of one gender include the other gender; and words in the present tense include the future tense.

§3.03 Intergovernmental relations.

The City may exercise any of its functions, and participate in the financing thereof, including the incurrence of debt, jointly or in cooperation, by contract or otherwise, with one or more political subdivisions, or civil divisions thereof, or the United States or any agency thereof.

ARTICLE IV - THE COUNCIL

- §4.01. Number, selection and term.
- §4.02. Qualifications.
- §4.03. Vacancies.
- §4.04. Quorum.
- §4.05. Meetings.
- §4.06. Clerk of Council.
- §4.07. Special meetings.
- §4.08. Powers of Council.
- §4.09. Forms of action by Council.
- §4.10. Enactment of ordinances.
- §4.11. Effective date.
- §4.12. Publication of ordinances.
- §4.13. Initiative and referendum.
- §4.14. Adoption of standard codes by reference.
- §4.15. Council compensation.
- §4.16. President of Council

§4.01 Number, selection and term.

The legislative powers of the City except as are reserved to the people by this Charter (Initiative and Referendum), and by the Constitution of the State of Ohio,

shall be vested in a Council, which shall consist of eleven (11) members, eight (8) ward seats and three (3) at large seats, elected at large by a partisan ballot. All such members must be and must remain residents of the City. The term of office of members of Council shall be for four (4) years beginning January 1 next following their election and they shall hold office until their successors are elected and qualified. To effect election by staggered terms of its members, effective January 1, 2024 (2023 election year) Wards 1,3,5,7 and all Council at large representatives shall be elected to four (4) year terms and effective January 1, 2026 (election year 2025) Wards 2,4,6,8 and the President of Council shall be elected for four (4) year terms. Wards 2,4,6,8 and President of Council shall still be elected for a two (2) year term in 2023.

§4.02 Qualifications.

Any qualified elector who has been continuously a resident and a qualified elector for the City for one (1) year next prior to their election, and who is not the occupant of an incompatible office, shall be eligible to serve as a member of City Council. Each member of Council shall continue to be a resident and qualified elector of the City throughout his/her term of office, failing which Council shall remove him from office.

§4.03 Vacancies.

Vacancies in Council shall be filled by appointment of a qualified person. The appointment shall be made in accordance with state law for partisan positions.

§4.04 Quorum.

Six (6) members of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Council rules and regulations duly adopted.

§4.05 Meetings.

The Council shall meet at such times and places as may be prescribed by its ordinances, resolutions, rules or by motion. Regular meetings shall be held at least twice in each calendar month, except that during the month of August the Council may dispense with its regular meetings. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings. Council may appoint, from its own body, such officers or employees deemed necessary for the efficient operation of Council. Except for such closed executive sessions as may be permitted by Ohio law, all meetings of Council and its committees shall be open to the public. Any person shall have access to the public records of the City as permitted by Ohio law. All meetings of Council, including but not limited to, committee, regular council meetings, special council meetings, public meetings, and executive sessions may be conducted by electronic means, or may be conducted in-person.

§4.06 Clerk of Council.

Council shall appoint, by majority vote, a person to serve as Clerk of Council and any additional staff deemed

necessary. The Clerk shall serve at the pleasure of Council and may be removed by a majority vote of Council. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as this Charter or Council may require. Council shall set a reasonable salary for the position of Clerk of Council, and any additional staff before any such appointment is made.

§4.07 Special meetings.

The Mayor or any three (3) members thereof may call special meetings of Council upon written notice served personally and/or electronically upon each member, or left at their usual place of residence, twenty-four (24) hours previous to the time fixed for such meeting. Any request for a special meeting and the notice calling same shall list the subject(s) to be considered, and such meeting shall be limited to consideration of such subject(s).

§4.08 Powers of Council.

All legislative power of the City shall be vested in the Council except as otherwise provided by this Charter and The Constitution of the State of Ohio. Council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers and provide penalties for the violation thereof.
- (2) Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter, unless addressed by this Charter.
- (3) Set up such additional departments, boards, or commissions as it may deem necessary and determine their powers and duties.
- (4) Adopt and modify the master plan and official map of the City.
- (5) Have the power to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinance as authorized under the provisions of the Ohio law.
- (6) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto.
- (7) Enact a comprehensive building code.
- (8) Adopt an annual appropriation ordinance based upon the annual budget.
- (9) Inquire into the conduct of any City officer or employee in the performance of their functions.
- (10) Employ a public accountant to make an audit of the financial affairs of the City whenever such audit is deemed necessary or required by law.
- (11) Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary.
- (12) Issue subpoenas for witnesses and the production of books and papers which may be necessary in the conduct of any hearing or investigation.

§4.09 Forms of action by Council.

The action of Council shall be by ordinance or resolution. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating

money, or contracting indebtedness, or issuing bonds or notes, or for the purchase, lease or transfer of property, action shall be taken formally, by ordinance, in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution.

§4.10 Enactment of ordinances.

Each proposed ordinance shall be introduced in writing by a member of the Council, and, in addition to the title, shall contain an opening clause reading as follows, "Now therefore be it ordained by the Council of the City of Lorain, Ohio." The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only, which shall be clearly stated in the title. No ordinance shall be passed without the concurrence of a majority of all the members elected to Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of eight (8) members elected to Council for passage. Every ordinance shall be read by caption, fully and distinctly, on two (2) different days before its enactment, unless an emergency is declared as hereinafter provided, or unless, by a vote of eight (8) members elected to Council, the reading in full on two (2) different days is dispensed with, in which cases such ordinance may be read one (1) time and passed on the day as such reading. Final passage of all ordinances and resolutions shall be certified by the President of Council and the Clerk of Council.

§4.11 Effective date.

Ordinances providing for appropriations for current expenses of the City, or for public improvements petitioned for by the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or for raising revenue, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon its passage and approval by the Mayor, or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect thirty (30) days after its passage and approval by the Mayor. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than thirty (30) days to meet an emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance must contain therein a separate Section setting forth the reason for the emergency.

§4.12 Publication of ordinances.

Within fourteen (14) days after passage, ordinances required by law to be published, shall be published by posting the complete title of the ordinance on the City Webpage or other electronic means established by Council and in four (4) public places in the City, such places to be designated by Council, for a period of at least fifteen (15) days. In addition, all ordinances shall be posted on one prominent protected bulletin board in City Hall for a period of at least fifteen (15) days.

The publication shall contain notice that the complete text of each such ordinance or resolution may be obtained or viewed at the Clerk of Council office and may be viewed at any other location designated by City Council. The title of the ordinance or resolution shall be a succinct summary of the ordinance or resolution. Codified Ordinances published in book form shall be adopted by an ordinance incorporating the book by reference in an ordinance with only the ordinance title published.

§4.13 Initiative and referendum.

Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedures set forth in Ohio law.

§4.14 Adoption of standard codes by reference.

The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as building construction, plumbing, heating, ventilation, air conditioning, electric wiring, smoke regulation, fire prevention and other similar regulatory subjects by reference to the date and source of the code without reproducing the same in full in the ordinance. At least four (4) copies of all such Codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the Clerk of Council. Any standard code adopted in this manner shall not be required to be published at length.

§4.15 Council compensation.

Compensation of Council Members shall be established by ordinance but shall not be changed during their terms of office, nor by any ordinance passed subsequent to thirty (30) days before the final date fixed by the general election laws of Ohio or by provisions of this Charter for filing as candidate for such office. The salary for council members shall be ten percent (10%) of the salary of the Municipal Court Judge.

§4.16 President of Council.

The President of Council shall be an elector of the city and shall preside over all regular and special meetings of such legislative authority, but the President shall have no vote therein except in case of a tie. The salary for the President of Council shall be eleven percent (11%) of the salary of the Municipal Court Judge.

ARTICLE V- MAYOR

- §5.01. Executive and administrative powers
- §5.02. Term and qualifications of mayor.
- §5.03. Mayor's Compensation
- §5.04. Mayor's power to appoint and remove.
- §5.05. Appointment and removal of employees.
- §5.06. General powers and duties of mayor.

- §5.07. Mayor's investigation.
- §5.08. Acting mayor.
- §5.09. Temporary inability.
- §5.10. Permanent inability.
- §5.11. Successor to mayor.

§5.01 Executive and administrative powers.

The executive and administrative powers of the city shall be vested in the mayor, directors of departments and other administrative officers and boards provided for in this charter or by ordinance.

§5.02 Term and qualifications of Mayor.

The Mayor shall be the chief executive officer of the city, elected for a term of four (4) years. The Mayor shall be an elector of the city and shall, at all times during the term of office, maintain residence in the City of Lorain. If the Mayor shall cease to possess any of the qualifications herein required, the Mayor shall forthwith forfeit the office and the vacancy shall be filled as provided for herein.

§5.03 Mayor's Compensation.

Compensation for the Mayor shall be ninety-five percent (95%) of the salary of the Municipal Court Judge. The Mayor shall receive employment benefits the same as other city employees.

§5.04 Mayor's power to appoint and remove.

The Mayor shall appoint and shall have power to remove the following officers:

- (1) The Service/Safety Director and if the positions are separated the Service Director and the Safety Director.
- (2) Any other officers whose positions may be created by council and for whose appointment no provision is herein made.

§5.05 Appointment and removal of employees.

With the concurrence of Council, the Mayor shall appoint the members of the civil service commission, the member of the board of health and the members of any advisory commission provided for by Council. The Mayor, with the concurrence of Council, may at any time remove any member so appointed, for inefficiency, neglect of duty or malfeasance in office, having first given to such member a copy of the charges and an opportunity to be heard in person or by defense counsel, before the council, and such removal shall be final.

§5.06 General powers and duties of Mayor.

It shall be the duty of the Mayor to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city including but not limited to purchases and sales on behalf of the city; to see that all ordinances of the city are enforced; to recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient; to keep the Council advised of the financial condition and the needs of the city; to prepare and submit to the Council such reports as may be required by that body, and to exercise such powers and perform such duties as are conferred or required by this Charter or by the laws of the state in so far as they are consistent with this charter or by

such laws of the state as it is beyond the competency of this charter to supersede.

§5.07 Mayor's investigation.

The Mayor may without notice cause the affairs of any department or the conduct of any officer, or employee to be examined. Any person or persons appointed by the Mayor to examine the affairs of any department or the conduct of any officer, or employee, shall have the same power to compel the attendance of witnesses, and the production of books and papers and other evidence and to cause witnesses to be punished for contempt, as is conferred upon the Council by this Charter. This power does not extend to elected officials.

§5.08 Acting Mayor.

If the Mayor is temporarily absent from the city, the Mayor may designate the President of Council, the Law Director or the City Auditor as Acting Mayor. During a period of temporary absence of the Mayor, the Acting Mayor so designated shall exercise such powers and duties of the Office of the Mayor as the Mayor shall delegate. Nothing herein shall prevent the President of Council, the Law Director or Auditor from exercising their powers and duties during the temporary absence or inability of the Mayor.

§5.09 Temporary inability.

If the Mayor is unable to discharge the powers and duties of his/her office, such inability being of temporary duration, the Mayor shall transmit to the President of City Council a signed, written declaration setting forth the reasons for such inability and who shall serve as the Acting Mayor. The City Clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. The recipient of such declaration shall be designated as Acting Mayor. During a period of temporary inability of the Mayor, the powers and duties of the Office of Mayor shall devolve upon the Acting Mayor. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six (6) months have passed, or the office is vacated. For the purpose of this section, the Mayor shall file with the City Clerk a notarized statement, on a form prescribed by the City Clerk, setting forth the name of one or more persons designated as the Acting Mayor. The filing shall be made by the second meeting of Council each January and may be amended at any time.

§5.10 Permanent inability.

If the Mayor has been unable to discharge the powers and duties of office for sixty (60) consecutive days, and no written declaration of temporary inability was in effect during such sixty (60) consecutive days, such act shall work as forfeiture of office and the Acting Mayor shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

§5.11 Successor to Mayor.

In case of the death, resignation, or removal of the Mayor, the vacancy in the Office of Mayor shall be filled until

a successor is elected and qualified, first by the President of Council, and if he/she declines, then the Law Director, and if he/she declines, then the Auditor and if he/she declines, by a person chosen by the residents of that City who are members of the City Central Committee if there is one, or if not then of the County Central Committee, of the political party that nominated the last occupant of the office as a candidate for that office for the current term. If the vacancy occurs because of the death, resignation, or inability to take office of a Mayor-elect, an appointment to take the office at the beginning of the term shall be made by the members of the central committee who reside in the city where the vacancy occurs.

Not less than five (5) or more than forty-five (45) days after the vacancy occurs, the specified members of the city or county committee shall meet to make an appointment to fill the vacancy. Not less than four (4) days before the date of the meeting the committee chairperson or secretary shall send, by mail to every member eligible to vote on filling the vacancy, a written notice stating the date, time, and place of the meeting and its purpose. A majority of the eligible members present at the meeting may make the appointment.

If the last occupant of the Office of Mayor or the Mayor-elect was elected to serve the current term as an independent candidate, the vacancy shall be filled, until a successor is elected and qualified, by election by the legislative authority.

If a vacancy in the Office of Mayor occurs more than forty (40) days before the next regular municipal election, a successor shall be elected at that election for the unexpired term unless the unexpired term ends within one (1) year immediately following the date of that election, in which case an election to fill the unexpired term shall not be held and the person appointed or elected under the first paragraph of this section shall hold the office for the unexpired term. If an election is held under this division, the person appointed or elected by the legislative authority under the first paragraph of this section shall hold the office until a successor is elected and qualified under this division.

ARTICLE VI- ADMINISTRATIVE DEPARTMENTS

- §6.01. Creation of departments.
- §6.02. Creation of new departments.
- §6.03. Department directors and division heads.
- §6.04. Administrative Code.
- §6.05. Department of Law.
- §6.06. Department of Finance.
 - §6.06.01. Auditor: term.
 - §6.06.02. Auditor: qualifications.
 - §6.06.03. Auditor: powers and duties.
 - §6.06.04. Auditor: compensation.
 - §6.06.05. Auditor: vacancy.
 - §6.06.06. Treasurer: term.
 - §6.06.07. Treasurer: qualifications.
 - §6.06.08. Treasurer: powers and duties.
 - §6.06.09. Treasurer: compensation.
 - §6.06.10. Treasurer: vacancy.
- §6.07. Department of Public Service.
- §6.08. Department of Public Safety.

§6.08.01. Division of Police.

§6.08.02. Division of Fire.

§6.08.03. Combined Positions of Public Service & Public Safety

§6.01 Creation of departments.

The administrative functions of the City shall be carried on by the departments of Law, Finance, Public Safety, and Public Service. This section shall not preclude the Council from providing for such services by contract or through joint participation with other governmental agencies.

§6.02 Creation of new departments.

The Council may, by ordinance or resolution, create, change or abolish any office, department, division, or subunit of any department or division, or agency, other than those sub-departments established by the Charter or by the Director of Public Service/Safety. The Director of Public Service/Safety may create, change, or abolish any sub-department under the Department of Public Service/Safety. Council may assign additional duties to any department established by this Charter but may not discontinue or assign to any other office, department, or agency, any function assigned by this Charter to a particular office, department, or agency.

§6.03 Department directors and division heads.

Unless otherwise provided by this Charter, the director of each department shall be the manager. Unless otherwise provided by this Charter, the head of each division shall be a part-time or full-time department head, appointed by the Mayor and approved by a majority vote of Council, who shall exercise division supervision and control subject to the direction of the manager.

§6.04 Administrative Code.

Subject to the provisions of this Charter, Council shall, by ordinance or resolution, adopt, revise or repeal an ordinance or resolution referred to as the Administrative Code, which Code shall provide for the organization of the City government that is consistent with this Charter, define the powers and duties of each organizational unit, and determine administrative procedures. Council may delegate to the Mayor the power to make rules and regulations to govern management practices, consistent with this Charter, the Administrative Code and other ordinances and resolutions.

§6.05. Department of Law. (term, qualifications, compensation, vacancy)

There shall be a Department of Law, the head of which shall be the Law Director. The Law Director shall be an attorney-at-law, qualified to practice law in the State of Ohio. The Law Director shall be the chief legal officer of the city, elected for a term of four (4) years in a partisan election. The Law Director shall be an elector of the city and shall, at all times during the term of office, maintain residence in the City of Lorain. The Law Director shall be permitted to have a private practice of law. If the Law Director shall cease to possess any of the qualifications herein required, the Law Director shall forthwith forfeit the office and the vacancy shall be filled as provided for herein. The compensation of the Law Director shall be ninety percent (90%) of the Municipal Court

Judge if he/she does not have a private practice of law and seventy-five percent (75%) of the Municipal Court Judge if he/she has a private practice of law. The benefits for the Law Director shall be established by council.

The Law Director shall be the chief legal advisor to council, the mayor and all city departments, divisions, offices and other agencies, boards or commissions. The Law Director shall represent the City in all legal proceedings and shall perform any other duties prescribed by this Charter, by ordinance or resolution or by the Administrative Code or the general laws of Ohio, except that the Law Director shall not be required to represent any school district or any other unit of government, other than the City, by virtue of holding the office of Law Director. When necessary, the Council may appoint special legal counsel to represent the City, together with or in place of the Law Director. The Law Director shall be present at all Council meetings and may be requested to attend any Commission and/or Board meetings. The Law Director's attendance at any meetings of council, commissions or boards may be by electronic means.

The Law Director shall have such assistants and staff as provided by City Council.

In case of the death, resignation, or removal of the Law Director, the vacancy in the Office of Law Director shall be filled, until a successor is elected and qualified, by a person chosen by the residents of that city who are members of the City Central Committee if there is one, or if not then of the County Central Committee, of the political party that nominated the last occupant of the office as a candidate for that office for the current term. If the vacancy occurs because of the death, resignation, or inability to take office of a Law Director-elect, an appointment to take the office at the beginning of the term shall be made by the members of the central committee who reside in the city where the vacancy occurs.

Not less than five (5) or more than forty-five (45) days after the vacancy occurs, the specified members of the city or county committee shall meet to make an appointment to fill the vacancy. Not less than four (4) days before the date of the meeting the committee chairperson or secretary shall send, by mail to every member eligible to vote on filling the vacancy, a written notice stating the date, time, and place of the meeting and its purpose. A majority of the eligible members present at the meeting may make the appointment.

If the last occupant of the Office of Law Director or the Law Director-elect was elected to serve the current term as an independent candidate, the vacancy shall be filled, until a successor is elected and qualified, by election by the legislative authority.

If a vacancy in the office of Law Director occurs more than forty (40) days before the next regular municipal election, a successor shall be elected at that election for the unexpired term unless the unexpired term ends within one (1) year immediately following the date of that election, in which case an election to fill the unexpired term shall not be held and the person appointed or elected under the first paragraph of this section shall hold the office for the unexpired term. If an election is held under this division, the person appointed or

elected by the legislative authority under the first paragraph of this section shall hold the office until a successor is elected and qualified under this division.

§6.06 Department of Finance.

The direction of and the responsibility for the Department of Finance shall be split between the City Auditor and the City Treasurer, each being elected by the public. Each shall be solely responsible for the operation of their office as prescribed by this Charter and the laws of Ohio.

§6.06.01 Auditor: term.

The City Auditor, herein referred to as the Auditor, shall be elected at the regular municipal election held in the year 2023 and every four (4) years thereafter, for a term of four (4) years, commencing on the first day of January next after such election, and shall serve until succeeded as in this Charter provided. The office of Auditor shall be a partisan office.

§6.06.02 Auditor: qualifications.

No person shall be eligible to hold office of Auditor unless he/she shall have been continuously a resident and a qualified elector of the City for one (1) year next prior to his/her election. The Auditor shall continue to be a resident and qualified elector of the City throughout his/her term of office, failing which Council shall remove him/her from office.

§6.06.03. Auditor: powers and duties.

The Auditor shall attend all regular meetings of Council and may be requested to attend any special or committee meetings. The Auditor (and 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. The Law Director shall approve all contracts.

The Auditor shall be the fiscal officer of the City. He/she shall serve the Mayor and the Council as financial adviser in connection with City affairs, shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures and appropriation measures and shall at all times keep the Mayor and Council informed of the financial condition and needs of the City. He/she shall authenticate all records, documents and instruments of the City on which authentication are proper. The Auditor shall examine all payrolls, bills and other claims against the City and shall issue no warrant unless he/she shall find that the claim is in proper form, correctly computed and duly approved, that it is due and payable, that a lawful appropriation has been made therefore, and that the amount required to pay said claim is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. He/she shall perform such other duties consistent with their office as the Mayor or the Council may request and shall comply with the laws of Ohio relating to certifications for expenditures of public moneys.

§6.06.04 Auditor: compensation.

Compensation for the Auditor shall be seventy-eight percent (78%) of the salary for the Municipal Court

Judge. The Auditor shall receive employment benefits the same as other city employees.

§6.06.05 Auditor: vacancy.

In case of the death, resignation, or removal of the Auditor, the vacancy in the Office of Auditor shall be filled, until a successor is elected and qualified, by a person chosen by the residents of that city who are members of the City Central Committee if there is one, or if not then of the County Central Committee, of the political party that nominated the last occupant of the office as a candidate for that office for the current term. If the vacancy occurs because of the death, resignation, or inability to take Office of an Auditor-elect, an appointment to take the office at the beginning of the term shall be made by the members of the Central Committee who reside in the city where the vacancy occurs.

Not less than five (5) or more than forty-five (45) days after the vacancy occurs, the specified members of the City or County Committee shall meet to make an appointment to fill the vacancy. Not less than four (4) days before the date of the meeting the committee chairperson or secretary shall send, by mail to every member eligible to vote on filling the vacancy, a written notice stating the date, time, and place of the meeting and its purpose. A majority of the eligible members present at the meeting may make the appointment.

If the last occupant of the office of Auditor or the Auditor-elect was elected to serve the current term as an independent candidate, the vacancy shall be filled, until a successor is elected and qualified, by election by the legislative authority.

If a vacancy in the Office of Auditor occurs more than forty (40) days before the next regular municipal election, a successor shall be elected at that election for the unexpired term unless the unexpired term ends within one (1) year immediately following the date of that election, in which case an election to fill the unexpired term shall not be held and the person appointed or elected under the first paragraph of this section shall hold the office for the unexpired term. If an election is held under this division, the person appointed or elected by the legislative authority under the first paragraph of this section shall hold the office until a successor is elected and qualified under this division.

§6.06.06 Treasurer: term.

The City Treasurer, herein referred to as the Treasurer, shall be elected at the regular municipal election held in the year 2021 and every four (4) years thereafter, for a term of four (4) years, commencing on the first day of January next after such election, and shall serve until succeeded as in this Charter provided. The office of Treasurer shall be a partisan office.

§6.06.07 Treasurer: qualifications.

No person shall be eligible to hold the office of Treasurer unless he/she shall have been continuously a resident and a qualified elector of the City for one (1) year next prior to his election. The Treasurer shall continue to be a resident and qualified elector of the City throughout his/her term of office, failing which Council shall remove him/her from office.

§6.06.08 Treasurer: powers and duties.

The Treasurer shall be custodian of all moneys of the City and of all evidence of investments of City moneys, and shall keep and preserve the same in such public depositories as are authorized by the laws of the State of Ohio or by ordinance of Council. He/she shall pay out money from the City treasury only on warrants issued by the Auditor. He/she shall keep a detailed record of all receipts from taxes and other sources, as well as a detailed record of all disbursements of City moneys and a record of the expenditures from various appropriated funds.

§6.06.09 Treasurer: compensation.

Compensation for the Treasurer shall be sixty-three percent (63%) of the salary for the Municipal Court Judge. The Treasurer shall receive employment benefits the same as other city employees.

§6.06.10 Treasurer: vacancy.

In case of the death, resignation, or removal of the Treasurer, the vacancy in the Office of Treasurer shall be filled, until a successor is elected and qualified, by a person chosen by the residents of that city who are members of the City Central Committee if there is one, or if not then of the County Central Committee, of the political party that nominated the last occupant of the office as a candidate for that office for the current term. If the vacancy occurs because of the death, resignation, or inability to take office of a Treasurer-elect, an appointment to take the office at the beginning of the term shall be made by the members of the central committee who reside in the city where the vacancy occurs.

Not less than five (5) or more than forty-five (45) days after the vacancy occurs, the specified members of the city or county committee shall meet to make an appointment to fill the vacancy. Not less than four (4) days before the date of the meeting the committee chairperson or secretary shall send, by mail to every member eligible to vote on filling the vacancy, a written notice stating the date, time, and place of the meeting and its purpose. A majority of the eligible members present at the meeting may make the appointment.

If the last occupant of the Office of Treasurer or the Treasurer-elect was elected to serve the current term as an independent candidate, the vacancy shall be filled, until a successor is elected and qualified, by election by the legislative authority.

If a vacancy in the Office of Treasurer occurs more than forty (40) days before the next regular municipal election, a successor shall be elected at that election for the unexpired term unless the unexpired term ends within one year immediately following the date of that election, in which case an election to fill the unexpired term shall not be held and the person appointed or elected under the first paragraph of this section shall hold the office for the unexpired term. If an election is held under this division, the person appointed or elected by the legislative authority under the first paragraph of this section shall hold the office until a successor is elected and qualified under this division.

§6.07 Department of Public Service.

There shall be a Department of Public Service, the head of which shall be the Service Director. The Department of Public Service shall be responsible for the general supervision, custody, care and maintenance of the public buildings, grounds, streets, sewers, utilities, cemeteries and property owned or operated by the City.

§6.08 Department of Public Safety.

There shall be a Department of Public Safety, the administrative head of which shall be the Safety Director. The Department of Public Safety shall be responsible for the general supervision, custody, care and maintenance of the Police and Fire Departments.

§6.08.01 Division of Police.

The Division of Police as presently established shall continue in existence. The operating rules and procedures shall be under the direction of a Chief of Police who shall report to the Director of Public Safety for administrative purposes. The appointment and removal of all members of the Division of Police shall be made by the Mayor with approval of the majority of Council, subject to the requirements of the Civil Service Provisions where applicable.

Any active or former full-time law enforcement officer, with not less than ten (10) years of full-time law enforcement service within the twelve (12) years immediately preceding the date of their application hereunder, and either holding or previously held the permanent rank of Sergeant (or its equivalent) or higher, shall be qualified and eligible to so apply and to be considered for appointment in relation to a vacancy in the position or office of Chief of the Department or Division of Police.

§6.08.02 Division of Fire.

The Division of Fire as presently established shall continue in existence. The operating rules and procedures shall be under the direction of a Chief of Fire who shall report to the Director of Public Safety for administrative purposes. The appointment and removal of all members of the Division of Fire shall be made by the Mayor, subject to the requirements of the Civil Service Provisions where applicable.

Any active or former full-time firefighter, with not less than ten (10) years of full-time firefighter service within the twelve (12) years immediately preceding the date of their application hereunder, and either holding or previously held the permanent rank of Lieutenant, Captain or higher, shall be qualified and eligible to so apply and to be considered for appointment in relation to a vacancy in the position or office of Chief of the Department or Division of Fire.

§6.08.03 Combined positions of Public Service and Public Safety.

City Council may combine the positions of Public Service and Public Safety into the position of the Service/Safety Director. The appointment and removal of the Director of Public Service, Director of Public Safety or Combined position of Service/Safety Director shall be made by the Mayor.

ARTICLE VII- BOARDS AND COMMISSIONS

- §7.01 Creation of boards and commissions.
- §7.02 Appointment of members of boards and commissions.
- §7.03 General rules for boards and commissions.
- §7.04 The Board of Control.
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- §7.09 Planning Commission.
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- §7.11 The Tax Incentive Board.
- §7.11.01 Tax Incentive Review Council.
- §7.12 Lorain Port Authority and Finance Board; Composition of Board of Directors.
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- §7.17 Environmental Affairs Board.
- §7.18 Historical Preservation Board.
- §7.19 Parks and Recreation Board.
- §7.20 Sewer Water Advisory Board.

§7.01. Creation of boards and commissions.

The Boards and Commissions of the City shall include: A Board of Control, Civil Service Commission, Design Review Board, Demolition Board, Fair Housing Board, Planning Commission, Zoning Board, Tax Incentive Review Board, Lorain Port Authority & Finance Board, Board of Municipal Utilities, Business Advisory Board, Charter Commission, Community Reinvestment Housing Council, Districting Commission, Environmental Affairs Advisory Board, Historical Preservation Board, Parks and Recreation Board; the Sewer and Water Advisory Board and such other boards and commissions as may be created by Council by ordinance or resolution.

§7.02 Appointment of members of boards and commissions.

Unless specified herein, by concurrence of a majority of its members then holding office, Council shall have the power to appoint members of boards and commissions. Vacancies on boards and commissions shall be filled by the appointing authority.

§7.03 General rules for boards and commissions.

A. Unless otherwise provided for in this Charter:

(1) Members of a board or commission of the City shall be electors of the City unless otherwise provided.

(2) Each board or commission shall elect a Chairperson and Vice Chairperson, and shall appoint a Secretary, which Secretary may be (1) a member of the board or commission or (2) hold other employment with the City.

(3) Each board or commission shall keep a journal or other records of its proceedings.

(4) Each board or commission shall establish its own rules for its operation, which rules shall not conflict with this Charter or the City's ordinances or resolutions.

(5) All members of boards and commissions shall serve without compensation unless otherwise provided for by the Council by ordinance or resolution.

(6) Boards and commissions shall have all powers and shall perform all duties and functions imposed upon them by this Charter and the City's ordinances and resolutions.

(7) All officers of the City shall, before entering upon their offices, take and subscribe an appropriate oath or affirmation to be administered by a notary public and to be filed and kept in the office of the Clerk of Council.

(8) A bond shall not be required.

(9) Board and Commissions shall not charge or collect any fees, except for administrative costs.

(10) All members of the established Board and Commissions shall be representative of the demographics and diversity of the residents of the City of Lorain, insofar as possible and they shall be residents and voters of the City of Lorain insofar as possible.

(11) Board terms shall be four years with a maximum total to two terms. After a second term, a member may not be reappointed for two years.

(12) Board and Commission members must, at all times, abide by protections to the public embodied in Ohio Ethics laws, as found in Chapters 102 and 2921 of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts. Members must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

B. Decisions shall be made by a majority of the quorum present at the meeting.

§ 7.04 The Board of Control.

The Mayor, Safety/Service Director and the Auditor constitute the Board of Control of the City of Lorain. If the position of Service/Safety Director is separated into the Service Director and the Safety Director, the Mayor, Service Director and Auditor constitute the Board of Control. The Mayor shall be ex officio president. The Board of Control

shall keep a record of its proceedings. All votes shall be by yeas and nays and entered on the record, and the vote of a majority of all the members of the board shall be necessary to adopt any question, motion, or order.

Except as otherwise provided in division (D) of section 713.23, and sections 125.04 and 5513.01 of the Revised Code, no contract in the Department of Public Service or the Department of Public Safety, in excess of seventy-five thousand dollars (\$75,000), shall be awarded except upon the approval of the Board of Control of the City, which Board shall direct the director of the appropriate department to enter into the contract. The members of the board shall prepare estimates of the revenue and expenditures of their respective departments to be submitted to the city legislative authority by the Mayor, as provided by law.

The Board of Control shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.05 The Civil Service Commission.

The Civil Service Commission shall comply with Ohio Revised Code Section 124.40 and its successors as amended from time to time by the state legislature. To the extent permitted by law, the Civil Service Commission shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and state law.

§7.06 Design Review Board.

(A) The Design Review Board, hereinafter referred to as the "Review Board" shall consist of eight (8) members. Members shall be appointed by the Mayor with the approval of Council. All members should have a demonstrated interest in historic preservation together with a determination to work for the overall improvement of the quality of the City of Lorain's physical environment. An effort should be made to appoint persons with special expertise that may be of assistance in the efficient operation of the Review Board.

(B) Membership shall be selected from the following:

- (1) Safety/Service Director.
- (2) One registered architect.
- (3) One licensed building contractor.
- (4) One planner from the Community Development Department.
- (5) One representative per designated preservation district.
- (6) One professional from the disciplines of planning, real estate, design, building trades, landscape architecture, law or finance.
- (7) One residential property owner within the district.
- (8) One professional from the disciplines of architectural history, history and archaeology.

(C) All members shall satisfy at least one of the following conditions:

- (1) Reside within the City of Lorain.
- (2) Own property within the City of Lorain.
- (3) Own a business that is based within the City of Lorain.

(4) Be employed within the City of Lorain.

(D) Recommendations on members to the Design Review Board shall be solicited from the Black River Historical Society, the Lorain County Historical Society, the Greater Lorain Chamber of Commerce, the Building Industries Association of Lorain County, and the Lorain Department of Community Development in the case of initial appointments and whenever vacancies on the Board occur.

(E) Each appointed member shall serve a term of two (2) years and may be reappointed for terms of two (2) years, except that of the initial appointments that shall be staggered; three members shall be appointed for a one (1) year term and may be reappointed for terms of two (2) years. Vacancies shall be filled for the unexpired term in the same manner as original appointments are made.

(F) Members shall serve without compensation from the City.

(G) Any member of the Review Board shall be subject to removal for just cause by the Mayor with the consent of Council.

§7.06.01 Board organization and rules.

(A) As soon as convenient and following their appointment to the Review Board, the members shall meet and organize elections of a chairman and secretary. The Review Board shall adopt its own rules of procedure and provide for regular and special meetings to accomplish the purposes of this chapter.

(B) A quorum shall consist of four (4) members, but a lesser number may conduct public hearings or meetings at which the principal purpose is collection of information, provided that no action binding on the Review Board shall be taken at such hearings or meetings. All meetings and records of the Review Board shall be public. Decisions of the Review Board shall be made by a majority vote of those appointed members of the Review Board.

(C) A staff member of the City's Building, Housing and Planning Department shall be assigned to perform administrative functions for the Review Board.

(D) Regular meetings shall be held on the second Tuesday of the month. In order for cases to be added to the meeting agenda for consideration, complete applications must be delivered in hard copy form to the Design Review Administrator at least ten (10) calendar days prior to the meeting date.

§7.06.02 Duties of Design Review Board.

The Review Board shall have the following duties:

(A) The Review Board shall function to improve the quality of life in the City by striving to further and achieve the spirit and purpose of this Chapter.

(B) The Review Board shall ensure the protection of property values in order to further the City's goals of sound economic and community development.

(C) The Review Board may make recommendations to the Planning Commission and Council for additions or revisions to the Planning and Zoning Code, or recommend legislation that would best serve to develop, preserve, restore and beautify the City.

(D) The Review Board shall review and act upon all applications for certificates of appropriateness as required in Section 1185.10 of the Lorain City Code.

(E) The Review Board shall conduct or cause to be conducted or assist in a continuing survey of all property, sites, or areas of architectural, archaeological, historic and aesthetic interest in the City which the Board on the basis of information available or presented to it, or has reason to believe it may be eligible for designation as a landmark or preservation district.

(F) The Review Board shall work for the continuing education of the citizens of the City with respect to the architectural and historic heritage of the City, its landmarks and preservation districts as designated under the provisions of this chapter, and shall make every effort to improve the overall design and the environmental awareness of the people. The Review Board shall keep current a register of all landmarks and preservation districts. All landmarks shall be given a number and a description accompanied by a photograph. The reason for designating a landmark or for recommending the establishment of additional preservation districts shall be set forth in writing. This register shall be made available to Council, the City Planning Commission, the Board of Zoning Appeals, the Department of Building, Housing and Planning, the Department of Engineering, the Building Department and the public.

(G) The Review Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.07 Demolition Board of Appeal.

(A) There is hereby organized a Demolition Board of Appeal which shall be comprised of a designee appointed by the Mayor, the City Engineer, Chief of the Fire Department or his representative, City Electrician, a member of the Board of Health, and the Safety/Service Director, or in the event any such officers are unable to attend, a designee from their respective department may act on their behalf.

(B) The owners or parties in interest may make immediate application in writing or in person to the Building Inspector for a building permit to undertake the repair or replacement of items alleged to constitute the public nuisance. The Building Inspector, upon being furnished by the owners or parties in interest with the complete plans and specifications covering the repairs or replacements, in conformity with the Codified Ordinances of the City, shall, upon approval of the plans and specifications, cause a building permit to be issued to the owners or parties in interest. The Building Inspector may grant more than thirty (30) days to the owners or parties in interest in which to affect the repairs and/or replacements.

The owners or parties in interest may, within fourteen (14) days after notice is made pursuant to Section 1523.09 of the Lorain City Code or subsequent sections, make a demand in writing to the Building Inspector for a hearing before the Demolition Board of Appeal on the question of whether in fact a dangerous building and/or public nuisance exists as defined by Sections 1523.02 and 1523.04 of the Lorain City Code or subsequent sections and whether more than thirty (30) days should be granted to the owners or parties in interest to abate the dangerous building and/or public nuisance. A hearing shall be held within ten (10) days from the receipt of the written demand and at least two (2) days notice of the hearing shall be given to the owners or parties in

interest. The hearing shall be conducted by the Demolition Board of Appeal as set forth herein. A majority of a quorum of the Demolition Board of Appeal must find that a dangerous building and/or public nuisance exists, as defined by Sections 1523.02 and 1523.04 of the Lorain City Code or subsequent sections, before enforcement of the abatement is carried out. A majority of a quorum of the Board may amend or modify the notice and/or order or extend the time for compliance by the owners or parties in interest with parts of the abatement by such date or dates as such majority of a quorum may determine.

(C) The Board shall make written findings of fact from the testimony offered as to whether or not the building in question is a dangerous building and/or public nuisance within the terms of Section 1523.02 or 1523.04 of the Lorain City Code or subsequent sections. The owners or parties in interest shall be promptly notified of the decision of the Board in the manner provided for in Section 1523.09 of the Lorain City Code. The decision of the Demolition Board of Appeal shall be final and conclusive unless the owners or parties in interest shall file, within the time prescribed in Ohio Revised Code Section 2506.01, after notice of the aforesaid decision is effectuated, an action in or appeal to a court of competent jurisdiction; otherwise the same shall become final and conclusive at the termination of such action or appeal proceeding as determined by such court.

(D) The Board shall issue an order based upon findings of fact made pursuant to subsection (C) hereof commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the Recorder of Deeds of Lorain County, to barricade, repair, vacate or demolish any building found to be a dangerous building within the terms of this chapter and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing such dangerous building, or any person not the owner of such dangerous building, but having an interest in such building as shown by the land records of the Recorder of Deeds of Lorain County, may demolish such dangerous building at his own risk to prevent the acquiring of a lien against the land upon which such dangerous building stands by the City as provided in subsection (E) hereof.

(E) If the owner-occupant, mortgagee, lessor or lessee fails to comply with the order provided for per subsection (D) hereof within thirty (30) days from the day the first notice was effectuated by the Building Inspector under any provisions of this chapter or any rule or regulation adopted pursuant hereto, the Demolition Board of Appeal shall cause such building or structure to be barricaded, repaired, vacated or demolished as the facts may warrant, under the standards provided for in Section 1523.02 or 1523.04 of the Lorain City Code or subsequent sections, and shall, with the assistance of the Director of Law, cause the costs of such barricading, repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien, or cause such costs to be added to the tax duplicate as an assessment or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in a suit of law against the owner. In cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general

welfare of the people of the City, the Building Inspector shall notify the Director of Law to take legal action to force the owner to make all necessary repairs or demolish the building.

The Demolition Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.08 Fair Housing Board.

§7.08.01 Fair Housing Board composition and powers.

(A) There is hereby created the Fair Housing Board to consist of seven (7) members, three (3) of whom shall be at large and who shall be qualified electors of the City and who shall not be employed by the City of Lorain nor hold any elected public office at any time while a member of the Board.

(B) The Board members shall be appointed by the Mayor. The terms of office of each member of the Board shall be five (5) years. The Mayor shall fill all vacancies by appointment for the remainder of the unexpired term. The Mayor shall be an ex-officio member of the Board. After being duly constituted, a chairman and vice-chairman shall be chosen by a majority vote of the Board.

(C) The secretary of the Board shall be selected by the Board and may be an employee of the City. The secretary of the Board shall receive all complaints in writing and forward them to the Board and forthwith furnish the complainant in writing with information regarding their remedies under federal, state and local law.

(D) The seven (7) members shall be representative of various City organizations. As vacancies occur on the original Board, appointments shall be made in the same manner as original appointments.

(E) Five (5) members of the Board shall constitute a simple majority for the purpose of conducting business thereof. A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board. Each member of the Board shall serve without compensation. Any member of the Board may be removed by the Mayor for neglect of duty or malfeasance in office after being given a written statement of the charges and an opportunity to be publicly heard in person or by counsel in his or her own defense.

(F) The Board shall have the following functions, powers and duties:

- (1) To investigate all complaints of unlawful housing practices which are filed with it.
- (2) To initiate complaints of unlawful housing practices on the basis of studies carried out by the Department of Community Development or by community organizations.
- (3) To endeavor by conciliation to resolve such complaints.
- (4) To hold hearings, subpoena witnesses, compel their attendance, administer oaths; take the testimony of any person under oath and in connection therewith, to require the production for examination of any books or papers relating to any matter

under investigation or in question before the Board.

(5) To render at least once every six (6) months to the Mayor and Council a full written report of all its activities and recommendations.

(6) To recommend to the Mayor, when it deems necessary, educational and other programs designed to promote the purpose stated in this chapter.

(7) To adopt rules and procedures for the conduct of its business.

(8) To do such other acts that are necessary and proper in order to perform those duties with which it is charged under the terms of this chapter.

§7.08.02 Fair Housing Board powers; duties and responsibilities.

The Fair Housing Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of any section. The Fair Housing Board shall have and may exercise the following powers to implement the purposes of this chapter.

(A) To hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(B) To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Fair Housing Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(C) To adopt such rules and regulations as the Fair Housing Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;

(D) To do such other acts as are necessary and proper to perform those duties with which the Fair Housing Board is charged under this chapter, including the provision of referral services for the community.

(E) To collect, analyze and study the results of investigations made under this chapter and report to the Mayor and City Council on or before January 31 of each calendar year on the workings of this chapter for the purposes of advising on and recommending amendments to this chapter;

(F) To conduct a continuing program of education and community organization throughout the City.

(G) To initiate an investigation without the filing of an official complaint, provided a majority of the Fair Housing Board elects to proceed based upon reasonable cause to believe that violations of this chapter are occurring or have occurred. The Fair Housing Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint.

(H) To enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter.

(I) To refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate.

(J) The Fair Housing Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.09 Planning Commission.

§7.09.01 Membership.

There is established a City Planning Commission, consisting of five (5) members as follows:

(A) The Mayor, the Service Director; and three (3) citizens of the city who shall serve without compensation for terms of six (6) years each, which terms shall be staggered.

(B) To the extent possible, citizen members should be selected with the member exhibiting at least one (1) of the following areas of experience:

(1) Licensed Building Contractor, Representatives with proven or demonstrated expertise in Real Property, Real Estate Appraisal, Real Estate Law, Land Use Planning, Municipal Zoning, Architecture, City Planning, or Land Development, as well as construing municipal zoning language and codes and their impact on land use applications.

§7.09.02 Procedures.

(A) Meetings of the commission shall be held monthly when there is business to transact. There shall be a fixed place of meeting and all meetings shall be open to public. The commission shall adopt its own rules of procedure and keep a record of its proceedings showing the action taken and the vote of each member upon each application considered. The presence of three (3) members shall constitute a quorum and be necessary to conduct business. Decisions shall be made by a majority of the quorum present at the meeting.

(B) The commission may adopt rules of procedure to be followed in the performance of its duties.

§7.09.03 Powers and Duties.

(A) Meetings of the commission shall be held monthly when there is business to transact. There shall be a fixed place of meeting and all meetings shall be open to public. The commission shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken and the vote of each member upon each application considered. The presence of three (3) members shall constitute a quorum and be necessary to conduct business. Decisions shall be made by a majority of the quorum present at the meeting.

(B) The commission may adopt rules of procedure to be followed in the performance of its duties.

(C) For the purpose of the zoning ordinance, the planning commission shall have the following duties:

1. Initiate proposed amendments to the zoning ordinance;

2. Review all proposed amendments to the zoning ordinance and make recommendations to council;
3. Review all requests for planned unit and mixed-use developments and make recommendations to council;
4. Review and act upon all site plans, as designated by this ordinance;
5. Review all plats of proposed allotments and make recommendations to council; and
6. Review lot splits and report same for commercial property and residential lot splits creating three (3) or more separate parcels.

(D) The Planning Commission Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.10 Board of Zoning Appeals.

§7.10.01 Membership.

(A) The zoning board of appeals shall consist of five (5) members, who shall include the Safety Service Director and four (4) residents of the city, who shall be appointed by the Mayor, subject to approval by the majority of the members of Council. To the extent possible, zoning board of appeals members should represent different geographical areas of the city and varied occupational or professional fields, including at least one of the following areas of experience:

- (1) Licensed Building Contractor
- (2) Representatives with proven or demonstrated expertise in Real Property, Real Estate Appraisal, Real Estate Law, Land Use Planning, Municipal Zoning, Architecture, City Planning, or Land Development, as well as construing municipal zoning language and codes and its impact on land use applications.
- (3) Representatives with proven or demonstrated expertise in Real Property, Real Estate Appraisal, Real Estate Law, Land Use Planning, Municipal Zoning, Architecture, City Planning, or Land Development, as well as construing municipal zoning language and codes and its impact on land use applications.

(B) Those members appointed to this board shall be appointed for a term of six (6) years, except that of the five (5) appointed initially, the terms shall be staggered for six (6), four (4), and two (2) years. Any member of the zoning board of appeals may be removed, with or without cause, by the Mayor. Any vacancies occurring during the term of any member of the board shall be filled in a manner authorized for an original appointment.

§7.10.02 Procedures.

Meetings of the board shall be held monthly when there is business to transact. There shall be a fixed place of meeting and all meetings shall be open to the public. The board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken and the vote of each member upon each question considered. The presence of three (3) members shall constitute a quorum and be necessary to conduct business. A vote of a majority of the members of the entire board is necessary to approve or make any recommendation.

The board may adopt policies and interpretations to be followed in enforcing the zoning ordinance.

§7.10.03 Powers and duties.

(A) The board shall hear and decide appeals de novo and review an appeal when it is alleged that there is an error in any order, requirement, decision, or determination made by any official relating to the enforcement of the zoning ordinance.

(B) The board shall hear and decide other matters referred to it under the provisions of the zoning ordinance where because of exceptional circumstances, the strict application of provisions of the zoning ordinance would cause undue hardship or exceptional practical difficulty upon the owner of a property, the board may authorize a variance from the terms of this ordinance as will not be contrary to the public interest, so that the spirit of this ordinance shall be observed and substantial justice done.

(C) The board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.11 The Tax Incentive Board.

§7.11.01 Tax Incentive Review Council.

(A) The legislative authority of a county, township, or municipal corporation that grants an exemption from taxation under Chapter 725 or 1728 or under section 3735.67, 5709.28, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code shall create a tax incentive review council. The council shall consist of the following members:

(1) In the case of a municipal corporation eligible to designate a zone under section 5709.62 or 5709.632 of the Revised Code, the chief executive officer or that officer's designee; a member of the legislative authority of the municipal corporation, appointed by the president of the legislative authority or, if the chief executive officer of the municipal corporation is the president, appointed by the president pro tempore of the legislative authority; the county auditor or the county auditor's designee; the chief financial officer of the municipal corporation or that officer's designee; an individual appointed by the board of education of each city, local, exempted village, and joint vocational school district to which the instrument granting the exemption applies; and two members of the public appointed by the chief executive officer of the municipal corporation with the concurrence of the legislative authority. At least four members of the council shall be residents of the municipal corporation, and at least one of the two public members appointed by the chief

executive officer shall be a minority. As used in division (A) (1) of this section, a "minority" is an individual who is African-American, Hispanic, or Native American.

(2) In the case of a county or a municipal corporation that is not eligible to designate a zone under section 5709.62 or 5709.632 of the Revised Code, three members appointed by the board of county commissioners; two members from each municipal corporation to which the instrument granting the tax exemption applies, appointed by the chief executive officer with the concurrence of the legislative authority of the respective municipal corporations; two members of each township to which the instrument granting the tax exemption applies, appointed by the board of township trustees of the respective townships; the county auditor or the county auditor's designee; and an individual appointed by the board of education of each city, local, exempted village, and joint vocational school district to which the instrument granting the tax exemption applies. At least two members of the council shall be residents of the municipal corporations or townships to which the instrument granting the tax exemption applies.

(3) In the case of a township in which improvements are declared a public purpose under section 5709.73 of the Revised Code, the board of township trustees; the county auditor or the county auditor's designee; and an individual appointed by the board of education of each city, local, exempted village, and joint vocational school district to which the instrument granting the exemption applies.

(B) The county auditor or the county auditor's designee shall serve as the chairperson of the council. The council shall meet at the call of the chairperson. At the first meeting of the council, the council shall select a vice-chairperson. Attendance by a majority of the members of the council constitutes a quorum to conduct the business of the council.

(C) (1) Annually, the tax incentive review council shall review all agreements granting exemptions from property taxation under Chapter 725. or 1728 or under section 3735.671, 5709.28, 5709.62, 5709.63, or 5709.632 of the Revised Code, and any performance or audit reports required to be submitted pursuant to those agreements. The review shall include agreements granting such exemptions that were entered into prior to July 22, 1994, that continue to be in force and applicable to the current year's property taxes.

(a) With respect to each agreement, other than an agreement entered into under section 5709.28 of the Revised Code, the council shall determine whether the owner of the exempted property has complied with the agreement, and may take into consideration any fluctuations in the business cycle unique to the owner's business.

(b) With respect to an agreement entered into under section 5709.28 of the Revised Code, the council shall consist of the members described in division (A) (2) of this section and shall determine whether the agreement complies with the requirements of section 5709.28 of the Revised Code and whether a withdrawal, removal, or conversion of land from an agricultural security area established under Chapter 931 of the Revised Code has occurred in a manner that makes the exempted property no longer eligible for the exemption.

(c) On the basis of the determinations, on or before the first day of September of each year, the council shall submit to the legislative authority written recommendations for continuation, modification, or cancellation of each agreement.

(2) Annually, the tax incentive review council shall review all exemptions from property taxation resulting from the declaration of public purpose improvements pursuant to section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.78 of the Revised Code. The review shall include such exemptions that were granted prior to July 22, 1994, that continue to be in force and applicable to the current year's property taxes. With respect to each improvement for which an exemption is granted, the council shall determine the increase in the true value of parcels of real property on which improvements have been undertaken as a result of the exemption; the value of improvements exempted from taxation as a result of the exemption; and the number of new employees or employees retained on the site of the improvement as a result of the exemption.

(a) Upon the request of a tax incentive review council, the county auditor, the housing officer appointed pursuant to section 3735.66 of the Revised Code, the owner of a new or remodeled structure or improvement, and the legislative authority of the county, township, or municipal corporation granting the exemption shall supply the council with any information reasonably necessary for the council to make the determinations required under division (C) of this section, including returns or reports filed pursuant to sections 5711.02, 5711.13, and 5727.08 of the Revised Code.

(3) Annually, the tax incentive review council shall review the compliance of each recipient of a tax exemption under Chapter 725. or 1728 or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code with the nondiscriminatory hiring policies developed by the county, township, or municipal corporation under section 5709.832 of the Revised Code. Upon the request of the council, the recipient shall provide the council any information necessary to perform its review. On the basis of its review, the council may submit to the legislative authority written recommendations for enhancing compliance with the nondiscriminatory hiring policies.

(D) A legislative authority that receives from a tax incentive review council written recommendations under division (C)(1) or (C)(3) of this section shall, within sixty days after receipt, hold a meeting and vote to accept, reject, or modify all or any portion of the recommendations.

(E) A tax incentive review council may request from the recipient of a tax exemption under Chapter 725, or 1728. or section 3735.67, 5709.28, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code any information reasonably necessary for the council to perform its review under this section. The request shall be in writing and shall be sent to the recipient by certified mail. Within ten days after receipt of the request, the recipient shall provide to the council the information requested.

(F) The Tax Incentive Board shall have such other powers and perform such other duties and functions as

provided by the City's ordinances and resolutions and State Law.

§7.12. Lorain Port Authority & Finance Board. Composition of Board of Directors.

The Lorain Port Authority herein created shall be governed by a Board of Directors, composed of nine (9) members appointed by the Mayor with the advice and consent of Council, who shall serve staggered terms for terms of one (1), two (2) and three (3) years, and two (2) members for four (4) years, respectively, in accordance with the provisions of Ohio R.C. 4582.03. After the initial appointments, all subsequent appointments shall be for a term of four years. No more than five (5) members of one political party shall be appointed to membership on the Board.

The Lorain Port Authority & Finance Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.13 Business Advisory Board.

The Business Advisory Board shall consist of a small business owner, a large private business owner, and a non-business owner. The businesses, and or the business owners shall be from Lorain. Appointments are made by the Mayor with approval of City Council.

The Business Advisory Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.14 Charter Commission Review Board.

The Charter Review Commission shall consist of five (5) citizens of Lorain and shall be elected beginning in the November general election for 2023, for a four (4) year term. The four (4) year terms shall be renewed with new elections in the November general elections for 2027. Thereafter, the Charter Review Commission shall be elected for a one year term every ten (10) years starting in 2031. The Charter Review Commission shall be convened to review the Charter for possible amendments that will be submitted to the electors of the City of Lorain. The Charter Review Commission member receiving the most votes shall be the Chairperson of the Charter Review Commission.

The Charter Commission Review Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.15 Community Reinvestment Housing Council.

The Community Reinvestment Housing Council shall consist of the number of members deemed appropriate by City Council and the board members shall be nominated and approved by City Council.

The Community Reinvestment Housing Council shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.16 Decennial Districting Commission.

The Decennial Commission shall be appointed by the Mayor every ten (10) years after the federal census is completed. The purpose of the Decennial Districting Commission is to draft city council wards based upon the decennial census data.

The Decennial Districting Commission shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.17 Environmental Affairs Board.

The Environmental Affairs Advisory Board shall consist of the number of members deemed appropriate by Mayor and shall be appointed by the Mayor with the approval of City Council.

The Environmental Affairs Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.18 Historical Preservation Board.

The Historical Preservation Board shall consist of the number of members deemed appropriate by Mayor and shall be appointed by the Mayor with the approval of City Council.

The Historical Preservation Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.19 Parks and Recreation Board.

The Parks and Recreation Board shall consist of the number of members deemed appropriate by City Council with one (1) appointed by the Lorain City School District Board and the remaining board members shall be nominated and approved by City Council.

It shall be the function and duty of the Board of Parks and Recreation to recommend programs to City Council for the operation of public parks, recreation facilities, and the acquisition, improvement, construction and maintenance of the parks, parkways, bikeways, any other services related thereto. The Board's functions and duties shall be advisory only.

The Parks and Recreation Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

§7.20 Sewer and Water Advisory Board.

There shall hereby be established a City of Lorain Sewer and Water Advisory Board for the City of Lorain, Ohio as follows:

MEMBERS:

The Sewer and Water Advisory Board shall meet biannually and shall consist of the following members: the City Auditor or his/her representative, the Director of Public Utilities or his/her representative and the Safety Service Director and his/her representative. In addition, the following (9) citizens

shall be appointed by the Mayor with the concurrence of City Council as follows:

1. One (1) of whom is knowledgeable and representative of residential customers;
2. One (1) of whom is knowledgeable and representative of low-income residential customers;
3. One (1) of whom is knowledgeable and a representative of senior citizen residential customer;
4. One (1) citizen of a political subdivision, other than Lorain, which and is a customer of the Lorain Division of Sewer and Water;
5. One (1) of whom is knowledgeable and representative of commercial customers;
6. One (1) of whom is from the general populous and represents various community or civic groups;
7. One (1) of whom is knowledgeable or has technical experience and/or education in the area of green technology and/or energy conservation, EPA regulations or other regulatory agencies;
8. One (1) of whom has technical and/or educational experience in energy conservation, energy efficiencies or knowledge of federal and/or state grant opportunities;
9. One (1) of whom has technical experience or education relating to customer service and consumer relations;

The nine (9) new members of the board shall initially be appointed as follows: three (3) for a term of two years, three (3) for a term of three years, and three (3) for a term of four years. All subsequent appointments, except those to fill vacancies for the unexpired term, shall be for a full term of four (4) years.

OFFICERS: The Sewer and Water Advisory Board shall select one (1) of its members to serve as the Chairman, Vice Chairman and the board shall also select and appoint an employee from the Department of Utilities to serve as the secretary to the board. The secretary shall have no vote.

MEETINGS: The board shall establish regular bi-annual meeting dates and post them on the City's website. Special Meetings may be called by the Chair or any three (3) board members upon at least seventy-two (72) hours written notice to each member, the media and all who request such notice for meetings at such time as may be set by the board at any regularly called meeting.

DUTIES: The duties of the Sewer and Water Advisory Board shall be to provide strategic oversight of the operations of the Sewer and Water Divisions in the City of Lorain for the purpose of reviewing the adequacy of the rates established and charged by said divisions, monitor operations to determine efficiencies, propose capital improvement projects and implementation of green technologies. The goals are to encourage public participation in the rate review and operational processes, provide transparency and

accountability and quality control to the citizens that are serviced by our utility. Lorain City Council and the Sewer and Water Board shall be provided with quarterly financial reports (revenues and expenditures) from the Lorain City Auditor and the Director of Utilities and any other information they may need for their review and study.

RECOMMENDATIONS: All recommendations from the Sewer and Water Advisory Board shall be submitted to Lorain City Council and the Administration bi-annually, on or before the last Monday of June and December of each year. The Sewer and Water Advisory Board shall prepare and submit a report to Lorain City Council and the Lorain City Administration a detailed recommendation to include such items as to whether a rate change is required in either the Division of Sewer and/or Water, any suggested efficiencies or quality control issues observed, suggestions on revenue enhancements or expenditure reductions or any other matter mentioned herein. If a rate change is recommended, detailed data and supplemental information for justification shall be contained therein.

The Water and Sewer Advisory Board shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions and State Law.

ARTICLE VIII- FINANCE, TAXATION AND DEBT

- §8.01. General.
- §8.02. Capital Improvements Plan.
- §8.03. Temporary appropriations.
- §8.04. Purchasing and contracting; competitive bidding.

§8.01 General.

The laws of Ohio relating to budgets, appropriations, taxation, debt, bonds and notes, assessments, and other fiscal matters of the City shall be applicable to the City, except as such laws are modified by or are inconsistent with the provisions of this Charter, or when provisions for such matters are made in the Constitution of Ohio.

§8.02 Capital Improvement Plan.

(A) Submission to Council.

The Mayor shall prepare and submit to Council a five (5) year Capital Improvement Plan or revision thereto, at least one (1) month prior to the final date for submission of the tax budget to the Council.

(B) Contents.

The Capital Improvement Plan shall include:

- (1) A clear, general summary of its contents; a list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements; cost estimates, methods of financing

and recommended time schedules for each improvement; and

(2) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(C) Adoption by Council. The Council, by ordinance or resolution, shall adopt the Capital Improvements Plan, with or without amendment, prior to adoption of the tax budget. The Capital Improvements Plan shall be advisory only and shall not affect the validity of any tax budget and shall not prevent the Council from undertaking capital improvements, or the issuance of debt therefore, which are not shown in or are inconsistent with the Capital Improvements Plan.

§8.03 Temporary appropriations.

If the annual appropriation measure is not adopted by the first day of January, the Council may, by ordinance or resolution, provide for temporary appropriations. If a temporary appropriations measure is not adopted, the amounts appropriated for the preceding fiscal year shall be deemed appropriated for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as Council adopts the annual appropriations resolution for the ensuing year.

§8.04 Purchasing and contracting; competitive bidding.

(A) The Mayor shall award all contracts in a manner consistent with this Charter. Where competitive bidding is required pursuant to Council's determination under subsection (B) of this Section, the contract shall be awarded to the lowest and best bidder or the lowest and most responsive bid or any other competitive bid standard authorized by City Council or state law.

(B) The Council shall, by ordinance or resolution, provide for:

(1) The circumstances under which competitive bidding shall be required, including but not limited to the amount of an expenditure to be made pursuant to a contract above which bidding shall be required; contractual expenditures which shall be exempted from competitive bidding requirements; and the procedure to be followed where bidding is required. The Council may, by ordinance or resolution, exempt any specific contract or contractual expenditure from bidding requirements which would, under the City's general ordinances or resolutions, be subject to bidding. In addition, city council by ordinance shall establish the dollar limit of projects that may be done by the force account procedure of Ohio Revised Code Section 723.52 or its successor or amendments.

(2) All other matters relating to the contracting powers and procedures of the City. Until the Council acts pursuant to subsection (B) of this Section, the general laws of Ohio shall apply with respect to the matters described in this subsection B

ARTICLE IX- NOMINATIONS AND ELECTIONS

- §9.01. City elections.
- §9.02. Nominations.
- §9.03. Absence of general laws.

§9.01 City elections.

All City elections shall be on a partisan or independent basis. Both regular and special City elections shall be conducted by the Board of Elections of Lorain County, Ohio, under the provisions of this Charter. Where this Charter is silent, the provisions of the election laws of the State of Ohio shall apply.

Regular City elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Any matter which, by the terms of this Charter, may be submitted to the electors of the City at any special election may be submitted at the time of a primary election or of a general election.

The candidates for any office, equal in number to the places to be filled, who shall receive the highest number of votes, shall be declared elected.

Passage of tax levies and bond issues shall require an affirmative vote of a simple majority of those voting therein.

In case of a tie between candidates or issues, the plan of the laws of the State of Ohio shall be followed concerning such emergencies.

§9.02 Nominations.

Qualifications as a candidate for City office shall be a petition signed by not less than fifty (50) electors of the City, except ward candidates shall be a petition signed by not less than twenty-five (25) electors of the City. Petitions shall be standard forms provided by the election authorities under the general laws for the nomination of individual partisan and independent candidates for municipal offices. Group petitions shall not be used. Petitions shall be filed with the Board of Elections in the primary, special and general elections and shall be in the time prescribed by the general laws of Ohio.

Partisan and unaffiliated (independent) candidates shall both participate in a primary with only the top vote getter in each partisan and unaffiliated (independent) candidate(s) moving on to the general election.

§9.03 Absence of general laws.

Whenever the general laws of Ohio do not provide for the procedures or the method of conducting elections or the nomination of officers, and this Charter refers to the general laws, the Council shall, by ordinance or resolution, provide the necessary procedure to implement this Charter's provisions.

ARTICLE X- INITIATIVE, REFERENDUM AND RECALL

- §10.01. General authority.
- §10.02. Commencement of proceedings; petitioners committee.
- §10.03. Petitions.

- §10.04. Referendum petitions; suspension of effect of ordinance.
- §10.05. Action of petitions.
- §10.06. Results of election.

§10.01 General authority.

(A) Initiative.

The qualified voters of the City shall have the power to propose ordinances or resolutions to Council provided that such power shall apply only to the first ordinance, resolution or other measure required to be passed and not to any subsequent ordinances, resolutions or other measures relating thereto, and further provided that such power shall not extend to the tax budget or any ordinance relating to the appropriation of money or salaries of non-elected City Officers or employees. If Council fails to adopt an ordinance or resolution so proposed without any change in substance, the voters may adopt or reject said ordinance or resolution at a general, primary or special election.

(B) Referendum.

The qualified voters of the City shall have the power to reject any adopted ordinance or resolution provided that the power to reject shall apply only to the first ordinance, resolution or other measure required to be passed and not to any subsequent ordinances, resolutions or other measures relating thereto, and further provided that such power to reject ordinances and resolutions shall not extend to the tax budget, or any other ordinance relating to the appropriation of money or salaries of non-elected City officers or employees or ordinances or resolutions adopted as emergency measures. The voters may approve or reject such ordinance or resolution at a general, primary or special election.

(C) Recall.

The qualified voters of the City shall have the power to propose the removal of any elected City official as herein provided, and if said official fails to resign, to remove said official by majority vote of those electors voting on the issue.

§10.02 Commencement of proceedings; petitioners committee.

(A) Any five (5) qualified voters may commence initiative, referendum or recall proceedings by filing with the Clerk of Council a written statement that they constitute the petitioner's committee and will be responsible for circulating and filing the petition in proper form and in such compliance with all applicable general laws of Ohio. Such statement shall list the names and addresses of all committee members, specify a mailing address for the committee, and set out in full, the proposed initiative ordinance, the ordinance sought to be considered, or the office and name of the official to be considered for recall and shall be accompanied by a nonrefundable fee of fifty dollars (\$50.00) payable to the City.

(B) Upon the filing of a petitioners' statement, the Clerk of Council shall promptly inform the Council of the committee's intent. Within ten (10) days of receipt of a petition, the Clerk of Council shall determine its sufficiency and advise the petitioners' committee and Council of such findings. If the petition is found to be sufficient, Council shall pass an ordinance at its next regular meeting that the issue be placed on the ballot in accordance with Ohio law. If the Clerk of Council finds the petition deficient, the Clerk shall inform

the petitioners' committee of such deficiency and return the petition. The petitioners' committee shall have thirty (30) days in which to correct the petition, and failure to do so shall void the petition.

§10.03 Petitions.

(A) Number of signatures.

Initiative, referendum and recall petitions must be signed by qualified electors of the City in number of at least fifteen percent (15%) of the total number of the votes cast within the City in the last gubernatorial election.

(B) Form and content.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil, and shall be followed by the address of the person signing. Petitions shall contain, or have attached thereto throughout their circulation, the full text of the ordinance or resolution proposed, or sought to be reconsidered, or the name and office of the official to be recalled.

(C) Procedure.

Each petition shall be circulated and signed in the manner prescribed by applicable law and not in conflict with the provisions of this Charter.

(D) Time for filing referendum petitions.

Referendum petitions must be filed within thirty (30) days after adoption by Council of the ordinance or resolution sought to be reconsidered. All petitions shall be filed with the election authorities. The election authorities shall review same for sufficiency according to law and shall notify both the petitioners' committee and the Clerk of Council as to the outcome of said review.

§10.04 Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the Clerk of Council, the ordinance or resolution sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition.
- (2) The petitioners' committee withdraws the petition;
- (3) The Council repeals the ordinance or resolution; or
- (4) The electors of the City have approved or disapproved the adoption of the ordinance or resolution and the election authorities have certified the results of the election.

§10.05 Action of petitions.

(A) Submission to voters.

The vote of the electors of the City on a proposed or referred ordinance or resolution shall be held at the next scheduled general or primary election or a special election called by Council, not less than seventy-five (75) days after the ordinance or resolution is certified by the election authorities.

(B) Action by official.

When a recall petition has been determined sufficient, the City official shall have ten (10) days to resign. If said official fails to resign during the ten-day period, a recall election shall be held at the next general or primary election or at the next possible special election called by Council, if the next scheduled general or primary election or a special election called by Council shall not occur within seventy-five (75) days.

(C) Withdrawal of petitions.

An initiative, referendum or recall petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the electors in the City, by filing with the Clerk of Council a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings therein shall be terminated.

§10.06 Results of election.

(A) Initiative.

If a majority of the qualified electors voting on a proposed initiative vote in its favor, such initiative shall be considered adopted upon certification of the results and shall be treated in all respects in the same manner as ordinances or resolutions of the same kind adopted by Council. If conflicting ordinances or resolutions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(B) Referendum.

If a majority of the qualified electors vote on a referred ordinance or resolution vote for its passage, such ordinance or resolution shall take effect upon the certification of the election results.

(C) Recall.

If a majority of the votes cast at a recall election are in favor of recall, the official in questions shall forfeit office upon certification of the election results. Such vacancy shall be filled as set forth in this Charter. The official recalled shall be ineligible to hold any City office for the remainder of the unexpired term of said office. If the majority of the votes cast at a recall election are against the recall, the official may not again be subject to recall for a period of eighteen (18) months after the election at which he was unsuccessfully subjected to recall.

ARTICLE XI- GENERAL PROVISIONS

- §11.01. Oath of Office.
- §11.02. Official bonds.
- §11.03. Fees.
- §11.04. Amendments.
- §11.05. Conflicting amendments.
- §11.06. Effect of partial invalidity.
- §11.07. Political activity.
- §11.08. Conflicts of interest; ethics; campaign financing.
- §11.09. Succession.
- §11.10. Effect of Charter on existing laws and rights.

§11.01 Oath of Office.

All officers of the City shall, before entering upon their offices, take and subscribe an appropriate oath or affirmation to be filed and kept in the office of the Clerk of Council.

§11.02 Official bonds.

The City shall pay the costs of all surety bonds for those of its officers and employees that are required by the Council to be bonded. The amount of such bonds shall be established by Council. Surety bonds shall be issued by a company authorized to do business in the State of Ohio, and such bonds shall be approved as to form and content by the Law Director.

§11.03 Fees.

All fees and costs received directly by officers or employees of the City in connection with the performance of their official duties and functions that are included within the scope of their office or employment with the City shall be accounted for and paid into the City's treasury.

§11.04 Amendments.

This Charter may be amended as provided in Article XVIII of the Ohio Constitution.

§11.05 Conflicting amendments.

In the event conflicting amendments of the Charter are approved at the same election by a majority of the total number of votes cast, the amendment receiving the highest number of affirmative votes shall prevail to the extent of such conflict.

§11.06. Effect of partial invalidity.

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

§11.07 Political activity.

(A) Except for one's own campaign, no employee or officer of the City, other than an elected official or a member of a board or commission of the City, shall:

- (1) Solicit or receive any contributions to the campaign funds of any candidate for City office; or
- (2) Take any part in the campaign for the office of any candidate for City office other than to vote and to express personal opinions.

§11.08 Conflicts of interest; ethics; campaign financing.

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by City officials and employees, and campaign financing and other election practices of candidates for City office shall apply under this Charter.

§11.09 Succession.

The City of Lorain under this Charter is hereby declared to be the legal successor of the City of Lorain under

the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action, the City shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any Court with jurisdiction. All contracts entered into by the City or for its benefit prior to the effective date of this Charter shall continue in full force and effort.

§11.10 Effect of Charter on existing laws and rights.

(A) The adoption of this Charter shall not affect any pre-existing rights of the City nor any right, liability, pending suit or prosecution, either on behalf of or against the City or any officer thereof, nor any franchise granted by the City nor pending proceedings for the authorization of public improvements or the levy of assessments thereof. Except as a contrary intent appears in this Charter, all acts of Council of the City including ordinances and resolutions in effect the date this Charter becomes effective, shall continue in effect until amended or repealed.

(B) No action or proceeding pending against the City or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

ARTICLE XII- TRANSITIONAL PROVISIONS

- §12.01. Effective date.
- §12.02. Effect of Charter on existing personnel.
- §12.03. Votes of Council during transition period.

§12.01 Effective date.

(A) This Charter shall be submitted to the electors of the City of Lorain, Ohio, at an election to be held on November 2, 2021. If approved by a majority of the electors voting on the issue, this Charter shall become effective January 1, 2022.

(B) Except as provided in Section 12.02 of this Charter, the Council members, the Mayor and any other elected City officials provided for under this Charter shall be those persons who are elected at the primary and general elections to be held in 2023 and 2025 for Treasurer and at subsequent elections pursuant to the provisions of this Charter and any person appointed to fill a vacancy in any elected office. All persons elected to public office at the primary and general election to be held in 2023 or 2025 for Treasurer shall be elected to terms of office prescribed in this Charter commencing on January 1, 2024 or January 1, 2026 for the Treasurer, respectively.

(C) In the interim period beginning November 2, 2021, and ending December 31, 2023, or December 31, 2025 for the Treasurer, the City shall function under this Charter as described in Section 12.02 hereafter.

§12.02 Effect of Charter on existing personnel.

(A) All elected offices and the terms of elected offices under the general statutory plan of government for cities shall be abolished and terminated as of December 31, 2023, and 2025 for the Treasurer, however, said elected City office holders as of November 2, 2021, shall continue in service to the City until January 1, 2024, or January 1, 2026 for the Treasurer upon the following conditions:

(1) All persons elected to the office of Council member at or before the regular election on November 2, 2021, serve as Council members under this Charter until January 1, 2024.

(2) The person holding the office of Law Director under the general statutory plan of government on December 31, 2021 shall serve as the Law Director under this Charter until January 1, 2024.

(3) The person holding the office of City Treasurer under the general statutory plan of government on December 31, 2021, shall serve as City Treasurer under this Charter until January 1, 2026.

(4) The person holding the office of City Auditor under the general statutory plan of government on December 31, 2021, shall serve as City Auditor under this Charter until January 1, 2024.

(5) Should vacancies on Council occur during the period of November 2, 2021, through December 31, 2023, the vacancies created shall be filled as provided in this Charter on an interim basis, terminating December 31, 2023.

(6) No person holding a City elective office on December 31, 2023, shall be prohibited from being appointed as a City official by virtue of this Charter.

(7) The persons holding the positions of Mayor and Council President under the general statutory plan of government on December 31, 2021, shall serve as Mayor and President of Council under this Charter until January 1, 2024.

Except as otherwise provided by this Charter, all other persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until other provisions have been made in accordance with this Charter for the performance of their duties by others or the discontinuance of the duties of or the discontinuance of the office. When such provisions shall have been made, the term of any officer shall expire and the office shall be abolished. The powers conferred and the duties imposed upon any office, body, commission, board, department or division of the City under the laws of Ohio or under any municipal ordinance, resolution or contract in force at the time of this Charter takes effect, if the office, body, commission, board, department or division is abolished by this Charter, shall be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.

(B) Every employee of the City on November 2, 2021, continue in such employment subject in all respects to the provisions of this Charter and ordinances, resolutions, rules or regulations enacted or promulgated under this Charter.

§12.03 Votes of Council during transition period.

During the transition period beginning January 1, 2021, and ending December 31, 2022, wherever this Charter

requires a vote of a majority of Council, such vote shall be defined as the simple majority of the remaining number of Council members then serving; a majority of two-thirds ($\frac{2}{3}$) shall be defined as two-thirds ($\frac{2}{3}$) of the remaining number of Council members then serving; and a three-fourths ($\frac{3}{4}$) majority of Council shall be defined as three-fourths ($\frac{3}{4}$) of the remaining number of Council members then serving.

CERTIFICATE:

We, the qualified members of the Charter Commission of the City of Lorain, Ohio, elected November 3, 2020, have framed the foregoing Charter and have fixed November 2, 2021, as the time of the election at which the Charter shall be submitted to the electors of the City of Lorain, Ohio.

Terri Soto, Chair
Jack Bradley
Tim Carrion
Ted Kalo
Dennis Flores
A.J. Torres
Joel Arredondo
Mary Santiago
Karen Shawver
Ricardo Soto
Jessie Tower
David Arredondo
Ruben Torres
Lori Olson
Mallory Santiago

Garry E. Hunter, Legal Counsel to Charter Commission
Nancy Greer, Administrative Assistant
Breanna Dull, Administrative Assistant
Colleen Fox, Professional Reporting Services